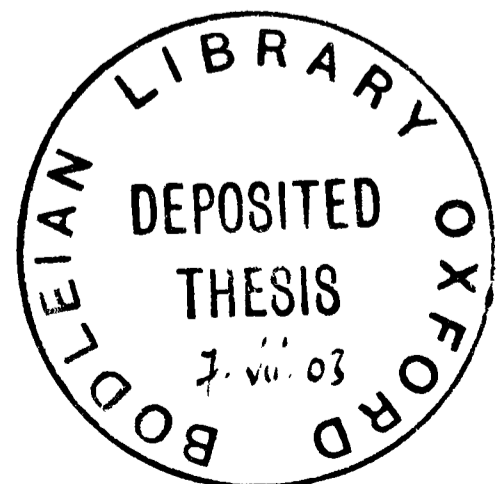


**Moving the Maasai:  
A colonial misadventure**

Lotte Hughes  
St Antony's College  
University of Oxford



A dissertation submitted in partial fulfilment of the requirements of the degree of  
Doctor of Philosophy in the Faculty of Modern History  
Trinity Term 2002



**I dedicate this dissertation to the Maasai, and to Norman Leys.**

Supplement to *The East African Standard*, May 17th, 1913.

OUR CARTOON



Governor Percy Girouard (left) plays Alexander Morrison, lawyer to the Maasai, in this cartoon sent to Edmund Harvey by Norman Leys in May 1913.

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## **Moving the Maasai: A colonial misadventure**

Lotte Hughes, University of Oxford, D.Phil., Modern History, Trinity Term 2002

### **Short abstract**

This dissertation examines the two major forced moves of the Maasai in British East Africa in the 1900s, through which the ‘northern’ sections lost the greater part of their land, and non-violent resistance to these events which culminated in a landmark court case in 1913. The Maasai lost this action, the so-called Maasai Case, on a technicality. The dissertation aims to compare the parallel and contested narratives of the British and the Maasai about these events and related issues, drawing on original oral testimony and archival sources in Kenya and Britain. It attempts to address major omissions in the historiography which include a failure to examine these events from a Maasai perspective and include Maasai voices, to fully analyse their significance and effects, and to place Maasai responses to the moves within the context of contemporary African resistance. It focuses as much on people’s perspectives as it does on events, and on a metaphysical as well as material realm. The immediate frame of reference is 1904 to 1918, with the broader frame c. 1896 to the 1930s.

The two leading characters around whom the story revolves are Dr Norman Leys, a colonial dissident who orchestrated support for the Maasai in Britain, and Parsaloi Ole Gilisho, an important age-set spokesman of the Purko section who launched the legal action against the British. New evidence reveals the full extent of their actions, motivation and influence, and casts light upon the activities of other European colonial critics inside British East Africa.

Secondary themes include the legal implications of the Maasai Case and Agreements; the relative powers of Maasai leaders and a critique of ‘anthro-historical’ models; the complex relationship between Maasai leaders and prominent

settlers; labour relations on highland farms; the post-war return of Maasai to their former northern territories; the role of East Coast fever in relation to the second move; disease as a social metaphor; and a reinterpretation of the causes of rebellions in 1918, 1922 and 1935 which may be connected to the earlier land alienation.

### **Long abstract**

This dissertation examines the two major forced moves of the Maasai in British East Africa in the 1900s, through which the 'northern' sections lost the greater part of their land, and non-violent resistance to these events which culminated in a landmark court case in 1913. The Maasai lost this action, the so-called Maasai Case, on a technicality. The dissertation aims to compare the parallel and contested narratives of the British and the Maasai about these events and related issues, drawing on original oral testimony and archival sources in Kenya and Britain. It attempts to address major omissions in the historiography which include a failure to examine these events from a Maasai perspective and include Maasai voices, to fully analyse their significance and effects, and to place Maasai responses to the moves within the context of contemporary African resistance. It focuses as much on people's perspectives as it does on events, and on a metaphysical as well as material realm. The immediate frame of reference is 1904 to 1918, with the broader frame c. 1896 to the 1930s.

The two leading characters around whom the story revolves are Norman Leys, a colonial dissident and medical doctor who orchestrated support for the Maasai in Britain, and Parsaloi Ole Gilisho, an important age-set spokesman of the Purko section who launched the legal action against the British. New evidence reveals the full extent of their actions, motivation and influence, and casts light upon the activities of other European colonial critics inside B.E.A. There was a spectrum

of critical dissidence around Maasai and wider imperial subjects in both Britain and B.E.A., and one must not allow individual contributions to the whole to be obscured by noisier voices such as that of Leys. Along this spectrum of critics were such disparate characters as George Goldfinch the game warden (highly likely to have been Leys' main informant besides Collyer); Stauffacher the missionary; Collyer; Bagge; possibly McClellan and Browne; Jackson, Ainsworth and Hopley, within limits; Judge Hamilton and the Nakuru magistrate, in their own small way; the Anti-Slavery Society and its mouthpieces in the House of Commons who included Harvey, MacDonald, Byles and Wedgwood; Gilbert Murray and J.H. Oldham; mission and church groups; and retired colonial administrators such as Lugard and Johnston who spoke up on broader policy matters. Settlers such as Colvile, Delamere and Berkeley Cole also spoke up for the Maasai, and acted subversively towards government, but can hardly be included in this spectrum since their motivation was largely selfish.

New evidence also provides answers to some key questions raised by scholars who have studied Leys and his circle of humanitarians, and fills gaps in their work. The dissertation attempts to answer a question posed by Diana Wylie: "Was the [second] move prompted exclusively by European financial interests, as Leys suggested?"<sup>1</sup> On my evidence, the answer is "No, not entirely." Lord Delamere and other leading settlers certainly lobbied hard for land on Laikipia. But other factors behind the move included a desire to reverse a 1904 two-reserve solution to the 'Maasai problem' which clearly had not worked; to corral, control and tax the Maasai more effectively in one area, and through taxation to produce more labourers; to prevent them from wandering between the two reserves; to stop the spread of

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<sup>1</sup> Wylie, 'Critics', p65.

‘native’ stock disease to European farms; and to acquire an area for white pastoralists that was reportedly free of ECF. Furthermore, although the prophet Olonana’s duplicity was a factor in Governor Girouard’s plans to move the Maasai for a second time, linked to an internal struggle for control within the Purko section, this was not the overriding issue.

### **Challenging some stereotypes**

The British expected the Maasai to resist the moves violently, as befitted their warrior reputation. Instead, a small group of them – initially led by Ole Gilisho, and assisted by Leys – hired British lawyers and took the government to the High Court to contest the legality of the second move. The stereotypical image of Maasai as essentially war-like was the product of nineteenth century explorers’ travelogues, reiterated and amplified by missionaries and administrators. It coloured official perceptions and policies towards the Maasai for decades, and shaped the way in which warriors in particular were viewed and understood, leading to confusion in administrative ranks as to where power and authority lay in Maasai society. In examining Ole Gilisho’s actions *vis-à-vis* both the British and fellow Maasai, this dissertation challenges ahistorical models of gerontocratic pastoralist society which maintain that elders hold the balance of power over warriors, and prophets over lay leaders, and presents the binary opposite of elders:warriors as one of reasoned, peaceable behaviour versus unreasoned, violent volatility. It also challenges views of Ole Gilisho as essentially “conservative”, expressed initially by colonial administrators, and uncritically reiterated by modern historians.

## **Broken promises and repercussions**

The second Maasai Agreement amounted to an abrogation of British promises made in the first, since the government broke its pledge to leave the Maasai undisturbed in Laikipia “for so long as the Masai as a race shall exist”. If the second Agreement was intended to amend the first, it should have been signed by the same people, and not by the minor, Seggi.

In evicting the Maasai from the Rift Valley and Laikipia, the British perpetrated a great injustice which has repercussions to this day. The numbers of people who died during the first phase of the second move (up to August 1911) cannot be proved and may be negligible; the injustice goes deeper and wider than that. The northern sections lost the greater part of their land, and the wide range of habitat necessary to their transhumant pastoralist practice. The extended Southern Reserve was an inferior substitute for the northern territory. From their own surveys, the British had a good idea of the quality of this reserve before they sent the ‘northern’ Maasai there, but it was not until Aneurin Lewis’s studies of ticks and tsetse in the 1930s that thorough scientific investigations were made and a clear picture emerged of the environmental challenges to which the incoming Maasai sections were exposed. There is veterinary and other evidence, colonial and contemporary, to support Maasai claims that they were moved from a northern environment that was effectively free of the cattle disease East Coast fever (ECF) to one where it was endemic. ECF was either unknown on Laikipia before 1911 or, more likely, Maasai herds were resistant to the strains that existed there and enzootic stability could be maintained. Problems only arose when resistant stock was moved to a strange environment and faced a series of new factors both there and en route.

However, there is a mismatch between the post-move reality of herd growth, which signifies health and prosperity, and what is collectively remembered – the demise of Maasai herds and society following the moves. This suggests that stories about disease are partly a social metaphor, representing social fragmentation and Maasai loss of control over their physical environment, which were major end results of the moves and colonial intervention.

Stories about an alleged blood brotherhood between prominent settlers and Maasai leaders sometime before 1911, a subject which barely appears in the previous literature, also represent social metaphor. The reason why the Maasai failed to violently resist the second move may partly be ascribed to this. The oral evidence for the blood brotherhood is overwhelming, but whether or not the ceremony actually took place, the centrality of this story in oral testimonies which reflect collective memories of the moves is crucially important. If it is a myth, it functions as a very powerful metaphor. If it is true, it is a vital and hitherto unseen beacon in the Maasai-British colonial discourse.

Belief in the blood brotherhood also helped to shape relationships between certain white settlers and Maasai workers on white-owned farms after World War One, relationships rich in irony. These were more complex than many scholars have acknowledged, and cannot be easily dismissed as paternalistic, or characterised solely by white brutality. The indulgence of Maasai workers by Delamere and Colvile in particular was not simply a matter of ‘spoiling their pets’ (Sandford 1919:129); this was a two-way street whereon a mutual admiration society formed, embedded in the idea of blood brotherhood between the two peoples and shared notions of racial superiority. (Of course, both these men were also motivated by land greed.) Certain leading settlers enabled – and indeed actively encouraged –

considerable numbers of Maasai to return north after the second move and reconsolidate their herds and families on white-owned farms. In this way, many 'northern' Maasai quietly reversed the forced exodus from Laikipia and the Rift, though the numbers are unquantifiable without further research. Some retained their toe-hold in the north all along, either by pretending to be Dorobo (Ogiek) or by refusing to move at all, successfully seeking refuge as workers on white farms in the highlands. This pattern of return and reoccupation of the northern territories refutes the standard wisdom that the so-called recolonisation of the 'White Highlands' was a largely Kikuyu venture. The evidence also suggests that significant numbers of Maasai males left the Southern Reserve to join the workforce, which contradicts claims that Maasai failed to engage in wage employment in this period.

#### **Ololulunga: focus of frustration**

The significance of the 1918 Ololulunga uprising and clash with British forces has been overlooked or misinterpreted by the few historians who have covered it, who have either accepted the official version of events or relied on a single explanation from Maasai informants – that it was sparked by opposition to forced schooling and conscription. On the contrary, it seems to have been symptomatic of a wider frustration with British colonial rule and land alienation, on a longer timescale than heat-of-the-moment opposition suggests. Oral evidence strongly suggests that it was a product of simmering resentment over the second move and frustration with a whole package of new administrative controls in the Southern Reserve. This uprising and others in 1922 and 1935 can be subsumed under repercussions of the moves.

## **Legal questions**

There are many legal aspects of the treaties and forced moves, first aired at Appeal in 1913, which would not stand up to scrutiny in court today. At the time, the British government had good reason to believe it would not win the Maasai Case. Private discussions within the Colonial Office, as revealed in PRO archives, show that recourse to the Privy Council was considered well before the case first reached court. Furthermore, close examination of the 1911 Agreement, and connections between it and the granting of a concession to the Magadi Soda Company in the Southern Reserve, reveals that the Company and its successors at Lake Magadi probably have no legal right to be there. The legal issues raised in 1913 are likely to be aired again in 2004 when Maasai leaders plan to take action against the British government in international courts on the hundredth anniversary of the first Agreement. This dissertation examines these issues and questions the implications of such an action for modern Kenya and the Maasai.

## **Nostalgia for Enterror**

Despite some anomalies, there is a solid basis for Maasai belief in the intrinsic healthiness of their former grazing grounds, which they call Enterror. White settlers flocked to the highlands principally because they were seen to be healthy, and offered a welcome respite from the sickness that stalked the coast. It follows that what was healthy for whites was healthy for black Africans, too. But Maasai attachment to Enterror represents a larger nostalgia for the past, and in particular for Purko wellbeing and hegemony over other sections, following their rout of the Laikipiak in the nineteenth century. The Purko's last foothold in Enterror, Laikipia, has taken on the status of a lost Eden in social memory. It is said to have been sweet, disease-free, blessed by good pastures and plentiful rain, in contrast to the

“bitterness” of the south. Intertwined with this idea is nostalgia for the concept of a Maasai nation and nationalist identity, which Ole Gilisho allegedly attempted to forge. Enterror was both a place and a defining moment, which today’s Purko Maasai in particular set against the disharmony and disunity of the present time. Recollection of Enterror as a pastoral idyll free from pestilence and problems may be wishful thinking that reflects dissatisfaction with modern Kenya, and oral testimony must be interpreted with this in mind.

## **Acknowledgements**

Many thanks to all my informants, listed in Appendix I, without whom this would be a much poorer piece of work. Special thanks also go to my Maasai research assistants, who were primarily David Ole Kenana (in 1997 during pre-doctoral pilot fieldwork), Charles Ole Nchoe, Dan Ole Njapit, Francis Ole Koros and Martin Ololoigero. Field assistance was also provided by Helen Kipetu, John Ole Kimiri, the late Saiguran Ole Senet, John Ole Sayiaton, Dickson Kaelo, Elizabeth Sialala, and more informally, James Ole Lemein, Irene Lankas and Esther Nchoe. Vincent Ole Ntekerei, John Ole Karia, Joseph Ole Karia, Partalala Ole Kamuaro, Samson Ole Motian and David Paswa freely gave their time, expert advice and comment; thank you for your invaluable contributions and good company.

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## Glossary, abbreviations and style

### Glossary of Maasai words

This is a basic glossary of the words most commonly used in this dissertation, and other relevant terms, which mostly follows the Frans Mol dictionary of the Maasai language, Maa.<sup>1</sup> At times Maasai and others beg to differ with him; when in doubt, I follow Maasai preferences, particularly with proper names.

When quoting from colonial or any other texts which spell Maa words and proper names incorrectly, the original spelling has been left unchanged, together with anglicised forms such as *laibon* (loosely translated as prophet). There may well be other incorrect spellings in my text, which have been impossible to check – Maa spelling is often contested, not least among the Maasai themselves.

The prefixes are *a* - infinitive; *e/em/en* – feminine (plural forms *i/im/in*); *o/ol* – masculine (plural forms *i/il*). The alphabetical order given here is according to the root of the word, not the prefix, except for placenames.

*ol-aiguenani*, pl. *il-aiguenak* – age-set spokesman.

*ol-aji*, pl. *il-ajjik* – age-set. Consists of a right-hand (senior) and a left-hand (junior) circumcision group, which finally join together in one age-set under a new name, usually at the *ol-ngesher* meat-eating ceremony (though this varies from one section to another). There is an interval of about 15-20 years between each new age-set.

*ol-ashumpai*, pl. *il-ashumpa* – light-coloured person. Originally used to refer to the people of the East African coast, and later to Europeans and Asians.

*ol-ayioni*, pl. *il-ayiok* – boy.

*Il-Dorobo* – people without cattle. A derogatory term for Ogiek hunter-gatherers, though Maasai can ‘become’ Dorobo when they lose their cattle. Scholars regard Dorobo as more of an economic category than an ethnic group. Maasai customarily look down upon Dorobo because they kill game to eat, are considered polluted and symbolically associated with the earth.

*Entorror* – the former northern territory of the Maasai before 1911. Often refers largely to Laikipia, but in its fullest sense includes the Rift Valley from Naivasha north to Lake Baringo. From *a-rror*, to trip or fall down.

*in-kidongi* – calabashes used by prophets to store stones and other small objects for divining and prophesying. Also the name of the sub-clan of the Il-Aiser, to which all members of the prophet Mbatiany’s family belong – Olonana, Senteu, Seggi, Kimuruai, *et al.*

*en-kiguenena*, pl. *in-kiguenat* – meeting, discussion, consultation.

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<sup>1</sup> F. Mol, *Maasai Language and Culture Dictionary*, Maasai Centre Lemek, 1996.

*en-kipai* – Maasai name for the Mara river; also means birth-slime.

*ol-kipiei* – lung, lung trouble; bovine pleuro-pneumonia (BPP).

*en-kishu/in-kishu* – cattle; also the Maasai as a people. The section Uas Nkishu (also spelled Uasin Kishu), now living mostly in Trans-Mara, means patchy or striped cattle.

*en-kiyieu* – ceremony of sharing the brisket, denoting close friendship.

*en-kop*, pl. *in-kuapi* – land, country, earth, ground.

*en-kutoto*, pl. *in-kutot* – a locality, whose resources are shared by local people.

*e-manyata*, pl. *i-manyat* (anglicised as *manyata*) – a warrior camp. Often wrongly used to refer to an ordinary Maasai village.

*ol-milo* – circling disease in cattle.

*ol-mumai*, pl. *il-muma* – oath. My informants used it to refer to the blood brotherhood, or blood oath, allegedly made between white settlers and Maasai leaders.

*ol-murrani*, pl. *il-murran* – warrior, anglicised as *morán*.

*e-murrano* – warriorhood.

*e-mutai* – destruction, disaster. Commonly refers to the epidemics of the late nineteenth century in Maasailand. From *a-mut*, to finish off completely.

*Ngatet* – the area of western Narok to which many Maasai from Laikipia were moved. Often loosely used by their descendants to refer to the south in general, as distinct from Entorror. On Sandford's maps it is a placename north-west of Narok town below the Mau, which he describes as Purko country. Waller says Ngatet just refers to the Mau.<sup>2</sup> Mol gives *ngatet*, pl. *ngateti*, adj., meaning semi-arid land; Ngatet: The Semi-Desert, Maasai name for Cis-Mara in Narok District; *ol-ngateti* is also the name of a tree. Mpayei writes: "The reason why that country is called Ngatet ('that which lacks'), it is because it lacks rain, it lacks water and grass..."<sup>3</sup>

*ol-ngesher* – ceremony at which the two circumcision groups that make up an age-set are joined together under one name, and the senior warriors graduate to junior elderhood.

*ol-odua* – rinderpest, gall-bladder; literally that which is bitter. From *a-dua*, to be bitter.

*ol-oiboni*, pl. *il-oibonok* (anglicised as *laibon*) – loosely translated as prophet, ritual expert.

*ol-oirobi* – cold, flu, foot and mouth disease.

*Olorokoti* (also *Olorukoti loo Siria*) – The Trans-Mara area of Kenya.

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<sup>2</sup> Richard Waller, 'The Lords of East Africa: The Maasai in the mid-nineteenth century c. 1840-1885', Ph.D. thesis, University of Cambridge, 1979, p45.

<sup>3</sup> John T. Ole Mpayei, *Inkuti Pukunot oolMaasai*, OUP, 1954, p63.

*ol-osho*, pl. *il-oshon* – an autonomous socio-territorial section of the Maasai. Today there are around 22 sections (though some scholars list 16 and 19) in Kenya and Tanzania, of which the Purko is one of the largest.

*ol-otuno* (*ol-otuuno*) – ritual leader of the age-set, chosen at the *eunoto* ceremony.

*ol-payian*, pl. *il-payiani* – elder.

*ol-piron*, pl. *il-pironito* – firestick, used to kindle a new fire. Refers also to the “godfathers” of an age-group, two age-sets senior, who kindle the new fire for boys when their circumcision period opens. They then act as godfathers for the group and are responsible for guiding them as warriors

*ol-porror*, pl. *il-porori* – circumcision groups. The senior (right hand) and junior (left hand) eventually combine to form one age-set.

*ol-purkel* – lowland, wet season pasture.

*e-sirit*, pl. *i-sirito* (anglicised as *sirit*) – a company of warriors.

*o-supuko* – highland, dry season pasture.

*ol-tikana* (also *en-tikana*) – East Coast Fever in cattle (also refers collectively to heartwater and redwater), malaria in humans.

*ol-torroboni*, pl. *il-torrobo* – fly, tsetse fly, mosquito; also trypanosomiasis.

*e-unoto* – one of the ceremonies that marks the transition of warriors to elderhood, by upgrading junior warriors to senior warriors. The other two are the milk-drinking and meat-feasting ceremonies. Literally means ‘the planting’ or establishing.

## **Abbreviations**

ADC	Assistant District Commissioner
A/R	Annual Report (used in footnotes)
ASAPS	Anti-Slavery and Aborigines' Protection Society
B.E.A.	British East Africa (also called East Africa Protectorate)
BPP	bovine pleuro-pneumonia
CO	Colonial Office
CUP	Cambridge University Press
DC	District Commissioner
E.A.P.	East Africa Protectorate
EAS	East Africa Syndicate
FO	Foreign Office
GEA	German East Africa
IBEAC	Imperial British East Africa Company
JAH	Journal of African History
KAR	King's African Rifles
KLC	Kenya Land Commission
KNA	Kenya National Archives
NLC	Native Labour Commission 1912-13
O in C	Officer in Charge
OUP	Oxford University Press
PC	Provincial Commissioner
PRO	Public Records Office, Kew
RHO	Rhodes House Library, Oxford
SI	Stock inspector
VO	Veterinary Officer

## **Style**

Kikuyu is used in preference to Gikuyu. In bibliographical references and footnotes, place of publication will only be given where necessary for clarity or to distinguish one edition from another. Punctuation is kept to a minimum; for example, no full stop in p, pp, eg. No parentheses around the publisher, place (where given) and date of publication. No initial capitalisation for subtitles after the first word of the subtitle. Dates are usually abbreviated in footnotes, eg, 4/11/12 not 4 November 1912.

In the body text, double quotation marks are used for reported speech. Single quotation marks denote all other uses, such as terms whose appropriateness today is questionable, eg, the use of 'native' in colonial texts.

## Chapter 1: Introduction

“I have no desire to protect Masaidom. It is a beastly, bloody system, founded on raiding and immorality, disastrous to both the Masai and their neighbours. The sooner it disappears and is unknown, except in books of anthropology, the better.”

Sir Charles Eliot to Lord Lansdowne, 11 April 1904<sup>1</sup>

Maverick colonial doctor Norman Leys once lamented that the true story of British oppression of the Maasai would never come out, despite his best efforts to publicise it. He wrote to his friend Edmund Harvey: “Things aren’t bad enough *yet* to give the chance of a scandal. Ten years more and somebody will write a sensational novel or there will be a native rising or in some other way the British public will get disillusioned.”<sup>2</sup> This is not the novel he hoped for, but its contents are sensational nonetheless. It aims to pick up where Leys left off, marrying his own unpublished evidence and claims with those of Maasai and other oral testimony, combining these with a re-reading of archival texts to produce new knowledge about the events which cost Leys his career and the Maasai their land. It rebuts the notion that the killing of Lord Erroll was “the crime of the century” in this part of the world, and tells the untold story of so-called white mischief and the making of the White Highlands, carved out of largely Maasai territory.<sup>3</sup>

The Maasai of East Africa have attracted enormous interest from travellers, historians and anthropologists since the earliest days of their contact with Europeans.

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<sup>1</sup> Eliot to Lansdowne, FO 2/835, PRO. See Abbreviations and Style for guide, *passim*.

<sup>2</sup> Leys to Harvey, No. 3, 20/5/11, Harvey Letters, held by the author. These will be deposited in a public archive later. I refer to them as the Harvey Letters since they were largely addressed to Edmund Harvey.

<sup>3</sup> Settler Josslyn Hay, Earl of Erroll, was murdered near Nairobi in January 1941. The killer has never been found, but speculation has it that either sexual jealousy or British security services were behind the crime. Speculation continues to this day, fuelled by James Fox’s *White Mischief*, Penguin, 1984, which was made into a film, and Errol Trzebinski’s *The Life and Death of Lord Erroll*, Fourth Estate, 2000. The claim that this was “the crime of the century” comes from former police superintendent Colin Imray, quoted by Trzebinski, p7. This literature and its media spin-offs places the so-called Happy Valley set at the centre of all things Kenyan. It overlooks the fact that this set and its forebears displaced the Maasai and other Africans

Photographers, researchers, writers, fashion designers<sup>4</sup> and tourists have followed those early adventurers, reproducing images and accounts that have in turn generated a welter of popular interest and representation. In some of this material, exoticisation and demonisation of the Maasai (or who the Maasai are imagined to be) manifest as two sides of the same coin. The Maasai tend to remain fixed in time and space as archetypal noble savages, embedded in western images of Africa, exploration and wilderness. Public fascination focuses on whether the Maasai have ‘moved on’ at all since the turn of the last century, when Eliot dismissed their “bloody system”, or whether they still adhere to a supposedly timeless, ‘traditional’ way of life. Little is popularly known (or cared) about their recent political history.

My interest is primarily in the early colonial history of the Maasai in British East Africa, (B.E.A., later Kenya) particularly that of the Purko section, and their relationship with the British. There are major omissions in the historiography. There is little mention in the published literature of two of the most momentous events in the last hundred years of Maasai history: the forced moves which robbed the B.E.A. Maasai of the best part of their land, and resistance to the second move from Laikipia to the Southern Reserve which culminated in a 1913 court case brought by the Maasai, with the assistance of British individuals in and outside the colonial service. The few historians who have covered these events fail to analyse fully their significance and effects, or to include a Maasai perspective. The resistance is typically dismissed as insignificant, largely assumed to end at the court case, and not placed within the context of contemporary African resistance movements.

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from their land. The story of this dispossession and its fatal aftermath is arguably more important than the killing of one man, and the paramountcy of this literary genre is implicitly challenged here.

<sup>4</sup> For recent examples see *Vogue*, UK edition, February 2002; *Harpers & Queen*, March 2002. Anna Trzebinski's designs have also received wide coverage in 2002, modelled by Samburu.

Briefly, the facts are these. In 1904-5, the British forcibly moved certain sections of the Maasai out of their grazing grounds in the central Rift Valley (Naivasha-Nakuru) into two reserves in order to make way for white settlement. One reserve was on Laikipia in the north, the other in the south on the border with German East Africa where other sections already lived. Under a 1904 Maasai Agreement, the Northern Reserve was promised to the people for “so long as the Masai as a race shall exist”. Seven years later, the British went back on their word and moved the ‘northern’ Maasai again, at gunpoint, to an extended Southern Maasai Reserve. The second move was not completed until 26 March 1913. White settlement of the highlands was the primary reason for the expulsion; others will be discussed later. The second move was sanctioned by a 1911 Agreement, which the Maasai later claimed to have signed under duress; this effectively rendered the first agreement void.

As a result of these two moves, and later forced moves of the Uas Nkishu Maasai from a reserve at Eldama Ravine to Trans-Mara, and the Momonyot Maasai of the Loldaika Hills to the same area, the Maasai of British East Africa lost at least 50 per cent of the land they had once utilised.<sup>5</sup> Some might inflate this estimate to nearer 70 per cent; it is difficult to come up with an exact figure since land in Maasai use, as opposed to occupation, pre-1904 was never officially quantified. Today, Maasai point to the fact that many Kenyan placenames are Maasai as proof of their having lived there once upon a time. Maasai leaders made this point much earlier, in their 1932 memorandum to the Kenya Land Commission (KLC).<sup>6</sup>

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<sup>5</sup> It is beyond the scope of this study to investigate these moves, and others involving Maa-speakers and Dorobo (Ogiek) in the colonial period. They are referred to where relevant.

<sup>6</sup> *KLC Evidence and Memoranda* Vol. II, HMSO, Nairobi, 1934, p1223. It lists placenames derived from Maa, calling them “conclusive proof of the fact that all these regions were ours and beneficially occupied and populated by us”.

The British expected the Maasai to resist violently, as befitted their warrior reputation. On the contrary, a small group of them hired British lawyers and took the government to the High Court of B.E.A. in 1913 to contest the legality of the second move and demand compensation for stock losses allegedly incurred during this move. The plaintiffs tried to regain Laikipia, claiming that the 1911 Agreement was not binding on them and other 'northern' Maasai. This was a landmark legal action, apparently the first of its kind brought by indigenous people against colonial rulers in East Africa.<sup>7</sup> It was brought by illiterate senior warriors and junior elders, and was initially launched by a charismatic rebel named Parsaloi Ole Gilisho.<sup>8</sup> In an ironic twist of the tongue, the British anglicised his name as Legalishu. The full significance of the case, and that of Ole Gilisho as a resistance leader, has not been examined before. My interest in this subject arises, in part, from my curiosity as to why this should be.

The Maasai were at a major disadvantage in their battle of wits with the British, which contributed to their losing the court case. Their illiteracy prevented them from writing down their version of events, which has left 'the story' largely in the hands and papers of white men to this day. It also meant that they could not, for example, record the numbers and names of people who allegedly perished on the Mau escarpment in the summer of 1911 during the second move, which was temporarily aborted at this point. They attempted to enter into the colonial discourse through sophisticated verbal debate, as

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<sup>7</sup> There were precedents for East Africans employing European and Asian lawyers to pursue high court actions, but these were often defensive. In 1905, Gabrieli Rwakakaiga and Isaka Nyakayaga, found guilty of conspiring to murder Harry Galt in Ankole, Uganda Protectorate, hired "a Mombasan lawyer" to appeal their convictions in the High Court at Mombasa, and won. Judge Hamilton, who heard the Maasai Case 1913, was one of two judges who threw out their convictions. See Justin Willis, 'Killing Bwana: Peasant revenge and political panic in early colonial Ankole', *JAH*, 35 (1994). Willis told me he came across other contemporary cases of Africans taking legal action over contested land at Mombasa.

<sup>8</sup> Born Laikipiak but assimilated into the Purko, Ole Gilisho (c1875-1939) was a member of the Il-Mirisho or right-hand circumcision group of the Il-Tuati II age-set. He launched the initial legal action, but his son-in-law Ole Nchoko became the first plaintiff in the case and Ole Gilisho became a defendant. I assume this

is evident in the allegedly verbatim accounts of meetings between Maasai leaders and British representatives in the run-up to the moves. Debate and discourse are cornerstones of Maasai society and customary justice, and Maasai leaders assumed that these could be employed on this occasion to achieve a just result. But literacy, and the ability to reflect upon and disseminate a contested text, enables a hegemonic power to out-manoeuvre its illiterate opponent on most occasions. In the absence of a Maasai text, I have sought out oral testimony – some from elders old enough to have taken part in the second move as small children. Their testimony is rich and touches on many other inter-related subjects. This primary material is augmented by oral testimony from the descendants of leading white settlers, including the current Lord Delamere, former employees of settlers, and other European informants such as former veterinary officers in the colonial service and a descendant of Andrew Dick, reputedly the first white man to be killed by the ‘Kenyan’ Maasai.

My other key primary source is a collection of letters written by Dr Norman Leys to British MPs Edmund Harvey and Ramsay MacDonald, which I discovered in a family archive where they had lain unseen since they were written in 1910-14. In this correspondence, which was intended to inform parliamentary debate in Britain, Leys championed the Maasai cause in particular and challenged colonial policy towards the Maasai and other aspects of ‘native’ administration. They are highly revealing of his clandestine actions through a network of contacts, and augment what is already known about his activities in this period, and about events leading up to the Maasai Case, from his letters to Gilbert Murray (to whom a few of the Harvey Letters were copied), J.H. Oldham and others. They also provide answers to some key questions raised by scholars who have

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turnabout was largely because, as a signatory of the contested 1911 Agreement, Ole Gilisho could not be both plaintiff and defendant.

studied Leys but whose sources were lacking, and fill gaps in their narrative.<sup>9</sup> Leys introduced Ole Gilisho to a lawyer friend, Alexander Morrison, after suggesting to Morrison that the Maasai needed legal help. It was officially assumed that Leys had instigated the legal action, and this led to his effective dismissal from service in East Africa, by transfer to Nyasaland in 1913. He was not actually sacked, though it amounted to the same thing. But there is a great deal that the administration did not know about. In his published writings, and in letters to others, Leys never fully revealed his role in what may be called the Maasai affair. Hence John Cell could write after editing Leys' letters to Oldham: "My conclusion is that Leys did precisely what he admitted, no more".<sup>10</sup> The Harvey Letters supply some of the missing parts of this puzzle. Most importantly, they retrieve this episode from the flames: in an apparent fit of despair towards the end of his life, Leys burned his large correspondence on African and imperial matters.<sup>11</sup>

The two characters around whom this story revolves are, therefore, Ole Gilisho and Norman Leys – polar opposites, socially and culturally, who were effectively working together to oppose the moves and land alienation, although there is no evidence that they ever actually met. They come across as gritty and stubborn individuals with talent and charisma. The evidence also suggests that they were way ahead of their time and place in their ideas and actions, which led to their marginalisation by ruling elites, although Ole Gilisho became quite a friend to the British in later life. This thesis will examine their motivations and influence.

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<sup>9</sup> Diana S. Wylie, 'Critics of colonial policy in Kenya, with special reference to Norman Leys and W. McGregor Ross', unpublished M.Litt. thesis, Edinburgh, 1974; Wylie, 'Norman Leys and McGregor Ross: A case study in the conscience of African empire 1900-39', *Journal of Imperial and Commonwealth History*, Vol. V, No. 3 (May 1997); Wylie, 'Confrontation over Kenya: The Colonial Office and its critics 1918-1940', *JAH*, 18, No. 3 (1977); John W. Cell, (ed.), *By Kenya Possessed: The correspondence of Norman Leys and J.H. Oldham 1918-1926*, University of Chicago Press, 1976.

<sup>10</sup> Cell, *Possessed*, endnote p322.

<sup>11</sup> Cell, *Possessed*, p8.

For reasons of word length I have deleted my original second chapter, a deconstruction and reinterpretation of the writings of explorer Joseph Thomson, as well as other travellers and missionaries in Maasailand in the nineteenth century.<sup>12</sup> This examined how a stereotypical and largely derogatory image of the Maasai was manufactured in the early travelogues, how this influenced novelists such as Rider Haggard, anthropologists and colonial administrators of the Maasai, and why it still resonates today. When the thesis is published as a book this chapter will be restored, since it is important to contextualise the events featured here within the story of how perceptions of the Maasai were produced, consumed and expressed. I am well aware of the fact that, with this chapter removed, I do not deal except in passing with the pre-colonial history of the Maasai. But this period has been covered by others, notably Richard Waller, John Berntsen and John Galaty. My immediate focus is 1904 to 1918, with the broader frame of reference from about 1896 to the 1930s. The following brief outlines sketch the wider picture.

### **Outline of Maasai social system**

The Maasai are a Nilo-Hamitic people, one of several groups of Maa-speakers in East Africa today whose ancestors came into this region from southern Sudan during the first millennium AD. They are divided into socio-territorial sections or *il-oshon*, straddling both Kenya and Tanzania. No one seems to be agreed on how many sections there are; the number given varies from 16 to 22, though some earlier sections are now defunct as a result of internal warfare and incorporation into other *il-oshon*. Each section enjoys grazing rights in a particular area, with sections subdivided further into localities or *inkutot*. Maasai society and economy revolve around livestock, with cattle valued particularly highly as a mobile form of wealth, medium of exchange and marriage, source of food, symbol of

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<sup>12</sup> Joseph Thomson, *Through Masai Land*, Sampson Low, Marston & Co., 1885.

relationships, and for their sacred significance. However, increasing numbers of Maasai no longer follow an exclusively pastoral mode of life or restrict their diet to livestock products. Earlier ethnography tended to paint the Maasai as purely pastoral and contrast them with mixed economy 'Iloikop' or 'Kwavi' Maa-speakers, but this sharp division is no longer accepted as true. Livestock is owned individually but land was not 'traditionally' owned by any one person. Before individual land ownership was introduced, land was (and is still ideally) viewed as a community resource. As transhumant pastoralists the Maasai use land seasonally, moving from highland to lowland pastures according to the rains, which allows grazing to regenerate. Customarily, the Maasai are acephalous and do not have 'chiefs' or headmen. These were only introduced by colonial governments; since independence, Kenya has perpetuated this system. Authority 'traditionally' lay with age-set spokesmen, elected for their leadership qualities, while spiritual authority was wielded by prophets. The age-set structure is the fundamental organising principle of Maasai society, and instils values of egalitarianism, sharing and respect. Women and girls do not belong to age-sets, though they pass through rites of passage that parallel those of men and boys. Councils of elders constitute the main decision-making bodies, though some of my evidence challenges this model and suggests that younger men are also central to decision-making processes. A few women are becoming more influential politically.

The fluidity of ethnicity in Africa is implicit throughout this thesis. Maa-speaking peoples are characterised by fluidity rather than by fixed, ahistorical models, as certain writers have demonstrated.<sup>13</sup> But when describing informants' origins, I shall use their preferred terms; for example, Il-Aikipiak (Laikipiak) is an extinct section said to have been

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<sup>13</sup> For example, see T. Spear and R. Waller (eds.), *Being Maasai*, John Currey, 1993; John L. Berntsen, 'The Enemy is Us: Eponymy in the historiography of the Maasai', *History in Africa*, 7 (1980).

wiped out by a combined force of Purko-Kisongo warriors in the mid-1870s, but many individuals continue to claim that they are Ol-Aikipiani (a member of the Laikipiak).

### **Early response to colonial rule**

The early relationship between Maasai and British was relatively friendly, and featured a military and patron-client alliance. When British administration was established in the 1890s, the Maasai were recovering from a devastating blight – rinderpest, bovine pleuro-pneumonia, smallpox and drought, coming in the wake of internecine warfare, had brought them to their knees. Whole communities sought refuge in British forts and with neighbouring peoples, while many child ‘debt pawns’ were taken in by missions. In later life some of these child refugees, and others who voluntarily attended Christian mission schools, were employed by the administration as key intermediaries, interpreters and headmen. Some prophets forged mutually beneficial alliances with white administrators; notably Olonana was made Paramount Chief (a nonsensical position, as it turned out), placed on the government payroll, and gained British backing in his protracted fight against his brother and rival, Senteu. Warriors were only too glad to lend their services to British punitive expeditions, which hired hundreds of them as ‘auxiliaries’, paid in raided stock. This enabled certain sections to rebuild their herds and strength, and some (notably the Purko) recovered remarkably quickly. Besides the few Christian converts mentioned, other Maasai were hired and prized as interpreters, caravan guides, herders and personal servants. Colonial conquest had its advantages, therefore, but it put an end to Maasai domination of this space, whose epicentre was the Rift Valley. After about 1900 these early alliances turned sour as settlers came into the equation, demanding their share of Maasai land. The completion of the Uganda Railway, which ran through the best Maasai grazing grounds in the Rift, also changed British attitudes. The Maasai were assumed to

represent a threat to the railway, lines of communication and European settlement around 'the iron road'. The vast cost of building the railway had to be recouped somehow; official priorities shifted away from 'the protection of natives' to the promotion of agricultural and commercial development controlled by Europeans. This new thrust was summed up in 1903 by Commissioner Sir Charles Eliot:

East Africa is not an ordinary Colony. It is practically an estate belonging to His Majesty's Government, on which an enormous outlay has been made, and which ought to repay that outlay.<sup>14</sup>

### The historiography

The most substantial accounts of the Maasai moves and court case have been written by Sandford at the time and subsequently by Cashmore (unpublished), Mungeam, Sorrenson and, to a lesser extent, Tignor.<sup>15</sup> Sandford's contemporary account, an official history of the Maasai Reserve and its administration, should be differentiated from those of professional historians. If Leys and his friend William McGregor Ross may be counted as historians, they also covered these events in some detail, in a highly partisan fashion.<sup>16</sup> A short review of these core texts will follow, and an overview of lesser ones. Besides Sandford, the colonial archives (including government registers, official correspondence, White Papers, district and provincial annual reports and veterinary reports) are an extremely rich source of information, some of it surprisingly candid. Likewise, references

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<sup>14</sup> Report by HM Commissioner on the East Africa Protectorate, April 1903, Cd. 1626, reproduced in G.H. Mungeam, (ed.), *Select Historical Documents 1884-1923*, East African Publishing House, Nairobi, 1978, p94.

<sup>15</sup> In alphabetical order: T.H.R. Cashmore, 'Studies in District Administration in the East Africa Protectorate 1895-1918,' Ph.D. thesis, Cambridge, 1965. I consulted an earlier version, prefixed by the title 'Your Obedient Servants', available in manuscript form in RHO, Oxford; G.H. Mungeam, *British Rule in Kenya 1885-1912*, Clarendon Press, 1966; G.R. Sandford, *An Administrative and Political History of the Masai Reserve*, Waterlow & Sons, 1919; M.P.K. Sorrenson, *Origins of European Settlement in Kenya*, OUP, 1968; R.L. Tignor, *The Colonial Transformation of Kenya: The Kamba, Kikuyu and Maasai from 1900 to 1939*, Princeton University Press, 1976.

<sup>16</sup> Norman Leys, *Kenya*, The Hogarth Press, 1924; W. McGregor Ross, *Kenya from Within: A short political history*, George Allen & Unwin, 1927.

to these issues in the memoirs, letters and diaries of early administrators and other players are sometimes full and frank; these will be quoted later.

Sandford's 'Blue book', the official account of the administration of the Maasai, opened with an unwitting truth. Edward Northey, who became Governor of B.E.A. in 1919, began his preface by saying: "The administration of the Masai tribe has always been one of the most interesting native problems of the East Africa Protectorate".<sup>17</sup> Administration did indeed pose a most interesting problem for the "natives" in question. A comparison of the authorised version of events with alternatives, both written and oral, reveals an astonishing tale of administrative bungling, blatant lies and cover-up. Sandford was Private Secretary to the Governor when he wrote this. The elements of political 'spin' will become apparent later, but he should be credited with some frankness. For example, he admitted government failure to adhere to the terms of the 1904 Agreement, in not keeping a connecting road open between the two reserves.<sup>18</sup> He also admitted that the British wrongly recognised Olonana and later his son Seggi as Paramount Chiefs, because certain officers "had not carefully investigated the facts of the case". These appointments were "the result of a misunderstanding" which was rectified.<sup>19</sup> The British had mistaken the power of the prophets for political power, and backed the wrong men in making some of them chiefs – notably these two. Over time, it was realised that the power of the prophets was largely magical and ritualistic, and not binding on the Maasai as a whole.

Significantly, Sandford (lifting Eliot's earlier remarks word for word) noted that "the centre of political gravity was not with the elders or chiefs but with a republic of young men" – the warriors – "governed by ideas of military comradeship and desirous only

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<sup>17</sup> Prefatory Note, 31 August 1919, Sandford, *Administrative history*, no page number.

<sup>18</sup> Sandford, *Administrative history*, p28.

<sup>19</sup> Sandford, *Administrative history*, p3.

of military glory”.<sup>20</sup> This begs the question, why did the British not liaise with the warriors, if they knew that they wielded de facto political power? The short answer is that their ideas about warriors had been formed by the very powerful, stereotypical portrayal by nineteenth century writers referred to at the start. One could not do business with “bloodthirsty savages”<sup>21</sup> even if they were in fact (not fiction) behaving reasonably. Sandford went on to record that, by 1918, the British had been forced to recognise the warriors because the elders were so weak.<sup>22</sup> (This view of where power lies contradicts later gerontocratic models put forward by anthropologists such as Paul Spencer, and will be discussed in Chapter 7.) It is clear from this and other contemporary accounts that the British did not know who they were dealing with,<sup>23</sup> or understand the relative authority and representativeness of different leaders (prophets, elders, age-set spokesmen and other leading warriors). Or if they did know, they did not act upon such knowledge.

In this review, I do not intend to elaborate upon Sandford’s accounts of the moves and court case, which will be drawn upon in later chapters. But it is worth recording a few other salient points he made about Maasai behaviour prior to the moves. For example, in contrast to Joseph Thomson’s tales of Maasai ferocity towards Europeans, Sandford noted that they showed no hostility to agents of the Imperial British East Africa Company (IBEAC). “The presence of European authority in the country inspired them with awe from the first, and no party, however small, has been molested passing through their country, or

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<sup>20</sup> Sir Charles Eliot, Introduction (written 14 November 1904) to A.C. Hollis, *The Masai: Their language and folklore*, Clarendon Press, 1905, pxvii; Sandford, *Administrative history*, p2.

<sup>21</sup> One of many derogatory descriptions of Maasai warriors in H. Rider Haggard, *Allan Quartermain*, first published 1887 in London, reissued by Penguin Popular Classics 1995, p63. Haggard was clearly influenced by and plagiarised Joseph Thomson, a story to be elaborated elsewhere.

<sup>22</sup> Sandford, *Administrative history*, p58. In setting up the new Native Councils, Hemsted made sure they consisted of “the recognised ‘Aigwenak’ or counsellors ... with a few of the more influential elders and Muran added ... Muran ‘Aigwenak’ were not ordinarily admitted to councils of elders by native custom, but, as the elders did not themselves possess any great measure of control over the Muran, it was thought that the appointment of such leading warriors might tend to improve the situation”. The appointments were only meant to be temporary.

obliged to pay the ‘hongo’ tribute, since the advent of the Company.”<sup>24</sup> However, the ‘Naivasha Maasai’ slaughtered 456 men in a 1,400-strong trading caravan of “Swahilis” (coastal people) and Kikuyu in November 1895 in the Kedong Valley, in what became known as the Kedong massacre. A day later they also murdered Andrew Dick (former chief accountant with the IBEAC, turned freelance trader), who happened to be travelling nearby. He had tried to avenge the massacre against official orders from Thomas Gilkinson at Fort Smith. Before being speared by a warrior called Ole Lekutet, ‘Trader Dick’ (accompanied by two French gentlemen hunters) seized 200 Maasai cattle and allegedly killed more than 100 warriors.<sup>25</sup>

A British investigation concluded that the Maasai had been sorely provoked and should not be blamed. Ainsworth and Jackson established that the traders had been the aggressors, since their headman had snatched two girls from a Maasai homestead, and that Dick had also brought his demise upon himself. Olonana the prophet was so impressed by this display of British justice, wrote Sandford, that he became a faithful friend to the British from that moment on: “...he was so impressed with the impartial hearing given to the Masai witnesses, and with the justice of the decision, that he vowed allegiance to the British Government, a vow which he faithfully kept. British justice on this occasion gained the friendship of the most powerful man in the Masai tribe, and rendered his influence

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<sup>23</sup> One small example, though this may have been a clerical error, is that Masikonde was described as a *laibon* in the 1904 Agreement. This was amended to “chief elder” in the 1911 Agreement.

<sup>24</sup> Sandford, *Administrative history*, p14.

<sup>25</sup> Sandford, *Administrative history*, p15. The number of fatalities in the initial massacre (Sandford gives no figure) is from Frederick Jackson, *Early Days in East Africa*, Edward Arnold, 1930. Other accounts by Ainsworth and an unknown biographer of Francis Hall, in papers copied to me from the Zanzibar archives by Dick’s great-nephew J.A. ‘Jock’ Dawson, give the total number of dead as 1,038 out of 1,158, and 646 out of about 1,150 men respectively. See Ainsworth to Hardinge, 3/12/1895, enc. in Hardinge to Salisbury, 19/12/95, FO 107/39, and other despatches in January 1896. Maxon and Javersak point out the contradictions in all accounts of this episode, in ‘The Kedong Massacre and the Dick Affair: A problem in the early colonial historiography of East Africa’, *History in Africa*, 8 (1981).

warmly loyal to the administration from that day to the day of his death”.<sup>26</sup> Incidentally, it appears that Ole Gilisho’s age-set was responsible for the massacre.<sup>27</sup> Yet he was personally commended, by Jackson, on his behaviour afterwards (see Chapter 7). It is tempting to speculate whether the young warrior was, like Olonana, also deeply impressed by “British justice” on this occasion, and remembered it when deciding to press the Maasai case in British courts many years later.

Among modern historians, Cashmore gives a useful account of the background to events leading up to the moves, noting that officials Frederick Jackson, S.S. (Stephen) Bagge, A.J.M. (Arthur) Collyer and John Ainsworth all stood up for Maasai land rights in early debates over the relative rights of Africans and white settlers, though Jackson and Ainsworth later reversed their opinions and joined advocates of the second move. (Collyer did not oppose the move as such, but questioned the logic behind it and disapproved of the methods used.)<sup>28</sup> Reserves were seen as a solution to the problems posed by nomadism and martial races. He mentions a government risk assessment in 1908, of the likely threat posed by various ethnic groups, which found that the Maasai had 8,000 spears and therefore represented a potential threat to the settled areas.<sup>29</sup> Earlier, military intelligence reports were crucial to the 1904 decision to move the Maasai out of the Rift; this policy “triumphed” over plans to allow the Maasai to intermingle with settlers.<sup>30</sup> Cashmore does not, however, challenge the warrior stereotype or question the risk assessment, spoiling his account, here and elsewhere, with unsubstantiated value judgements about the supposed nature of pastoralists that are simply lifted from the colonial lexicon. For example: “Of

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<sup>26</sup> Sandford, *Administrative history*, p15.

<sup>27</sup> Frederick Jackson advised Olonana – in Ole Gilisho’s presence – not to let warriors build their *manyatas* near a main road in future, advice “he at once acted upon”, ordering Ole Gilisho never to allow such a thing again. Jackson, *Early Days*, 1969 edition, p295.

<sup>28</sup> See his remarks to Leys, quoted in *Kenya*, p135; also his 1910 Report on the Masai Question, cited in my second chapter.

<sup>29</sup> Cashmore, ‘Obedient’, p188.

course the pastoralists were numerically much smaller than the agriculturalists, but they were also more warlike and aggressive. Their mobility and predatory habits created a security problem for the early administration ... there was here an element of stubbornness, intense conservatism, a refusal to accept change, a withholding of consent, that was to defeat the Administration".<sup>31</sup> Whether the claim is true or not, these four alleged characteristics are defensive rather than aggressive. In most of his references to Purko leaders Ole Gilisho and Nkapilil Ole Masikonde, he also follows the B.E.A. administration in mistakenly using the term 'chief' to describe their positions. The Maasai are acephalous and had no chiefs until the colonial government appointed some to serve its own ends. Unlike Ole Masikonde, Ole Gilisho (though also a paid government-appointed chief)<sup>32</sup> was a customary *ol-aiguenani* or age-set spokesman, a distinction that Cashmore must be aware of because he also uses this term when quoting, for example, District Commissioner Kenneth Dundas's estimation of his qualities and character.<sup>33</sup> In translation generally, the terms chief and age-set spokesman have become confused (see Chapter 7).

Cashmore mentions Leys' early representations on behalf of the Maasai to Ainsworth, Girouard and external contacts such as Gilbert Murray and Ramsay MacDonald, though he is not absolutely certain that Leys was MacDonald's source of information. It is clear from the Harvey Letters that he was. He briefly describes how the 1911 move south "became bogged down on the Mau" in mid-August, and claims that the Maasai panicked after "excessive rain and overcrowding quickly created a dearth of

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<sup>30</sup> Cashmore, 'Obedient', p332.

<sup>31</sup> Cashmore, 'Obedient', p194.

<sup>32</sup> H.M. MacAllister, Collector at Naivasha, sponsored Ole Gilisho's appointment as "the chief" there in about 1900, and Jackson – who regarded Olonana as dangerous, and wanted him deported to Kismayu – "supported a policy of building up the power of Legalishu as a rival in Naivasha", Cashmore, 'Obedient', p328. This area of Maasailand was then part of the Uganda Protectorate, whose eastern province was incorporated into B.E.A. in 1904.

<sup>33</sup> Dundas wrote: "He is a most bitter enemy of Government and of the white man in general", no source given, Cashmore, 'Obedient', p343.

grazing”. He puts the subsequent problems down to “bad luck”, and mismanagement by Girouard’s subordinates Hollis, Browne and Pickford: “they muffed it”.<sup>34</sup> Cashmore is, in general, sympathetic to Girouard and suggests that one reason for his 1912 resignation – deceiving the Colonial Office over promises of farms on Laikipia to settlers displaced from the Southern Reserve by the second Maasai move – was not a deliberate lie but a memory slip.<sup>35</sup>

Mungeam covers the events that preceded both moves in a similar style to Sorrenson, and draws almost entirely on official records. He mentions the role played by Norman Leys in ‘blowing the whistle’ on colonial policy towards the Maasai in February 1910, but like Sorrenson is only “almost certain” that Leys was the author of the letter to Gilbert Murray.<sup>36</sup> Mungeam fails to deduce, from the evidence before him, that there was at least one critic of the move in the middle ranks of the Protectorate administration – Leys’ friend Collyer, District Commissioner of the Northern Maasai Reserve. Mungeam covers the growing chasm between Harcourt and Girouard over the handling of the second move, making clear that the Colonial Office and the Protectorate administration were sharply at odds over this and other aspects of ‘native’ policy. The 1913 appeal to the courts is dealt with in three sentences. As for the end result of the moves, he describes the Maasai as “a tribe who directly benefited from the British connexion [sic], despite their double removal from their lands”. They gained stock confiscated in punitive expeditions, and the stockholdings of the ‘northern’ sections continued to grow after the move to Laikipia. He concludes: “Even though they lost land to the settlers and suffered the double removal, their herds increased, and they were still left with more land per head than any other tribe,

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<sup>34</sup> Cashmore, ‘Obedient’, pp366-7.

<sup>35</sup> Cashmore, ‘Obedient’, p373.

<sup>36</sup> Mungeam, *British rule*, p261.

except perhaps for the nomadic pastoralists of the far north.”<sup>37</sup> This claim is partly true, but the assessment is purely quantitative. Chapter 8 in particular will challenge this argument and present evidence of qualitative losses.

Sorrenson traces the foundations of the Protectorate from its commercial roots in the IBEAC, and shows how European settlement was very much an afterthought. He describes the formation of land policy and Crown claims to land – a legal nonsense, predicated upon the denial of African rights – and the efforts of Charles Eliot to promote European settlement in the highlands. Crucially, “he made no attempt to separate the land required for Africans from that to be offered to settlers”, brushing aside warnings by his subordinates not to rush things.<sup>38</sup> Eliot was forced to resign after exceeding his powers in offering land grants in the Rift to two settlers from South Africa, a subject closely connected to the first Maasai move and fully covered in Chapter 2. The settlers had to wait for three more governors to find their best advocate in Percy Girouard. His resignation, too, was bound up with Maasai land affairs. Sorrenson mentions Leys’ written warning to Gilbert Murray in February 1910, forwarded to the Colonial Office, that Girouard was attempting to move the Maasai south without their consent.<sup>39</sup> However, he is not certain that Leys was the author, only that he was “probably” so, and fails to get other facts about this episode quite right. He describes how Colonial Office approval of the 1911 Maasai treaty and move was stalled by Ramsay MacDonald MP, who had received information from the Protectorate suggesting that Girouard had pushed the Maasai into agreeing to

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<sup>37</sup> Mungeam, *British rule*, pp285-6.

<sup>38</sup> Sorrenson, *Origins*, pp68-9.

<sup>39</sup> Leys to Murray, 3/2/10, MSS 148, Murray Papers, Bodleian Library, Oxford. Forwarded to the CO, Jackson to Crewe, 7/3/10, CO 533/72, PRO.

move. Again, he is not absolutely sure of the source – “it seems the complainant was Leys”.<sup>40</sup> He was definitely so.

In short, this is a fairly thorough account of events according to official sources, though the 1913 court case and appeal are dealt with in just one page. But Sorrenson is wholly wrong about the Maasai response to land alienation, and partly wrong about the reason why they failed to resist violently. Regarding the first, he writes: “Their losses of land did not breed in the Masai a spirit of rebellion. Unlike the Kikuyu, they did not attempt to acquire European techniques to settle their grievances. The Masai reacted to the new society by ignoring it. Certainly the Masai court case was an exception but in this the Masai acted on the advice of Leys and Morrison, as a last desperate effort to retain Laikipia”.<sup>41</sup> It is a major exception, which disproves the previous claim. He also unfairly implies, by suggesting that the action was driven by Leys and Morrison, that the Maasai were not the main protagonists. Would the same be said of European plaintiffs in a human rights action? Such a view also treats non-violent forms of resistance as insignificant forms, and overlooks the warrior uprisings in Narok District in 1918, 1922 and 1935, which may be classified as ongoing resistance against British rule. (see Chapter 9). He correctly suggests that the Maasai did not violently resist the second move because they knew their spears were no match for British weapons, which is confirmed by oral testimony. But it is far-fetched to claim that “the Purko had learnt a painful lesson from the rifle of Andrew Dick in 1895”.<sup>42</sup> It seems more likely that Ole Gilisho and his age-mates were swayed by the experience of seeing British firepower in action in the Nandi campaigns and other so-called punitive expeditions in which Maasai auxiliaries were used

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<sup>40</sup> Sorrenson, *Origins*, p128.

<sup>41</sup> Sorrenson, *Origins*, p276.

<sup>42</sup> Sorrenson, *Origins*, p276.

between about 1893 and 1906.<sup>43</sup> For example, Ole Gilisho led 400 Maasai auxiliaries on the second Nandi campaign of June 1897.

Tignor does not cover these events at such length. But he makes some important and fresh points, noting that “the moves dealt a severe psychological and political blow to the Maasai, fully as decisive as battlefield losses”.<sup>44</sup> Also in the long term, the loss of dry season grazing “forced the Maasai to overwork the more arid southern reserve, resulting in loss of vegetation, soil erosion, and overall decline in grazing”, a view that contrasts starkly with the dominant school of thought which blames the Maasai for wreaking this havoc.<sup>45</sup> Crucially, he describes how a change of venue for the *eunoto* or warrior graduation ceremony of the Purko junior *il-murran* in early 1910 allowed Girouard an excuse, not sanctioned by treaty, to move the warriors and 7,000 head of cattle (other accounts say 10,000) to the Southern Reserve, and to disallow their return on grounds of cattle disease. The *eunoto* should have taken place on Kinangop, a sacred ceremonial site in the Aberdares, but Olonana objected and asked Girouard to order the ‘northern’ Maasai to hold it in the south, near his home at Ngong. Once this group had moved, they became the vanguard for the final exodus south. Tignor emphasises the centrality of Ole Gilisho in Maasai opposition to the moves when he was still a senior warrior, and the pressures brought to bear on him to break his nerve. He points out that Ole Gilisho’s fears about the alleged inadequacy of the Southern Reserve and the prevalence of disease in certain areas were confirmed in a report on Trans-Mara by Hemsted, written in early 1913 but not sent

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<sup>43</sup> Maasai auxiliaries joined 20 large British military operations in this period, and possibly other smaller ones. For a list of the major operations see Berman and Lonsdale, *Unhappy Valley* (1), Tables 2.2 and 3.1, pp28-29, 60-61. King agrees with my assessment of the impression made by the Nandi campaigns, ‘Kenya Maasai’, p124.

<sup>44</sup> Tignor, *Transformation*, p39.

<sup>45</sup> Tignor, *Transformation*, p38.

to London until June that year, which contradicted previously glowing reports that had been sent to a disbelieving Colonial Office.<sup>46</sup>

Most importantly, he writes of the legal action: “It is significant that the action was taken by the *moran*, rather than the elders, because ... the warriors tended to be the most energetic segment of Maasai society in resisting British overrule”.<sup>47</sup> However, in an article on warrior behaviour and Maasai resistance to change, Tignor somewhat contradicts this line of argument. He again emphasises the importance of the fact that it was a warrior-led legal action, directed mainly against elders who had signed the second treaty, and yet simultaneously claims that the warrior class was “the most powerful force in resisting efforts at change”.<sup>48</sup> This particular action was not reactionary or conservative, an epithet which has stuck to the Maasai since written records began. In standing up to the British, Ole Gilisho and his clique were also defying those elders who urged compliance, notably Olonana. Doing so in the way that they did, through litigation, was extraordinary given that “warriors were expected to be volatile, violence prone, eager and ready to engage in struggle among age-mates or against other tribes”, sometimes also turning their “eruptive action” against elders.<sup>49</sup> I will argue that the legal move was a progressive action totally at odds with ethnographic models depicting the internal dynamics of Maasai society, which have been adopted and uncritically reiterated by some historians.<sup>50</sup> If the warriors could

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<sup>46</sup> Tignor, *Transformation*, p36. R.W. Hemsted’s report on Trans-Mara is in Belfield to Harcourt, June 1913, CO 533/118. Tignor does not comment on the delayed despatch of this and other reports, notably DC Collyer’s report of 29/8/10 which was not sent to the CO until 6/2/13 (in Desp. 14, Belfield to Harcourt, CO 533/116).

<sup>47</sup> Tignor, *Transformation*, p45.

<sup>48</sup> Tignor, ‘The Maasai warriors: pattern maintenance and violence in colonial Kenya’, *JAH*, 13 (1972), pp276, 280.

<sup>49</sup> Tignor, ‘Maasai warriors’, p278.

<sup>50</sup> Tignor’s source of information on Maasai “political institutions” is Jacobs’ 1965 Oxford thesis, ‘The Traditional Political Organisation of the Pastoral Masai’, fn p278. But I am thinking of later ethnographies, in particular Paul Spencer, *The Maasai of Matapato: A study of rituals of rebellion*, Manchester University Press, 1988. The main problem with his work is that it is largely ahistorical, and takes little or no account of external forces and socio-political change. This has since been remedied by anthropologists such as Dorothy Hodgson, who bring both a gendered and historical analysis to studies of pastoral societies.

behave in this manner in 1911-13, but not at any other time, how correct is a model that characterises them as primarily violent, volatile and subjugated by elders?

Short references to the events have been made by a wide spectrum of other writers; the following list is by no means exhaustive. Both academic and non-academic accounts are peppered with inaccuracies, while the few Maasai texts available may be written from a Maasai viewpoint but are not necessarily more accurate as history. To deal first with the pre-1985 literature, B.K. Ole Kantai gave a short overview in his foreword to Sankan's account of Maasai customs, but got several facts wrong including claims that the prophet Olonana opposed the second move, refused to sign the 1911 Agreement, and that his thumb print was "obtained from him a few days after he died!"<sup>51</sup> In fact, Olonana favoured the move and stood to gain from it. He was not a signatory to the second agreement, nor did the British ever make such a claim; his son Seggi set his mark to it after Olonana's death. Another Maasai writer, Tepilet Ole Saitoti, claimed there was a third treaty in 1912 (a third one was drawn up in 1910, but not implemented), and that warring Maasai sections "managed to bridge their differences" and united to resist the British, "but paid heavily with losses of life and cattle" which suggests that the resistance was violent. There was no such unity.<sup>52</sup>

Kenneth King touched on the moves and case in a 1971 article on Maasai protest, noting that "the Maasai [were] one of the first peoples in East Africa to resort to a modern political process to gain their rights" but that "insufficient research has been done on this famous case to be certain about the various factors involved".<sup>53</sup> The history and anthropology of pastoralism have often intertwined to inform, challenge and correct each

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<sup>51</sup> S.S. Sankan, *The Maasai*, East African Literature Bureau, 1971, pxxiv.

<sup>52</sup> Tepilet Ole Saitoti, *Maasai*, Elm Tree Books/Hamish Hamilton, 1980, p24. There were losses, but with the exception of the 1918 Ololulunga clash, these did not result from armed resistance.

<sup>53</sup> K. King, 'The Kenya Maasai and the protest phenomenon 1900-1960', *JAH*, 12 (1971), p124.

other, hence it is common to find histories of the Maasai within the anthropological canon. Anthropologist Alan Jacobs wrote of the long-term effects of the moves: “The deceptions perpetrated against them [Kenyan Maasai] at that time, together with the later failure of the colonial government to honour promises, have had a persisting influence on Pastoral Maasai attitudes to all subsequent development efforts ... Secondly, the policies of European settlement not only denied Pastoral Maasai access to much of their former high-potential grazing areas, but it also affected the quality of both their herd management practices and livestock as well.”<sup>54</sup> Non-academic writers such as Gerald Hanley and Charles Miller have mentioned the events in popular accounts of early Kenya.<sup>55</sup> Miller called this land alienation “the Masai highway robbery”.

In the modern literature (post-1985), there are two brief references to the moves in Spear and Waller, one a footnote, and the date of Maasai removal from Laikipia is wrongly given as 1912.<sup>56</sup> Elsewhere, Waller describes how the moves “relegated [the Maasai] to the periphery politically as well as geographically and severed many of their links with the surrounding peoples”, and contrasts this with their alliance with the British in the first decade of colonial rule. The moves marked the beginning of a loss of control of their physical environment, following “imbalances” caused by internecine conflict and epidemics in the nineteenth century. The two agreements, meanwhile, appeared to emphasise the special status of the Maasai in B.E.A., but in fact they “marked the beginning of a long retreat from involvement with the colonial power and the replacement of a highly flexible and innovatory response to the advent of colonial rule by a

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<sup>54</sup> Alan H. Jacobs, ‘Maasai pastoralism in historical perspective’, in T. Monod (ed.), *Pastoralism in Tropical Africa*, OUP, 1975, p413.

<sup>55</sup> Gerald Hanley, *Warriors and Strangers*, Hamish Hamilton, 1971; Charles Miller, *The Lunatic Express: An entertainment in imperialism*, Macdonald, 1971.

<sup>56</sup> T. Spear and R. Waller (eds.), *Being Maasai: Ethnicity and identity in East Africa*, James Currey, 1993, pp243, 256n.

determination to preserve their society intact, which was both rigid and deeply suspicious of further innovation”.<sup>57</sup>

In his work on missions, Waller briefly mentions missionary attitudes to the second move and the sympathy of one AIM missionary (the American John Stauffacher) with Maasai attempts to resist it.<sup>58</sup> Anthropologist Peter Rigby also mentions Stauffacher, the roles played by mission-educated Maasai in resisting the moves (which are elaborated upon by King, 1971), and the actions of Leys, whom he calls “the most perceptive foreign commentator on the scene in Kenya” between the wars. He commends Leys’ *Kenya* for its “clear indictment of the duplicity of the government, settlers, and missions in the loss of Maasailand and other pastoral areas”, and applauds Leys’ grasp of Maasai social formation and ideology, seizing with delight upon what he sees as its closeness to his own Marxist analysis.<sup>59</sup> He over-states the influence of the missions in persuading the government to create Maasai reserves. He is also incorrect in saying the second move was completed by 1911; it was 1913.<sup>60</sup>

Lamprey and Waller, citing Cashmore and Sandford, sketch the moves and their implications in a history of Maasai occupation of the Loita-Mara region, and make the unsubstantiated claim: “The Maasai Moves became a *cause célèbre* in England and Kenya and this has considerably obscured both the facts and the issues involved”.<sup>61</sup> After describing the objections of “some committed ‘northerners’” (Maasai on Laikipia) to the proposed extensions of the Southern Reserve (western Narok and Trans-Mara) on the

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<sup>57</sup> R. Waller, ‘The Maasai and the British 1895-1905: The origins of an alliance’, *JAH*, 17, No. 4 (1976), pp529,532.

<sup>58</sup> R. Waller, ‘They do the dictating and we must submit: The Africa Inland Mission in Maasailand’, in T. Spear and I.N. Kimambo (eds.), *East African Expressions of Christianity*, James Currey, 1999, pp93-5.

<sup>59</sup> Peter Rigby, *Persistent Pastoralists: Nomadic Societies in Transition*, Zed Books, 1985, pp116-8.

<sup>60</sup> Rigby, *Persistent*, p115.

<sup>61</sup> Richard Lamprey and Richard Waller, ‘The Loita-Mara Region in Historical Times: Patterns of Subsistence, Settlement and Ecological Change’, in Peter Robertshaw, *Early Pastoralists of South-western Kenya*, British Institute in Eastern Africa, 1990, p21.

grounds of disease, waterlessness and prior occupation by other Maasai sections, they add: “The ‘northerners’ had other, less open, reasons for opposing the move from Laikipia”... This is footnoted: “These hidden reasons were related to a struggle for control within the section itself”. This presumably refers to differences between ‘northern’ leaders and Olonana over the choice of age-set spokesman, which will be explained later. However, they add, the suitability of the Southern Reserve for the Purko and their livestock became the overriding issue.<sup>62</sup>

Elsewhere, Berntsen spells out what Lamprey and Waller hint at: the internal wranglings over the choice of age-set spokesman for the Il-Tuati II age-set in 1909-1910. He suggests that Olonana’s attempt to force his choice upon the Purko was “perhaps ... part of his campaign to convince the Maasai to evacuate the Laikipia plateau ... which has had ramifications among the Purko Maasai until today”.<sup>63</sup> Lonsdale briefly notes that “the Maasai replied to their second move not with spears but with a lawsuit, a decade before the Luo and Kikuyu, with men who could type, created their political associations”. He describes how white settlement was used to “pin down pastoralism, the way of life that kept Africans idle, unnervingly on the move ... The politics of conquest was brought symbolically to an end with the Maasai moves of 1904 and 1911 [which] fenced pastoralism out of the best grazing in the Rift while fencing capitalist ranching in”. Having been happy to use Maasai warriors to ‘pacify’ other restive ‘tribes’ in the early days, the government dramatically changed tack after 1905: “Allies of conquest were never more fully discarded”.<sup>64</sup> Maxon touches on the court case, flags up Leys’ role and influence as a

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<sup>62</sup> Lamprey and Waller, ‘Loita-Mara’, p22.

<sup>63</sup> John L. Berntsen, ‘Maasai Age-Sets and Prophetic Leadership: 1850-1910’, *Africa*, 49, No. 2 (1979), pp140-141.

<sup>64</sup> Lonsdale, ‘The Conquest State of Kenya 1895-1905’, in Bruce Berman and John Lonsdale, *Unhappy Valley: Conflict in Kenya & Africa*, Book One, James Currey, 1992, pp39, 35-6.

critic of empire, and explains how his handling of the Maasai move and Cole case led to Girouard's downfall.<sup>65</sup>

### **Critics of empire: Leys and McGregor Ross**

Leys originally planned to collaborate with his friend William McGregor Ross in writing a book on Kenya together. He became frustrated and vexed when McGregor Ross did not come up with the goods quickly enough, as is evident in Leys' letters to Ross's wife Isabel,<sup>66</sup> and in the end they published separately, three years apart.

Leys was born in Liverpool in 1875, and as a child lived mostly with his grandfather, a Presbyterian minister in Lanarkshire, after his mother died giving birth to younger brother Kenneth.<sup>67</sup> There was a tussle between his grandfather and Scottish barrister father over custody of the two boys; when their father converted to Catholicism, grandfather whisked them away to America to prevent them from being returned to him and reared as Catholics.<sup>68</sup> Later, Leys studied medicine at Glasgow, where he first met Gilbert Murray (who became his life-long mentor and correspondent) and lived and worked in the slums – a formative experience, says Wylie.<sup>69</sup> He arrived in Africa in October 1901 to work as a doctor with the African Lakes Corporation at Chinde,

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<sup>65</sup> R. M. Maxon, *Struggle for Kenya: The loss and reassertion of imperial initiative, 1912-1923*, Associated University Presses, 1993.

<sup>66</sup> For example, Leys to Mrs Ross, 19/8/23, 7/9/23, Box 15, McGregor Ross papers, RHO.

<sup>67</sup> Incidentally, Leys, McGregor Ross and Harvey were all very close age-mates of Ole Gilisho – their life dates were respectively 1875-1944, 1877-1940, 1875-1955 and c1875-1939.

<sup>68</sup> When his paternal grandfather Peter Leys refused to allow his grandsons to return to their father John, the latter launched legal action, "famous at the time", which led to his imprisonment for contempt of court. Wylie suggests that both Leys' Puritan roots and American sojourn, at a New England school founded by an evangelist, fundamentally influenced his later political activities. Wylie, 'Critics', p45.

<sup>69</sup> "His concern for the 'deprived and inarticulate' dates at least from his university days when, as a medical student ... he lived and worked in a settlement house in a Glasgow slum." Before coming to Africa, he joined the Fabian Society and the Anti-Slavery and Aborigines Protection Society, but resigned from the latter when he began working for the government. Wylie, 'Critics', pp42, 53.

Portuguese East Africa. He transferred to B.E.A. in September 1905<sup>70</sup> and stayed for seven years as a government medical officer based successively in Mombasa, Nakuru and Fort Hall. He wrote an influential 1911 report on sanitation in Mombasa, which earned him government praise.<sup>71</sup> In this and other reports he drew links between socio-economic conditions and ill health, which were by no means obvious to policy-makers at the time.<sup>72</sup> After his own forced move to Nyasaland, he became interested in the Chilembwe uprising of 1915, interviewed many of the survivors in prison, and wrote about “this new kind of unrest” as a footnote to his analysis of Kenya.<sup>73</sup> He became much more than a doctor; his later life was devoted to writing and activism.

Leys devoted a core chapter of his first book *Kenya* – which he had been planning since 1911 – to the story of the Maasai moves and court case, after placing them in historical and ethnographic context. His major problem, as Diana Wylie has pointed out, was the lack of official data to back up his assertions about the effects of administrative policy upon the Maasai, or any other accurate facts and figures for Kenya.<sup>74</sup> He had to rely upon estimates and hearsay, drew heavily on Sandford and complimented him: “There are a few notable omissions in the story as told by the Blue book, but in the main it is candid and impartial as few official statements are”.<sup>75</sup> He repeated Sandford’s account of the Kedong massacre and the impression that British justice made upon Olonana, commenting: “Very typical is the immediate recognition by a savage people of a standard of justice

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<sup>70</sup> This information is taken from Wylie. But in the EAP Blue Book for 1912, Leys is listed among nine medical officers appointed on 30 September 1904.

<sup>71</sup> Wylie, ‘Critics’, p53.

<sup>72</sup> For example, in an appendix to his 1909 health report on Nakuru, Leys alerted the authorities to a “pandemic” of VD among Africans (linked to prostitution and labour patterns along the new railway) and said this could only be checked by a radical change in living conditions. He was ahead of his time in moving beyond a medical model of health, advocating social reforms that mirror current concerns and advocacy around HIV/AIDS and labour migrancy. See Tignor, *Transformation*, p180; the original report is in PC/NZA 2/3, KNA.

<sup>73</sup> Chapter 13 in Norman Leys, *Kenya*, The Hogarth Press, 1925, p326.

<sup>74</sup> Wylie, ‘Critics’, p117.

higher than their own".<sup>76</sup> One can never be sure when Leys was being ironic. It seems unlikely here, despite his knowledge of the way in which the British legal system ultimately failed the Maasai, since he also declared: "Railways and courts of justice are the two great boons our Governments have given to the people of tropical Africa".<sup>77</sup> He believed the railways were a godsend because they saved the lives and health of African porters, and stopped the spread of disease along caravan routes.

He described the absence of an early land policy, which initially allowed Eliot to do as he liked with African land. Leys claimed that Eliot failed to understand how transhumant pastoralism left large swathes of country apparently uninhabited for months or years at a time, and so he could speak of East Africa as a "*tabula rasa*, an almost untouched and sparsely inhabited country, where we can do as we will".<sup>78</sup> This accusation was not totally fair, since Eliot also wrote of southern Mau being "uninhabited, but frequented by the Masai for pasturage", and of Maasai use of "a series of terraces" between the Laikipia plateau and the Rift Valley floor for grazing, without permanently living there. This shows that he had some understanding of their use of land.<sup>79</sup> Leys was generally scathing about Eliot, yet described the reasons for his resignation in June 1904 in quite sympathetic terms, saying that Eliot had tried in his dealings with the Foreign Office to "insist on the superior claims of the genuine farmers (with from 10,000 to 100,000 acres each) as against financial syndicates".<sup>80</sup> This is a reference to Eliot's promise of farming land to Chamberlain and Flemmer, immigrants from South Africa, compared to the 500 square miles of Rift which the Foreign Office had granted to the East Africa Syndicate. In

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<sup>75</sup> Leys, *Kenya*, p86.

<sup>76</sup> Leys, *Kenya*, p94.

<sup>77</sup> Leys, *Kenya*, p76.

<sup>78</sup> Leys, *Kenya*, p98, quoting Charles Eliot, *The East Africa Protectorate*, Edward Arnold, 1905, p3.

<sup>79</sup> Eliot, *Protectorate*, pp85, 77-8.

<sup>80</sup> Leys, *Kenya*, p100.

a riposte to those who claimed the Maasai did not occupy or make good use of land, Leys said of the Syndicate grant: “To this day that huge estate is more thinly populated both by men and by stock than it was when the Masai left it”.<sup>81</sup>

Leys’ other contributions to the story will be included later. At this stage, it is worth highlighting his recognition of Ole Gilisho as “the most influential Masai in the northern reserve”.<sup>82</sup> Also, he noted that the Maasai were the only Kenyan ethnic group whose land had been alienated to have made a written agreement with the British government, which “bound itself by a solemn pledge to respect the tribe’s rights in land”.<sup>83</sup> (This leaves the door open to modernday legal challenges, see Chapter 4.) Leys was highly revealing of Collyer’s role and attitude. As the DC of the Northern Reserve and a Maa speaker, he was probably the administrator who was closest to the Maasai and most genuinely concerned with their welfare. Leys said Collyer was greatly trusted by the Maasai on Laikipia. He described Collyer’s disquiet over the Maasai moves, and suggested that he was Leys’ main informant in the administration. Although this veiled admission came many years after Collyer’s premature death from tuberculosis in September 1912, official knowledge of Collyer’s relationship with Leys may well have cost him his job with the Maasai, and the accompanying distress may even have hastened his end. Collyer was transferred to Nyeri to separate him from the Maasai during the move. As Jackson put it: “[He] was sent to the Amala River to receive the immigrants, and when they never arrived, he was transferred to Nyeri, presumably to make quite certain that he would be completely out of touch with them. It was indeed a sorry show”.<sup>84</sup>

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<sup>81</sup> Ibid, p100.

<sup>82</sup> Ibid., p104.

<sup>83</sup> Ibid., p109.

<sup>84</sup> Jackson, *Early Days*, p330.

Collyer had promised Leys he would write the Maasai chapter for *Kenya*, but after his premature death it had to be written without his help. Leys quoted from a letter Collyer sent him just before the final move, in which his disgust was palpable:

As regards the Masai move, this sudden change of front has staggered me though I hold it was the right thing to do, if done long ago. The manoeuvres, etc., that have been employed with regard to the Masai have sickened and embittered me. I have always said that the policy of putting the Masai into one area was right, but I cannot uphold the methods that have been employed to bring this about. If in five years' time you write a book and I am in a position to give you the information on the Masai, you shall certainly have it.<sup>85</sup>

Leys obscured his own role in fomenting opposition to the Maasai moves. But he rather gave the game away by issuing a warning to would-be protesters: "Whether it was right or wrong to protest against the Masai move may be doubtful. In any case, the reader who may live and work in Africa should be warned that if he ever takes a similar step he will do harm as well as good. If he feels he must, then he should. But the fact is that there is very little use in trying to stop these things. What is needed is rather to appoint governors and others in authority who will not attempt them".<sup>86</sup> Leys rarely credited Africans for their role in resisting the British. Furthermore, Wylie notes that Leys did not include an African perspective in his writings, although they were broadly sympathetic to Africans. He was, she says, remote from Africans, and "his analysis in *Kenya* does not depend in any sense on how Africans perceived their situation".<sup>87</sup> In this sense he was, therefore, no better than the modern scholars who omit Maasai voices from their published work (see *Oral history*, below). He tended to assume African views.

In his preface to *Kenya from Within*, McGregor Ross said he had deferred reading *Kenya* until after he had finished writing his own manuscript. He, too, devoted a chapter to

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<sup>85</sup> Leys, *Kenya*, p135.

<sup>86</sup> Leys, *Kenya*, pp137-8.

the Maasai, focused on the moves and court case and their subsequent experiences in the Southern Reserve. Before reviewing this, I shall briefly sketch the author's background. McGregor Ross first came to B.E.A. in 1900 to work as an Assistant Engineer on the Uganda Railway. By 1904, at the age of 28, he had risen to become Director of Public Works, but he was forced to resign in 1923 after agitation from settlers over his alleged mismanagement of public funds. The subtext to this was the fact that McGregor Ross's face did not fit the colonial scene and never had done. He was fiercely teetotal, moralistic, bookish, aloof from clubhouse camaraderie, and seen as a bit of a prig.<sup>88</sup> As a member of the Legislative Council from 1916-1922, a position which came with the job, his politics were seen to be soft on 'natives' in particular. In a progression that paralleled Leys' own political and philosophical maturation, the B.E.A. experience turned McGregor Ross into a radical and activist of sorts. He became a Quaker, which comes across as a natural end result of his colonial experience and development of a humanitarian and pacifist conscience.<sup>89</sup> Though critics of colonial policy back home in Britain might be dismissed as sentimentalists who knew nothing of local conditions, the same charge could not be levelled at Leys and Ross. They, too, were 'the men on the spot' whose opinion and experience could not be bettered and ought to be followed, as settlers were so fond of saying of themselves. And as colonial civil servants, they had access to information that was potentially explosive.

In *Kenya from Within*, McGregor Ross launched a broadside against the arrogance of settlers and their abuse of privilege. He aimed to alert the British public to the fact that

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<sup>87</sup> Wylie, 'Critics', p121.

<sup>88</sup> The evidence for this is in Wylie, but also more directly in Ross's diaries of his early years in B.E.A., which will be drawn upon in later chapters.

<sup>89</sup> Incidentally, McGregor Ross's family became friendly with my father's Yorkshire Quaker family, and his sons Peter and Hugh were at Cambridge University with my father David Hughes just before World War Two. As a child I stayed with his widow, Isabel, at her home in the Lake District.

this class of mostly unelected men was running things in Kenya, to the detriment of subject Africans: “The Government created a caste of landed proprietors – a privileged class. Its members can certainly not be blamed for accepting the chances of wealth which a British Government placed before them ... There will be much in the record [that is, later chapters] to rouse indignation among British people who have not been subjected to the temptations inseparable from membership of a privileged class, allowed to enrich itself by the labours of uneducated coloured people ... The privileged class in Kenya would do well to remember that it is the British people, and not themselves, who are in charge of the country in which they live and all the Africans among whom they dwell”. By alerting the public to the “impositions” being made on Africans, he hoped that “wrongs will be righted”.<sup>90</sup>

His style is that of a one-sided and gossip-laced conversation, sarcastic and ironic by turns, punctuated by many exclamation marks and asides in parentheses. (It would never have worked to try and combine Leys’ style with Ross’s; maybe Ross knew this, and hence balked at collaboration.) For example, when writing about the injunction to stop the expulsion from Laikipia, he wrote: “A temporary injunction was granted pending the full hearing of the case. (Sensation.)”<sup>91</sup> The Maasai chapter was called ‘The Marvelling Masai’. It traced how the Maasai initially marvelled at the ways of the white man (land surveyors in the Rift, the Kedong massacre and its aftermath, the wonders of Andrew Dick and his warrior-felling rifle, the arrival of settlers, and eviction from the Rift Valley). Their marvelling lessened after the forced safari to the south and the court case. After the further trials of increased taxation (said to have been the highest in the colony),<sup>92</sup> attempts

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<sup>90</sup> McGregor Ross, *Kenya from Within*, p68.

<sup>91</sup> Ross, *Kenya*, p138.

<sup>92</sup> From August 1903, each adult Maasai male had to pay an annual tax of three rupees. After the second move, this was raised to 15 Rs. The Maasai also paid 20 shillings hut tax, whereas other Africans paid 16sh,

at forced conscription in World War One, the requisition of thousands of head of stock to feed the troops, stock epidemics, the battle of Ololulunga and the brutal repression of a second warrior uprising in 1922, among other things, the Maasai finally “ceased to marvel at anything the Government did”.<sup>93</sup>

McGregor Ross was clearly reliant on Sandford for much of his information, saying: “Much detail is available in the official ‘History’, which, while remarkably frank, still leaves a number of openings for reading between the lines”. In pointing the finger at various culprits, he named even fewer names than Leys – settlers and government in general emerge as the bad guys. But he made some key points. After Kedong, a naïve belief in the trustworthiness of the British government “clung to the Masai for years” in the face of contradictory evidence. “These people were *just* and calm in council, even though an odd individual, like *Bwana* Dick, might break out now and then and be the very devil. The Government was a concern with which gentlemen [that is, the Maasai] could afford to have relations. Now they knew where they were.”<sup>94</sup> [His italics]. Speaking from experience of building the Uganda Railway through Maasai country, he said the Maasai “behaved in exemplary fashion, giving Government no trouble whatever”. It was feared that they might threaten or disrupt construction; instead, the Nandi saw to that. It is important to record this peaceful response, since the fear of Maasai violence towards white settlers around the railway, and their perceived threat to the railway itself, was used to justify their 1904 removal from the Rift. McGregor Ross claimed: “The whole episode was an eviction and nothing else. It was carried out not only because white men wanted land near the railway but because intending stock-raisers acted on a principle that was subsequently stated (in an

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which was further reduced to 12sh in 1922. Ross, *Kenya*, pp139, 147, 154. The reason for this high rate of tax was their perceived wealth and idleness; it was an attempt to force the Maasai to sell their cattle and join the labour force.

<sup>93</sup> Ross, *Kenya*, p143.

unofficial publication) in these words: ‘A European requiring a stock farm cannot go wrong in acquiring land formerly occupied by Masai, who are experts in choosing grazing grounds.’ Everybody knew that, from 1900 onwards.”<sup>95</sup> As for the reasons why the warriors so firmly resisted forced conscription at Ololulunga in 1918, McGregor Ross set these in the context of their enormous stock losses to disease and military requisition. “The Masai were scarcely in a mood to treat this active piece of persuasion with unconcern.”<sup>96</sup> There were many other reasons for the subsequent clash; these will be elaborated upon in my final chapter.

### **Models of African resistance**

The resistance led by Ole Gilisho must be set within another historiography – that of contemporary African resistance to colonialism and studies of non-violent resistance in general. This has not been attempted previously, both because Ole Gilisho’s character and actions have not been fully examined, and because historians tend to deny that the Maasai resisted the British at this point in their relationship. Sorrenson’s views have been given above. Despite his previously cited remarks about the 1913 suit, and his recognition that this was brought by Purko and Keekonyokie warriors, Tignor also refers to “the warrior class who did not resist” the moves, and (in a separate passage) says that the fact that they went ahead “did much to discredit the group of warriors then in power for failing to mount any true resistance” – as if resistance can only be violent.<sup>97</sup> While mentioning the 1918 battle of Ololulunga, Mungeam states “the Masai seem not to have continued their

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<sup>94</sup> Ross, *Kenya*, pp136, 134.

<sup>95</sup> Ross, *Kenya*, p135.

<sup>96</sup> Ross, *Kenya*, p140.

<sup>97</sup> Tignor, *Transformation*, pp92, 39.

opposition in any active form” after the second move and court case.<sup>98</sup> Kenneth King looks at the Maasai “protest phenomenon” from 1900 but does not examine resistance to the moves in any detail, and says that Stauffacher the missionary (who urged the Maasai to resist both moves) “may have been a little disappointed that *there was no resistance*”.<sup>99</sup> [My italics]. Granted, there is no evidence of any resistance to the first move, and he is referring here to a 1904 letter written by Stauffacher prior to this move, but the statement is rather sweeping and appears to encompass both moves. King, who was examining the assumption that the Maasai were isolated from the growth of modern African politics in Kenya in this period, seems keen to find evidence of “politicization” of those Maasai who opposed the moves, and expresses disappointment when none emerges.<sup>100</sup> But the Maasai leadership at that time was not politicised in the modern sense, and one should not confuse the willingness of some leaders to enter the British legal process with their embrace of modernity or politics.

Berntsen notes that early confrontations (1850-1910) between the British and East African peoples including the Maasai were organised through age-based institutions, that the clashes were of a purely military nature, and that it was the *il-oibonok* (or comparable prophetic leaders) who inspired and mobilised this opposition. They were remembered as “the prime movers of historical action” – a dangerous and erroneous claim, as oral evidence about Ole Gilisho will prove.<sup>101</sup> In many respects he overshadowed and outplayed Olonana, chief prophet (to use Berntsen’s term) in B.E.A. up to 1911, and, following Olonana’s death, his sons. Olonana was a mover of sorts, *vis-à-vis* the British, but too emasculated by this relationship of dependency to be a prime mover among the

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<sup>98</sup> Mungeam, ‘Masai and Kikuyu responses to the establishment of British Administration in the East Africa Protectorate’, *JAH*, 11, No. 1 (1970), p134.

<sup>99</sup> King, ‘Kenya Maasai’, p121.

<sup>100</sup> King, ‘Kenya Maasai’, pp117, 124 in particular.

Maasai towards the end of his life. As Waller says, “the demands which the British made upon Olonana in return for their support began to erode the basis of his own support among the Maasai”.<sup>102</sup> Oral testimony also indicates that Ole Gilisho despised prophets; his relatives and those who knew the man were adamant that he was not directed by them at any time. Berntsen is looking at a slightly earlier period, but it is highly unlikely that Purko prophets of the Inkidongi sub-clan (the most powerful lineage) were “prime movers” in 1910 and not in 1911-13;<sup>103</sup> the evidence suggests that his description does not apply at all after about 1904.

In short, this resistance does not fit neatly into previously established models. It was a form of primary resistance<sup>104</sup> but it was not violent, unlike say Nandi resistance to British intrusion from the 1890s to 1905 of which it has been said “of all the peoples of Kenya, they put up the strongest and longest military resistance to British imperialism”.<sup>105</sup> Neither was it like the violent Giriama response to forced moves and taxation in 1914.<sup>106</sup> It was not a lone outburst like Rutaraka’s spearing of Harry Galt in Uganda in May 1905, which British investigators feared was linked to “a general conspiracy of discontented chiefs” but which turned out to be the action of a despairing individual.<sup>107</sup> It did not seek to overthrow the colonial state, but had very specific and focused aims, principally restitution. Unlike Maji Maji in Tanganyika, or Ndebele and Shona resistance in southern Rhodesia, it

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<sup>101</sup> Berntsen, ‘Maasai age-sets’, p134.

<sup>102</sup> Waller, ‘Maasai and the British’, p542.

<sup>103</sup> This may sound odd, since Olonana died in March 1911. But arguably his powers largely resided in the ‘office’ of chief prophet and should have passed to his sons.

<sup>104</sup> See T.O. Ranger, ‘Connexions between ‘primary resistance’ movements and modern mass nationalism in East and Central Africa’, Part 1, *JAH*, 9, No. 3 (1968).

<sup>105</sup> A. Adu Boahen (ed.), *Unesco General History of Africa VII: Africa under Colonial Domination 1880-1935*, Abridged Edition, James Currey, 1990, p73. See also A.T. Matson, *Nandi Resistance to British Rule 1890-1906*, East African Publishing House, 1972; Diana Ellis, ‘The Nandi protest of 1923 in the context of African resistance to colonial rule in Kenya’, *JAH*, 17 (1976); Richard Meinertzhagen, *Kenya Diary 1902-1906*, Oliver and Boyd, 1957.

<sup>106</sup> See Leys, *Kenya*, Chapter 5.

<sup>107</sup> Willis, ‘Killing Bwana’.

did not involve oppressed peasants, millenarian cults or religion.<sup>108</sup> The uprising led by John Chilembwe in Nyasaland in 1915 may be loosely bracketed with these; mission- and American-educated Chilembwe, who established his own religious sect, appealed to disgruntled estate workers to murder their masters before turning upon Europeans in general.<sup>109</sup>

The Maasai were not poor peasants<sup>110</sup> or downtrodden labourers with a grievance against the boss. Their wealth in cattle allowed them to remain relatively aloof from the colonial economy, and as transhumants they were not, prior to the creation of reserves, tied to one area of land, which made them less amenable to social control. Ole Gilisho was a secular leader, who defied the wishes of the prophet Olonana with regard to government orders, was generally sceptical of prophets and ignored religious edicts unless they suited him. And he led no movement as such, least of all a millenarian or proto-nationalist one.

The words “true resistance” are crucial. Resistance takes many forms, as James Scott and Andrew Turton have elaborated.<sup>111</sup> Some are “everyday” forms, occupying a middle ground between passivity and open rebellion, and these may include poaching, foot-dragging, non-compliance, pilfering, sabotage, and flight. A group of Maasai under Ole Gilisho – and this was by no means a unanimous move by the ‘northern’ Maasai as a whole – appears to have resorted to a range of resistances, from movement away from the

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<sup>108</sup> On Maji Maji, see for example J. Iliffe, ‘The Organisation of the Maji Maji Rebellion’, *JAH*, 8 (1967); Marcia Wright, Chapter 6 in D.M. Anderson and D.H. Johnson (eds.), *Revealing Prophets*, James Currey, 1995. On Rhodesian resistance, see D. Beach, ‘Chimurenga’: The Shona Rising of 1896-97’, *JAH*, 29, No. 3 (1979); J. Cobbing, ‘The absent priesthood: Another look at the Rhodesian risings of 1896-97’, *JAH*, 18, No.1, 1977; T.O. Ranger, *Revolt in Southern Rhodesia 1896-97: A study in African resistance*, Heinemann, 1967, and his later critiques of this.

<sup>109</sup> Leys, Kenya, pp325-334; G.S. Mwase, *Strike a blow and die: The classic story of the Chilembwe rising*, Heinemann, 1967; G. Shepperson and T. Price, *Independent African: John Chilembwe and the origins, setting and significance of the Nyasaland native rising of 1915*, University Press, Edinburgh, 1958.

<sup>110</sup> The many definitions of peasant are discussed in the introduction to Colin Bundy, *The Rise and Fall of the South African Peasantry*, James Currey, David Philip, 1988. He concurs with Saul and Woods (1971) and others in saying that African pastoralists can be included in the category of peasant.

source of annoyance, to passive resistance and non-compliance, right through to a legal challenge. There are hints of these resistances, large and small, individual and collective, throughout the official record and oral testimony.

So what did underpin or drive this resistance? What united the resisters in this age-organised society was not class or religion but the cross-cutting allegiances of age, and a shared moral indignation at a perceived injustice. In this particular situation the senior warriors appear to have amplified their 'traditional' role as defenders of a material realm of Maasailand, which usually manifested itself in the raiding and routing of enemies, to become defenders of a moral and ideological realm, threatened by a foreign ideology. They seized the moral high ground of initiative in the face of the inertia of discredited prophets and most elders.<sup>112</sup> It was a question of honour and civic virtue, a manifestation of the Maasai equivalent of Kikuyu "moral ethnicity" of which Lonsdale writes so eloquently.<sup>113</sup> This is borne out in testimony about Ole Gilisho, which repeatedly emphasises his altruism and moral authority.

Incidentally, there is a persistent myth among Maasai that they fought off the British soon after their arrival in B.E.A. One example (besides Ole Saitoti, cited earlier) appears on a website that describes the activities of a Kenyan Maasai group, the Maasai Environmental Resource Coalition. This states: "Although the Maasai fiercely resisted the British occupation on their land, they were by now [1890s] too few and too weak to overpower the British military. During the ensuing fight that lasted several years, thousands more people were killed which made the Maasai accept signing treaties with the

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<sup>111</sup> James Scott, 'Everyday forms of peasant resistance', *Journal of Peasant Studies*, Vol. 13, No. 2 (January 1986); Andrew Turton, 'Patrolling the middle ground: Methodological perspectives on 'everyday peasant resistance'', *ibid.*

<sup>112</sup> There is an argument for saying Olonana had been morally discredited since boyhood, when he reportedly 'stole' by deception his brother Senteu's prophetic birthright from their father, Mbatian. The story is often told by Maasai; see for example Ole Saitoti, *Maasai*, pp23-4.

British rather than fight."<sup>114</sup> This can be explained away as wishful thinking by a generation that now believes armed resistance might have succeeded where passive resistance and judicial methods failed.

### **Oral history**

It should not be necessary to defend the use of oral testimony and argue for its inclusion in written history. But there are almost no Maasai voices in the existing literature, which weakens an already sparse resource. This deficit also applies to the wider literature; that is, the historiography of the Maasai as a whole, quite apart from accounts of the moves and court case. For example, although Waller collected oral testimonies in the same area as my main fieldwork base (Lemek), and quotes from these in his thesis, they are rarely quoted in his published works and almost never attributed to named individuals.<sup>115</sup> Brief footnotes merely tell the reader that his Maasai Texts are “deposited in Nairobi and Cambridge”. In the absence of quoted sources, the reader is being asked to accept the veracity and authenticity of Waller’s conjecture and précis, without hearing the original voice of the interviewee. The journalistic equivalent (and I speak as a journalist turned historian, who sees parallels in both forms of information gathering) would be a reporter who failed to quote any sources and made every story an opinion piece, which would render objective reportage meaningless. Producing a text from oral testimony is itself a form of reportage, and respect should be shown for the original voice. As rich and

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<sup>113</sup> J. Lonsdale, ‘The Moral Economy of Mau Mau: Poverty and civic virtue in Kikuyu political thought’, in Berman and Lonsdale, *Unhappy Valley* (2), pp315-468.

<sup>114</sup> ‘History of the Maasai People of East Africa’, no author given, viewable at [www.cs.org/specialprojects/maasai/maasai history.htm](http://www.cs.org/specialprojects/maasai/maasai%20history.htm)

<sup>115</sup> R. Waller, ‘The Lords of East Africa: The Maasai in the mid-nineteenth century (c. 1840-1885)’, unpublished Ph.D. thesis, Cambridge, 1978.

interesting as Waller's writings are, and I acknowledge them as key sources, this is a distinct omission.

Other scholars do little better, compared with non-academic writers such as Gerald Hanley who includes many direct quotes from Maasai and, in an appendix, provides the full transcript of his interview with Marianyie Ole Kirtela, an interpreter for the British at Rumuruti and (according to King) an advisor to Ole Gilisho.<sup>116</sup> A welcome exception is Dan Brockington's new work on Mkomazi.<sup>117</sup> Berntsen does at least list and name his informants at the end of the article cited above, and state exactly where the full transcripts are available to other scholars.<sup>118</sup> Tignor also names his informants, but does not use direct quotes.<sup>119</sup> King tends to name his informants, uses some direct quotes, and says he makes a point of using Maasai oral materials "where possible".<sup>120</sup> Jacobs' 1965 thesis quotes his informants in composite form, but does not attribute information to named individuals. The only named Maasai voice is that of Justin Lemenye, Hollis's chief informant. There may well be other exceptions. Overall, however, as a result of this widespread omission of directly quoted testimony, I cannot do what Jan Vansina exhorts scholars of oral tradition to do: examine "the whole corpus, or at least a large corpus of recorded tradition" in order

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<sup>116</sup> Hanley, *Warriors and Strangers*, p284; King, 'Kenya Maasai', p125. Exceptions in the wider literature on Maa-speakers, including anthropology, include Paul Spencer's co-authored chapter with Telelia Chieni in Spear and Waller, *Being Maasai*; other chapters in the same volume by Galaty, Sobania, Klumpp, Kratz and Fratkin, though direct quotes are brief and usually unattributed; King and Salim, *Kenya Historical Biographies*, East African Publishing House, 1971, from which Waller quotes Ole Mootian, one of my interviewees, in Chapter 11 of *Being Maasai*; Spencer has fascinating Maasai case studies but uses the third person to tell these stories, with two exceptions, Spencer, *Matapato*, pp175, 233; Rigby, *Persistent Pastoralists*; a few exceptions in Dorothy L. Hodgson, (ed.) *Rethinking Pastoralism in Africa: Gender, culture and the myth of the patriarchal pastoralist*, James Currey, 2000. Maasai authors such as Lemenye, Mpaayei, Kipury, Ole Kulet, Ole Saibull and Ole Saitoti quote Maasai voices, but this body of literature is not my subject here.

<sup>117</sup> Dan Brockington, *Fortress Conservation: The Preservation of the Mkomazi Game Reserve, Tanzania*, The International African Institute with James Currey, 2002.

<sup>118</sup> Berntsen, 'Maasai age-sets', p145.

<sup>119</sup> Tignor, in both *Transformation* and 'Maasai warriors'.

<sup>120</sup> King, 'Kenya Maasai', p137.

to understand the testimony one has gathered in relation to “all others”.<sup>121</sup> The term ‘recorded tradition’ is a problem in itself; in the literature it tends to refer only to stories about nineteenth century and earlier history. There is an abrupt cut-off at 1900.<sup>122</sup>

The paucity of Maasai voices results in another major omission: little or no sense of Maasai conceptualisation of the colonial experience in general, and of the moves and resistance in particular. This can only be fully revealed in oral testimony, since the elders who are bearers of this knowledge are largely illiterate, as were their forebears who were unable to write down their account of events. Their version of the story has therefore been expunged from the historical record. Homewood and Waller acknowledge this deficit in relation to colonial medical history, pointing out that it “is still too often written, implicitly at least, from the colonisers’ perspective ... we know far less about how this enterprise was viewed and understood by its colonial subjects. Their voices only rarely made themselves heard. Often we are left to infer thought from mute action”.<sup>123</sup> However, apart from the opening paragraph, where they quote unnamed Maasai elders responding to a colonial veterinary officer, the authors themselves proceed to omit Maasai voices from their text, thus perpetuating the practice of omission.

As one of my Maasai friends is fond of quoting in relation to the Maasai colonial experience: “Unless something is written down, it doesn’t exist”. (Original source unknown.) By listening to and citing oral testimony, one can begin to excavate a Maasai conceptualisation of colonialism, and move beyond an appraisal of the material facts (for example, how many people moved, how many stock died, what diseases there were in

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<sup>121</sup> Jan Vansina, *Oral Tradition as History*, James Currey, 1997 edition, p68.

<sup>122</sup> Jacobs does not define Maasai traditional history, but says it probably began in about 1778 with the birth of the prophet Subet (Supeet), ‘Pastoral Masai’, p54. Waller defines traditions as “an abridgement of the past ... structured in such a way as to express enduring social ideas in a historical framework”, ‘The Lords of East Africa’, p402.

those days, who said what to whom in colonial discourses) to a perceptual realm. Material ‘facts’ dominate the historiography of the Maasai, rendering many texts curiously one-dimensional in their pursuit of history as a reconstruction of events. This thesis attempts to overcome this deficit. While covering a sequence of events from several perspectives, it aims to add a metaphysical and perceptual dimension to the literature, and to privilege people’s perceptions in the belief that these form a major part of reality. Edited oral testimonies will be threaded throughout my text and interwoven with written histories, so that the parallel and contested narratives of the colonial experience may be very directly compared. This treatment may result in some unevenness of tone.

By this action of citing African oral testimony, and making it central, one is also turning the tables on the hegemonic state and presenting a subaltern view of colonialism. This offers an antidote to the stereotypical images of Maasai produced by Europeans and others. Of course, Maasai perceptions of Europeans were and are no less stereotypical – ‘the good boss’, ‘the bad missionary’ or ‘the rich lady’. Within the performance that constitutes the delivery of oral history (“history cannot be divorced from the circumstances of its telling”),<sup>124</sup> there was a definite sense in my interviews of very elderly Maasai wishing to have the last laugh before they faced death. They did so in part by calling Europeans fools. For example, Nkotumi Ole Kino took obvious pleasure in telling me how he and other Purko Maasai had pretended to be Dorobo (Ogiek) in order to defy the 1911 Agreement and return to Laikipia, playing upon administrators’ ignorance of the difference between the two groups (which may be minimal, and economic rather than ethnic). He said: “It was a trick they were using to get their land [back]. The Maasai said, we have

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<sup>123</sup> Richard Waller and Kathy Homewood, ‘Elders and experts: contesting veterinary knowledge in a pastoral community’, in Andrew Cunningham and Bridie Andrews (eds.), *Western Medicine as Contested Knowledge*, University of Manchester Press, 1997, p71.

<sup>124</sup> Greg Dening, *Performances*, University of Chicago Press, 1996, p50.

cheated the white people because they never knew whether this person was a Maasai or a Dorobo; they never differentiated between them".<sup>125</sup> The performance implicit in the transmission of oral testimony, and the knowing theatricality of the interview encounter, was evident throughout my interviews with both Maasai and white Kenyans.<sup>126</sup> The great age of informants (many in their 80s and 90s, some over 100) added poignancy to the performance and was possibly an incentive to share information; some elders were literally on their deathbeds, and died soon afterwards. The delivery of a testimony could, therefore, be seen as an unburdening of information in the knowledge and I and my Maasai assistants intended to disseminate it and gain recognition of its value by placing it in the international public domain. By imparting information, interviewees were symbolically asserting their power and authority over the colonial discourse and transcript. As Tonkin puts it, "the act of authoring is a claim to authority".<sup>127</sup> This was evident, for example, in Daudi Ole Teka's account of Ole Gilisho's verbal evidence to the Kenya Land Commission at Narok in October 1932. Having recited his version, Ole Teka told me to read "that book ... don't you know that book?" It was unclear whether he was literate and had actually read the KLC evidence, but he was well aware of the text and anxious to share his account of the original exchange.<sup>128</sup>

James Scott has developed the idea of hidden transcripts, consisting of both speech and gestures/activities, which are used largely by subordinate groups to counterpoint public

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<sup>125</sup> Testimony of Nkotumi Ole Kino, right-hand circumcision group of Il-Tieki age-set, interviewed at his home at Ormanie near Rumuruti, January 2000.

<sup>126</sup> For example, the current Lord Delamere behaves as if he knows very well that he is a social anachronism in the twenty-first century, and plays up to that in interview. As the descendant of settlers who despised a succession of colonial governments and often defied officialdom, he offers a different variety of 'subaltern' view, no less subversive than that of the Maasai, in its own way.

<sup>127</sup> E. Tonkin, *Narrating our Pasts: The social construction of oral history*, Cambridge University Press, 1992, p8.

<sup>128</sup> Late Keekonyokie elder Daudi Ole Teka (Narok 1). Il-Terito age-set, probably late 90s though he claimed to be over 100, interviewed at his home near Narok, summer 1997.

transcripts created and controlled by the dominant class.<sup>129</sup> He writes: “Every subordinate group creates, out of its ordeal, a ‘hidden transcript’ that represents a critique of power spoken behind the back of the dominant. The powerful, for their part, also develop a hidden transcript representing the practices and claims of their rule that cannot be openly avowed.”<sup>130</sup> Ole Teka’s testimony appears to fit into this category. Many of my other informants also gave the impression of delivering a hidden transcript. In some cases, this might be better termed a parallel, shadow transcript in the sense that it paralleled the formal, official transcript of colonialism in B.E.A. For example, stories about an alleged blood brotherhood indicate the existence of an informal, parallel discourse between Maasai leaders and certain white settlers prior to the second Maasai move (see Chapter 5). Other types of colonial discourse referred to by my informants included formal meetings between Maasai and British representatives to discuss the moves (Maasai transcripts may be cross-checked against the allegedly verbatim accounts of these meetings in the archives); the discourse between white employer and African employee, and what each said about the other; discourses at the interface between officials and citizens, including local administrators, police and courts; and discourses between missionaries and their converts or would-be converts. Interpreters played a crucial role in these discourses, and may have manipulated the language and/or the transcription for their own ends or those of their masters. This is a subject for research in its own right.

All the evidence suggests that the Maasai have their own historiography, and many Maasai are themselves historians perfectly capable of distinguishing between different types and strata of historical information. They distinguish between two types of story

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<sup>129</sup> James Scott, *Domination and the Arts of Resistance: Hidden transcripts*, Yale University Press, 1990. He defines public transcripts as “a shorthand way of describing the open interaction between subordinates and those who dominate”, p2.

<sup>130</sup> Scott, *Domination*, pxii.

about the past: *enkatinyi* (historical tradition, from *en-kata*, meaning time, period, season), and *enkiterunoto* (myths or beginnings, from *a-iteru*, to begin). Yet Alan Jacobs (who has himself written about these different forms) has claimed: “The Masai do not possess written records, nor can they be said to have a particular interest in or detailed oral knowledge of their past”.<sup>131</sup> He was referring to ancient history – the story of their origins – but the statement is all-inclusive and dangerously sweeping. Their interest in and knowledge of history is vast, within the constraints posed by an absence of widespread literacy. But a scholarly obsession among both anthropologists and historians with the periodisation and reconstruction of their ancient past (where and when did the Maasai come from? are their ‘myths’ believable? can we construct an age-set chronology?), coupled with a concentration on nineteenth century movements and warfare, has perhaps led to the relegation of story-telling about more recent events and its place in Maasai historiography.

A tendency among some scholars to qualitatively divide myth, tradition and history, and to privilege the veracity of one of these narratives (a division which mirrors Maasai classification), is also unhelpful here.<sup>132</sup> Again I partly follow Tonkin, who argues “to believe in the natural veracity of any narrative form is a false faith”, refutes “the myth of realism” by which many historians live, and urges us to dissolve the dictotomy between myth and “proper history”.<sup>133</sup> Fundamentally, she questions the meaning of objective truth and suggests its impossibility. “Myth is recognised as an unfamiliar code for representing

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<sup>131</sup> Jacobs, ‘Pastoral Maasai’, Chapter 2, p21.

<sup>132</sup> Rigby, an anthropologist, also notes the “relatively atypical anthropological obsession with Maasai history” in Jacobs, Fosbrooke, Beidelman and others. He says a focus on their so-called traditional history cannot be avoided because age-set organisation so dominates the society of Maa-speaking peoples, which supports my suggestion that this “anthro-historical” [my word] obsession follows that of the Maasai themselves. Hence Jacobs’ concern at all times is to “establish a valid chronology” according to successive age-sets; while valuable, this is a strange pursuit for an anthropologist. Rigby, *Persistent Pastoralists*, p67; Jacobs, ‘Pastoral Maasai’, p53.

<sup>133</sup> Tonkin in R. Samuel and P. Thompson, *The myths we live by*, Routledge, 1990, p25.

changes and events. But the familiar, that is the apparently intelligible and rational parts of a discourse, are just as much constructed. In this sense, one might say that all histories are myths.” She concludes: “...there is a *myth* [her italics] that realistic accounts of the past are unlike mythic ones, because realism is an inherently truthful mode of representation. This belief is to me a myth.”<sup>134</sup> However, it should be possible for historians to excavate and reconstruct the past by means of both avenues of enquiry, valuing and weighing-up both irrefutable facts about people and events, which provide a chronological backbone, and the multi-layered beliefs and perceptions which shroud them. It is my intention to attempt this here, in order to complete the circle between “myth” and “fact” – or at the very least to demonstrate how both inform each other, and have value in their contributions to our understanding of the whole.

As for doubts about the veracity of oral testimony as a whole, I share with McGaffey and Bazenguissa-Ganga the conviction that “the histories related to us are as significant as mythical constructs as much as they are sources of verifiable information”.<sup>135</sup> This belief is completely at odds with Spencer’s curious claim: “... the historian is faced with the inscrutable problem of deciding how far oral traditions are genuine history as against a construct of the older ‘generation’”.<sup>136</sup> Such a problem does not exist, if one removes the false distinctions between myth, tradition and history as suggested. Oral history (as well as written, ‘proper history’) is always a construct, in which the informant’s (or the ‘proper historian’s’) selection and ordering of recollected “evidence about something” – Vansina’s definition of testimony – illuminates both past and present.<sup>137</sup>

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<sup>134</sup> Tonkin, in Samuel and Thompson, *The myths*, pp29, 28.

<sup>135</sup> Janet McGaffey and Rémy Bazenguissa-Ganga, *Congo-Paris: Transnational traders on the margins of the law*, The International African Institute/James Currey/ Indiana University Press, 2000, p22.

<sup>136</sup> Paul Spencer, *The Pastoral Continuum: The marginalisation of tradition in East Africa*, Clarendon Press, 1997, p232.

<sup>137</sup> Jan Vansina, *Oral Tradition as History*, James Currey, 1997, p28.

How should an historian sift and analyse such evidence? McGaffey and Bazenguissa-Ganga use a form of anthropological methodology, adapted for the multi-sited collection of information about clandestine activities outside the law, and collection of life histories is their main research tool. They say of these histories: “We do not, however, primarily consider these histories to be exact accounts of the past; some of them constitute a particular construction the individual has put upon it. The life history as a discourse, while being a testimony on social facts, is above all a social fact itself, a particular kind of discourse. Its analysis must be founded on the selection of events the individual chooses to mention.”<sup>138</sup> There was an element of this in my own fieldwork. Although I used a formal questionnaire, and had therefore selected particular people and events upon which to focus, many of my informants also chose to speak about other related events and described mini life histories. I sometimes had to push my Maasai assistants to allow informants to speak freely, and later to translate with care information that did not conform to the questionnaire, since they saw this kind of testimony as “rambling” – a departure from our plans and set text. In fact, “rambling” testimony often produced gems.

Other problems encountered in the process of gathering, analysing and presenting Maasai oral histories include the lack of chronology in such testimony; informants rarely think in terms of calendar years, but fit their narrative around age-sets and the warriors who were in ascendancy at any given time. It is therefore difficult to know when exactly certain events or reported speech took place. Secondly, one must beware of what Waller calls the “‘slippage’ ... of collective memory, which enables communities to transcend contradictions and discrepancies in the past by either denying that they occurred or by offering plausible explanations which support rather than challenge the orderly functioning

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<sup>138</sup> McGaffey and Bazenguissa-Ganga, *Congo-Paris*, p22.

of the system".<sup>139</sup> (One could add that memory slippage is a feature of any society, and not unknown in scholarly works.) This maybe links to a natural human tendency to project present hindsight backwards onto history, so that presentday social tensions give rise to a rosy view of past perfection. Thirdly, it is ideally necessary to see the complete form and structure of an oral narrative, and the sequence in which informants choose to place events, in order to understand it. Space constrains me from giving the full transcripts here; edited excerpts must suffice.

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<sup>139</sup> R. Waller, 'Age and Ethnography', review article in *Azania*, Vol. 34 (1999), p140.

## Chapter 2: The moves and what led up to them

*Meisho ilimot, inkulie ebaya*

When events occur, only part of the truth is sent abroad; the rest is kept back.

Maasai proverb<sup>1</sup>

When the British arrived, they found the Maasai occupying land that was ideal for white settlement – high, green and sweet, its climate a cool relief from the humidity of the coast and a great deal healthier. Long before settlement was considered, the highlands were being strongly recommended to Europeans by travellers such as Thomson, Lugard and Johnston. “A more charming region is probably not to be found in all Africa,” wrote Thomson in 1883. As he described it, the “northerly or higher plateau” of Maasailand, including Laikipia, had the look of a little Britain in Africa. Thomson’s pen dripped superlatives, as he drew parallels between this landscape and that of home (in his case, Scotland). It was a “park-like country” complete with “flowering shrubs”, “noble forests”, “babbling brooks and streams” and “pine-like woods [where] you can gather sprigs of heath, sweet-scented clover, anemone, and other familiar forms”.<sup>2</sup> The familiarity of its flora contrasted with the strangeness of its people. They simply had to go.

Thomson wrote as if the local residents had already fled: “The greater part of Lykipia – and that the richer portion – is quite uninhabited, owing in a great degree to the decimation of the Masai of that part through their intestine [sic] wars”.<sup>3</sup> Many Maa-speaking peoples had indeed perished in the Iloikop civil wars that ended in the 1870s. The Laikipiak section, which is identified primarily with the Laikipia and Leroghi plateaux, was virtually destroyed by a combined force of Purko-Kisongo Maasai, and the survivors assimilated by the Purko,

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<sup>1</sup> Cited in Rigby, *Persistent Pastoralists*, p67. He does not say which section this comes from, but his main focus is the Iparakuyo Maasai of Tanzania. His translation differs slightly: “...only part of the truth is made known” – lit. “All the news is not told, others merely arrive there”.

<sup>2</sup> Thomson, *Through Masai land*, Second Edition, 1887, p407.

<sup>3</sup> Thomson, *Through Masai land*, p408.

Kisongo and others.<sup>4</sup> The victors would have moved into the vacuum. Yet while reporting low population density, Thomson noted: “Great herds of cattle or flocks of sheep or goats are seen wandering knee-deep in the splendid pasture”. There are no flocks without herders. Unwittingly or otherwise, Thomson was not the first or last person to overlook transhumant pastoralists’ seasonal occupation and use of land. Lugard did the same when writing glowingly of the Mau and its potential: “This area is uninhabited and of great extent: it consequently offers unlimited room for the location of agricultural settlements or stock-rearing farms”.<sup>5</sup> Eliot’s remarks about a *tabula rasa* have been mentioned already. In this way another myth was propagated, which would prove fatal to the Maasai presence. Sandford acknowledged this when he wrote: “The absence of fixed habitations and the periodical migrations of the Masai led to the belief that a considerable portion of Masai country was masterless,” particularly the Rift, and consequently Europeans started applying for “those areas which were not continuously occupied”.<sup>6</sup> While also mentioning that large areas of the highlands were empty, Harry Johnston suggested that “the celebrated Masai” should not be seen as a deterrent to Europeans fearful of their violent reputation: “They want a little managing, that is all...”<sup>7</sup>

At first, despite what the early visitors thought, there was no question of ousting the Maasai to make way for white settlers. Initial concern focused on their nomadism, which rendered them and other wandering ‘tribes’ beyond government control. Administrator John Ainsworth suggested a remedy in 1899:

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<sup>4</sup> The section as a whole may be extinct, but individuals remain. See Neil Sobania, ‘Defeat and dispersal: the Laikipiak and their neighbours at the end of the nineteenth century’, Spear and Waller, *Being Maasai*.

<sup>5</sup> Sir F. Lugard, *The Rise of our East African Empire*, William Blackwood & Sons, 1893, p419.

<sup>6</sup> Sandford, *Administrative history*, p20.

<sup>7</sup> H.H. Johnston, *The Kilima-Njaro Expedition: A record of scientific exploration in Eastern Equatorial Africa*, Kegan Paul, Trench & Co., 1886, pp537, 552. See also Johnston, *The Uganda Protectorate*, Hutchinson & Co., 1902, Chapter 1, for glowing descriptions of empty country in the eastern province (mostly Nandi and the Uas

After a time when our Military forces are more organized and our Administration is more extended we shall be more able to edge in these nomad tribes and by degrees make it impossible for them to wander about without our permission, we could then clearly define the Masai-lands and see that the limits were kept. A policy of gradually bringing these people under our complete control is better than one of using absolute force at once...<sup>8</sup>

The century would turn before white settlement of upcountry B.E.A. was seriously considered. The primary value of the territory was its strategic position in the region, and its role as a conduit between the coast and Uganda, source of the Nile. This was cemented by the Uganda Railway, completed in 1901 at a cost of £5.5 million. With its coming, the hub of government and commerce was to move from Mombasa to Nairobi, portal to the Rift Valley and highlands. Leasing land to whites on either side of the railway was intended to recoup part of the cost to the British taxpayer. Ainsworth also encouraged Asians to set up shop at stations along the line, which had been built largely with imported Indian labour. Indian traders and would-be white settlers began pouring through the door, excited by the potential of the highlands. But Commissioner Sir Charles Eliot advised that Indian settlement should be confined to the lowlands, and he described the highlands as “pre-eminently a white man’s country” in his first annual report.<sup>9</sup> Eliot’s policy of excluding Indians from the highlands was adopted by all his successors.

The Crown acquired, through legislation including the Indian Land Acquisition Act 1894 and an Order in Council 1898, all land in B.E.A. apart from some coastal areas. Land taken for public purposes was said to be held in trust for the Queen. But the Crown did not yet have the power to alienate land; this was legalised by an Order in Council 1901. This defined Crown land as “all public lands ... which for the time being are subject to the control of His

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Nkishu Plateau) that reminded him of Scotland, Wales, Surrey and Sussex. In the *Nineteenth Century* magazine, in October 1908 and August 1909, he advocated moving the Maasai to make way for white settlement.

<sup>8</sup> Ainsworth to Craufurd, 13/6/1899, folio 212 of No. 68 in Machakos Annual Reports, DC/MKS (cover had fallen off, hence this file was not clearly labelled), KNA.

Majesty by virtue of any Treaty, Convention, or Agreement, or of His Majesty's Protectorate", and all lands acquired by the Crown through the earlier acts. The meaning of "public lands" was not explained.<sup>10</sup>

Under the Crown Lands Ordinance 1902, nearly 6,000 square miles of land was alienated up to 1915.<sup>11</sup> In this period, settlers were granted 99-year leases in lots of 640 acres for agricultural land and 5,000 acres for stockfarming, at rents varying from a halfpenny to tuppence an acre. Parcels of land up to 1,000 acres could be bought outright for four shillings an acre. However, most of the early freeholds before 1912 were granted without payment except for negligible survey fees. By 1905, Colonial Office land policy aimed to prevent land accumulation, stop dummying and revise rents when issuing new leases.<sup>12</sup> But in practice, this was not carried out. Large concessions had been given to individuals; in December, Lord Elgin (Secretary of State for the Colonies 1905-8) decreed that all grants or transfers of land which would allow one person to acquire more than 10,000 acres had to be approved by him.<sup>13</sup> Dummying – the practice of applying for land in the names of relatives, to circumvent the rules on maximum holdings – was rampant. One result of dummying was a rise in absenteeism, and consequent under-development of the land; this was against the rules. Half the European homesteads in "Kikuyu country" were unoccupied by the end of 1905, while Ainsworth complained a year later "that the greater part of the Rift Valley was 'held up by absentees and ignorant squatters' and that the pastures had deteriorated since the removal of

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<sup>9</sup> Eliot, 'Report on the East Africa Protectorate', Cd. 769, 1901, p8. The reference to Indian settlement is in Eliot to Lansdowne, 5/1/02, FO 2/569.

<sup>10</sup> Sorrenson, *Origins*, p53. Also Leys, *Kenya*, from p77.

<sup>11</sup> Leys, *Kenya*, p78. *Kenya: White Man's Country? Report to the Fabian Colonial Bureau*, Fabian Publications, 1944, (no author given), said between 200,000 and 600,000 acres were alienated annually between 1904 and 1915, and of this only about one-tenth was being cultivated by the mid-1930s, p7.

<sup>12</sup> The Colonial Office took over the administration of B.E.A. from the Foreign Office in April 1905.

<sup>13</sup> Elgin to Jackson 28/11/05, CO 533/4; Sorrenson, *Origins*, p108.

the Masai’.” The Land Office tried to take action against absentees in the High Court, but many escaped conviction through loopholes in the law.<sup>14</sup>

The Crown Lands Ordinance 1915 extended leases to 999 years, after clamour from settlers who demanded either freehold or long leases. Rents were set at tuppence halfpenny up to 1945, with subsequent variations fixed at a percentage of the unimproved value. Development conditions were virtually abandoned, though they had not been enforced at the best of times. For the first time, this law defined Crown lands as including all land occupied by or reserved for the “native tribes”. Africans had effectively become tenants at will of the Crown. Much earlier, as it also attempted to do in British West Africa, the Crown had asserted its right to claim “waste and unoccupied lands” as Crown lands, by virtue of its right to the Protectorate.<sup>15</sup> The term “unoccupied” was to cause untold grief for Africans who only seasonally utilised certain areas and were not believed to occupy them. The first Commissioner of B.E.A., Sir Arthur Hardinge (1895-1900) had declared that Africans only owned land so long as they occupied or cultivated it. The moment they moved off the land it became “waste”.<sup>16</sup>

In reality, Leys later claimed, the Crown did not recognise *any* African rights of occupancy or ownership against those of the Crown, only against other Africans. He commented that the only occasion on which the government had granted any right in land to any African was when it made the 1904 Maasai Agreement, but “the apparent right in law then created proved illusory”. The Crown was in fact “the absolute owner of all the land” apart from those areas it had alienated. As for reserves, he felt the term was “totally misleading”;

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<sup>14</sup> Sorrenson, *Origins*, pp103-8. No source given for Ainsworth quote.

<sup>15</sup> Sorrenson, *Origins*, from p47. The quote is from FO to Gray, 2/3/1899, fn Sorrenson p50. This suggestion became law under the Order in Council 1901. In the Gold Coast, the British exerted control over “vacant” lands through land bills in 1894 and 1897, but were forced to drop these in the face of strong African opposition, *Unesco General History*, Vol. VII, p174.

<sup>16</sup> Sorrenson, *Origins*, p47.

there was no other word for unalienated Crown land in native occupation.<sup>17</sup> Several areas (including North and South Masai) were provisionally gazetted as ‘native reserves’ or Closed Districts under the Outlying Districts Ordinance 1902, but there was no legal provision for reserves as such until the Crown Lands Ordinance 1915. In 1926 the government finally gazetted 24 such reserves covering 46,837 square miles of which 14,600 were in the Southern Maasai Reserve.<sup>18</sup> For their part, whites also wanted areas reserved for their exclusive use, an idea first mooted by Harry Johnston. In 1902 the Planters and Farmers Association was formed to press settler demands that the highlands should be a white reserve, and Indians specifically excluded. They succeeded, though Indians formed their own association to demand their fair share of land. They never got it.

There were various pre-war flirtations with proposals for Jewish, Punjabi, socialist ‘Freelanders’ and Finnish settlement in the highlands, all of which came to nothing. Settlers furiously opposed plans for Indian and Zionist settlement in particular, and leading churchmen added their voices to the clamour. The Zionists were offered the Uas Nkishu plateau but found it unsuitable, much to Colonial Office relief.<sup>19</sup> The earliest white settlers were predominantly South Africans, both Boer and British, fleeing depression at home after the South African War. But the total numbers of European settlers in early B.E.A. were negligible – by 1911, there were only 428 “settlers, planters, farmers and gardeners” out of 3,175 Europeans.<sup>20</sup> Total numbers of Europeans had risen to 5,438 by March 1914, though only a fraction of these

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<sup>17</sup> Leys, *Kenya*, pp79-80.

<sup>18</sup> B. Berman, *Control & Crisis in Colonial Kenya: The Dialectic of Domination*, James Currey, 1990, pp150-151.

<sup>19</sup> See Sorrenson, *Origins*, Chapter 2.

<sup>20</sup> 1911 census. The remainder included 406 government officials and 253 missionaries.

were settlers and their European employees.<sup>21</sup> Alienated land was owned by a handful of people: by 1912, 20 per cent of all such land was held by just five individuals or syndicates.<sup>22</sup>

The coming of the railway sealed the fate of the Maasai. They believe that their prophet Mbatian (Mpatiany in Maa), father of Olonana, had foretold the coming of the white man and the railway many years before. The arrival of Europeans was represented in a vision by a white bird or flock of white birds, while the railway was seen as a great snake stretching from sea to lake.<sup>23</sup> His visions were indeed ominous. Eliot warned the Foreign Office in early 1904 that “if the Maasai were allowed to retain the best land along the railway the Europeans would very soon organize a sort of ‘Jameson raid’ to seize it”.<sup>24</sup> It was also feared that the Maasai posed a threat to the railway itself, since it ran right through their favourite grazing grounds. Nandi raids had made its forerunner, the Uganda Road, unsafe since the mid-1890s, and attacked telegraph and railway survey parties.<sup>25</sup> But fears about the Maasai following suit were unsubstantiated. They did not reportedly attack travellers or gangers on either Schlater’s (Uganda) Road or the railway.<sup>26</sup> In his railway-building days in the Rift, McGregor Ross did not report any serious attacks in his early letters home, when he lived alongside the Maasai and bought milk and firewood from them. The most they did to him was snatch a white tablecloth from his tent one night, though his “coolies” regularly lost their food rations to hungry prowlers and his “boy”, Levi, had his clothes stolen.<sup>27</sup>

<sup>21</sup> For a later breakdown, Leys cites 1,893 people making a living from the land in 1921 out of a total European population of 9,651, but this does not include absentee landlords living outside the country, *Kenya*, p140.

<sup>22</sup> Berman and Lonsdale, *Unhappy Valley* (1), p89.

<sup>23</sup> See for example prophecies described in C.H. Stigand, *The Land of Zinj*, Constable, 1913.

<sup>24</sup> Eliot to Lansdowne, 5/4/04, Desp. 217, FO 2/835.

<sup>25</sup> Sorrenson, *Origins*, p21. Eliot thought the attacks were more about petty theft than real villainy; the Nandi were tempted by wire and bolts, used for adornment and weapons. Eliot, *Protectorate*, pp146-7.

<sup>26</sup> The Nandi were the only ‘tribe’ that directly attacked the railway, according to Sorrenson, *Origins*, p22; Matson, *Nandi resistance*, p369; H.R. Tate, ‘Three East Africans,’ *East African Annual 1948-9*. Mungeam confirmed Maasai neither attacked nor raided near the railway, ‘Masai and Kikuyu responses to the establishment of British administration in the East Africa Protectorate’, *JAH*, 11, No. 1 (1970), p131.

<sup>27</sup> McGregor Ross’s Letters Home, Nos. 65 (26/6/01), 66 (30/6/01), 68 (5/7/010), McGregor Ross Papers, Mss. Afr. s.1876/1, RHO.

Settlers had other fears, articulated by Lord Delamere. He was the first settler to apply for a major land grant in the Rift, which was refused on the grounds of Maasai rights. Instead he got a 99-year 100,000-acre lease at Njoro, west of Nakuru, the first of several concessions. Delamere said he foresaw a danger of clashes between warriors and settlers on their former land. He suggested that the Rift Maasai should be moved to a reserve and guaranteed no further disturbance there, and that it would be a good idea to make this a game reserve, too, since they did not eat game and would not endanger it.<sup>28</sup> That is exactly what happened on Laikipia, except that the guarantee was torn up. It is very doubtful that Delamere was actually fearful of the Maasai – his motive was the European monopoly of the Rift.<sup>29</sup>

### **The options: to mix or isolate**

Charles Eliot did not advocate native reserves, though he saw that the creation of a Maasai reserve might prove inevitable.<sup>30</sup> He initially believed in a policy of intermingling Maasai and Europeans, on the grounds that assimilation would be better than isolation in reserves. Isolation would prevent the improvement of the race, and encourage the warriors to continue raiding.<sup>31</sup> “But I quite recognise that the stupidity of the Masai or the brutality of Europeans may render it [intermingling] impossible and therefore we must have a reserve ready if needed,” he wrote in 1903.<sup>32</sup> Sandford explained his thinking: “He was strongly opposed to the creation of a native reserve for them if such a step could possibly be avoided as

<sup>28</sup> M.F. Hill, *Permanent Way: The story of the Kenya and Uganda Railway*, East African Railways and Harbours, Nairobi, 1950, p273. Delamere pressed this idea on the FO as early as 1900 according to John MacKenzie, *The Empire of Nature: Hunting, conservation and British imperialism*, Manchester University Press, 1988, p247.

<sup>29</sup> Delamere was planning his own settlement scheme, according to the *Times* of 26/3/04. See FO 2/846.

<sup>30</sup> “I am often urged to create a reserve for the Masai, and I recognise that this may prove inevitable, but I am strongly opposed to it if it can be avoided”, Eliot to Lansdowne, 10/10/03, Enc. D, No. 467, FO 2/846, printed as Cd. 2099.

<sup>31</sup> See Eliot, *Protectorate*, 1905, pp105-6, 170, 310 for his views on reserves. Meinertzhagen contradicts this, describing an argument with Eliot over dinner: “He intends to confine the natives to reserves and use them as cheap labour on farms. I suggested that the country belonged to Africans”, R. Meinertzhagen, *Kenya Diary 1902-1906*, Oliver and Boyd, 1957, pp31-2.

<sup>32</sup> Eliot, ‘Memorandum on Native Rights in the Naivasha Province’, 7/9/03, Africa No. 8 (1904), Cd. 2099, p12.

such isolation could only tend to confirm the Masai in their peculiar ideas and customs and he thought that the only sound policy was to break up their present organisation".<sup>33</sup> Ainsworth argued the opposite, telling Eliot that the intermingling of black and white was feasible only if the Africans in question were cultivators, rooted in one piece of land. Nomadic pastoralists, he said, had insatiable grazing needs which were incompatible with the needs of European farmers, and they were monopolizing the best pasture.<sup>34</sup>

At this time, the Foreign Office favoured the idea of a Maasai reserve in the Rift itself, or at least a division of the Rift between settlers and Maasai. Frederick Jackson and Stephen Bagge had suggested this when home on leave, while Hobley drew an elaborate map showing how the division would work.<sup>35</sup> Jackson told Lansdowne: "The Masai will never give us serious trouble so long as we treat them fairly and do not deprive them of their best and favourite grazing grounds, i.e., those in the vicinity of Lake Naivasha."<sup>36</sup> Jackson was concerned that new land applications would, if granted, devour 75 per cent of Maasai pastures in the Rift and on the Kinangop plateau, and urged the Foreign Office not to make any more grants (besides that to the East Africa Syndicate) south of a line between the north ends of Lakes Nakuru and Elmenteita. He told Lansdowne that Eliot had recently assured Maasai elders at Naivasha that no further grants would be considered between Naivasha and Nakuru.<sup>37</sup> Eliot later refuted this account of his meeting with the elders, and argued that Jackson and Bagge had never been able to prove what grazing grounds were necessary to the Maasai.

What was happening elsewhere, contemporaneously and a little later? The inspiration for racial segregation clearly came from South Africa, though Lord Lansdowne had told Eliot

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<sup>33</sup> Sandford, *Administrative history*, p21.

<sup>34</sup> These sentiments, and warnings of "race trouble" if the Maasai were allowed to stay in the Rift, were reiterated in Ainsworth's Memorandum for the Land Committee of 1904, DC/MKS/26/3/1, KNA.

<sup>35</sup> The map, dated February 1904, is in Enc.1, Desp. 495, 22/7/04, FO 2/838.

<sup>36</sup> Jackson to Lansdowne, 22/2/04, quoted in Desp. 137, Lansdowne to Eliot, 8/3/04, FO 2/836; also Enc. G in Conf. of 16/3/04, FO 2/846; published as No. 10 in Cd. 2099, *ibid*.

he had carefully considered reserves in B.E.A. on the South African model and rejected the idea.<sup>38</sup> There were moves towards segregation in the Boer republics and British colonies in the nineteenth century, and as the century turned new urban laws, arising from plague control, enforced residential segregation. Under the Natives Land Act of 1913, 88 per cent of the land was reserved for whites, although they made up only 20 per cent of the population. The remaining 12 per cent became native reserves; one immediate result was the mass displacement of thousands of African farmers and pastoralists. Southern Rhodesia also had a policy of placing Africans in reserves, though for example many Matabele refused to settle on their assigned lands. After the Matabele Rebellion, some were allowed to remain on European-owned land. Small reserves were created, sandwiched between white farms; later, districts were regrouped so that white areas were more clearly separated from African ones. In Northern Rhodesia by the early 1900s, white settlement was on a very limited scale. A 1904 Reserves Commission proposed setting aside 490 square miles as 'native' reserve, and banning Africans other than tenants from staying on European land. This did not happen at first, because the majority of Africans elected to stay on European farms and none were thrown off by force. Increasing competition between white and black farmers led to negotiations from 1913 between local chiefs and the British South Africa Company. The chiefs apparently approved in principle to racial segregation, so long as they received land of equal quality. There were plans to create several scattered reserves rather than one large bloc. Then World War One broke out and these were put on hold, though Africans were encouraged to move into the designated areas. There were parallels here with Britain since the Company was divided over reserves. Its London manager Henry Wilson Fox argued that segregation was wrong in principle, and that reserves prevented development and African advancement. Yet

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<sup>37</sup> Jackson to Lansdowne, 22/2/04, No. 10 in Cd. 2099.

laws were passed to enforce urban residential segregation, the first being the Natives in Townships Regulations 1909, and reserves were created that soon proved too small for African needs.<sup>39</sup> Meanwhile, in the neighbouring Uganda Protectorate, the issue of racial segregation did not arise because it was not a settler ‘colony’. In German East Africa, the government tried from 1906 to segregate the Maasai in a reserve on the arid steppe south of the Arusha-Moshi road, reserving for whites the superior northern half of Maasailand. This plan failed because the numbers of white settlers were not large enough, and the Germans did not have the powers to enforce it.

To return to East Africa, Hobley – who began the year 1904 as Assistant Deputy Commissioner and became Acting Commissioner on Eliot’s departure – initially advocated leaving the Maasai temporarily in the Rift, concentrated in certain areas, and compensated for pastures they would give up to settlers.<sup>40</sup> But by July he had, with Ainsworth, come up with plans for two permanent reserves and a connecting road. Crucially, the words permanent reserves are underlined in black ink in the original despatch. The accompanying map is marked: ‘The red areas are proposed permanent reserves’, with the last two words capitalized – but someone at the Foreign Office ringed this sentence in pencil and wrote “omit”.<sup>41</sup> By July there was another subtle change: Hobley now suggested that the proposed £3,000 compensation for relinquished grazing should go towards the cost of removing the Maasai from the Rift and settling them on Laikipia. In effect, they were to pay their own removal

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<sup>38</sup> Lansdowne to Eliot, 27/11/03, Enc. E, No. 578, FO 2/846. Published as No. 8 in Cd. 2099, p5.

<sup>39</sup> L.H. Gann, *A History of Northern Rhodesia: Early days to 1953*, Chatto and Windus, 1964.

<sup>40</sup> Enc.1 in Desp. 495, 22/7/04, FO 2/838.

<sup>41</sup> Hobley remarked re-the map that “the red areas are the permanent reserves proposed by Mr Ainsworth and myself”, Enc. 3, Desp. 495, Hobley to Lansdowne, 22/7/04, FO 2/838.

costs.<sup>42</sup> In the event, the move was paid for out of savings and excess revenue. There is no evidence that any compensation was actually paid.<sup>43</sup>

Why did Hobley change his mind? He gave little indication in his writings, beyond saying that he had “come round to the view that the final solution lies in the settlement of the whole of the Masai tribe on the Laikipia highlands”.<sup>44</sup> That view was shared by Ainsworth and Major Harrison of the Kings’ African Rifles, and Hobley had faith that Ainsworth’s influence with Olonana would guarantee success. He also claimed that the Naivasha Maasai had “expressed their acquiescence with the scheme and this without any promise of a bribe”, which removed one major obstacle – Maasai resistance.<sup>45</sup> To speculate further, first, he only ever called the first plan temporary, or “tentative”, and would have been under pressure from all sides to find a permanent solution. Second, rinderpest had broken out in Maasai herds south of Naivasha in March, and about a month later near Nakuru, so the veterinary advice may well have been to get them out of the Rift and away from imported stock, though this was not stated in despatches. The outbreaks were dealt with by throwing a cordon round the infected “kraals”.<sup>46</sup> Third, there were growing fears of settler belligerence towards Africans, not only from the gentlemanly variety, but also from growing numbers of “white roughs” from South Africa who were believed likely to be racially prejudiced. Eliot wanted a small white police force established to keep them in check.<sup>47</sup> Fourth, there were lingering fears that the Maasai

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<sup>42</sup> Enc. 1, Desp. 495, 22/7/04, FO 2/838.

<sup>43</sup> ‘Masai Settlement Scheme’ in Stewart to Lansdowne, Desp. 744, 21/10/04, FO 2/840. Other compensation was also planned: 1,800 Rs for Maasai cultivation abandoned near Nairobi, 3,000 Rs worth of food for destitute people, and presents worth 7,500 Rs for “chiefs and others”.

<sup>44</sup> Enc. 1 in Desp. 495, 22/7/04, FO 2/838. For his published work, see C.W. Hobley, *Kenya: From Chartered Company to Crown Colony*, Frank Cass, 1929, Second Edition 1970. There is a useful account of how Hobley’s views on the Maasai differed from Eliot’s in Mungeam’s introduction to the latter, pxii.

<sup>45</sup> Enc. 1 in Desp. 495, 22/7/04, FO 2/838.

<sup>46</sup> Andrew Linton, Director of Agriculture, did not consider the outbreaks serious, but the death rate was about 20 per cent, and he warned that settlers would be ruined if disease spread. Tels. 62, 75, Eliot to Lansdowne, 16/3/04 and 24/3/04, FO 2/842; also in FO 2/835.

<sup>47</sup> Tels. 68 and 78, Eliot to Lansdowne, 21/3/04 and 29/3/04, FO 2/842. A low class of settler was believed to pose to a threat to Africans.

might attack whites if they remained alongside them; a military intelligence report in September 1903 began by saying the Maasai were unlikely to turn violent, but went on to outline plans for military retaliation should it prove necessary.<sup>48</sup> Mungeam points out that Hobley also feared Maasai “arrogance” would result in violence: “His very reason for defending the move was that, had the Maasai been allowed to remain in their traditional grazing areas of the Rift, their arrogance would eventually have led to outrages and subsequent punitive expeditions”.<sup>49</sup>

Fifth, Hobley had seen how lovely Laikipia was in his June reconnaissance, and recommended its suitability as a reserve.<sup>50</sup> Sixth, he believed the government was “deeply committed” to several potential settlers in the Rift and could not back out now.<sup>51</sup> The Foreign Office was anxious to avoid expensive and embarrassing litigation, which Chamberlain was threatening to bring if he did not get the land he said had been promised (see below). Lastly, the Foreign Office was fast losing patience with Eliot that spring. When his face no longer fitted and resignation was on the cards, maybe it also rejected his antipathy to reserves and warmed to Hobley and Ainsworth’s designs for an alternative plan. Cashmore also suggests that the extended absence of Jackson and Bagge at a crucial time meant that they could not influence the policy swing. Bagge had gone on leave in November 1903 and did not return until June 1904, when he was moved to Kisumu. Jackson had gone on leave to Britain shortly after Bagge and ill health prevented his return to BE.A. before February 1905.<sup>52</sup>

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<sup>48</sup> An untitled memo to Eliot by Major Harrison of the 3<sup>rd</sup> K.A.R. and Ainsworth began: “The Masai will never, if left to themselves, attack His Majesty’s Government, nor will they molest settlers or their property (individual petty thieves all alluded to)”. But it went on to say, hypothetically, how the government should respond to Maasai violence, Enc. 4 in Eliot to Lansdowne, Desp. 351, 20/5/04, FO 2/836.

<sup>49</sup> Introduction to Hobley, *Kenya*, 1970 edition, pxi; refers to remarks by Hobley, *Kenya*, Chapter 8.

<sup>50</sup> ‘Journey from Naivasha to Baringo and the Laikipia Highlands’, with map, 24/6/04, Enc. 1, Desp. 493, 22/7/04, FO 2/838.

<sup>51</sup> Tel. 124, Hobley to Lansdowne, 1/7/04, FO 2/842. The main grant referred to was Russell Bowker’s (misspelled Boker).

<sup>52</sup> Cashmore, ‘Obedient’, p332.

Intermingling was not to be. By February 1904, the Foreign Office discovered that Eliot had exceeded his powers in promising leasehold grants in the Rift of 32,000 acres each, with a right to buy 10,000 of these acres at eight pence an acre after five years, to two British South Africans, Robert Chamberlain and A.S. Flemmer.<sup>53</sup> The two had reportedly lost no time in offering land in B.E.A. on the Johannesburg market. After the East Africa Syndicate and Lord Delamere, they were respectively the third and fourth applicants for major land grants in the Rift. There was an official limit of 1,000 acres on freehold grants, and Eliot should have sought Lansdowne's approval. Tipped off by Jackson and Bagge in London, the Foreign Office feared that Maasai rights had been ignored, overturned Eliot's decision and demanded an explanation. Eliot was stung by the news that his underlings had been consulted behind his back. He was particularly hurt by the apparent disloyalty of Jackson, his deputy. He believed he was contractually bound to Chamberlain and Flemmer and refused to back down. He also felt that a precedent had been set by the home government, which had granted 500 square miles in the Gilgil-Naivasha area to the East Africa Syndicate for agricultural development. The Syndicate was a group of South African and City of London financiers, formed initially to prospect for minerals.<sup>54</sup> Eliot considered his own actions were consistent with this earlier

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<sup>53</sup> Chamberlain, a former journalist in Britain and South Africa, was definitely British. He implied that Flemmer was, too, in an undated letter to the press in support of Eliot, writing "as over-sea Britishers". Letter headed 'The Colonisation of Africa: Sir Charles Eliot's case', no addressee given, Robert Chamberlain Papers, RHO, fl 18. The FO knew about the applications the year before, but did not know they were going through until Jackson and Bagge tipped them off; see Cd. 2099. Biographical information about Chamberlain is given in the handlist to his papers, RHO. He was editor of the *Johannesburg Star*, but resigned because his opposition to imported Chinese labour for the Rand gold mines was so unpopular. It was at this point that he and Flemmer decided to apply for land in B.E.A.

<sup>54</sup> The EAS was registered on 12/2/02 "to acquired prospecting rights and Government concessions in British East Africa and Uganda"; its directors were the Earl of Verulam, Earl of Denbigh, Edmund Davis, E.W. Janson, E.E. Lort-Phillips, Ernest Gedge, Major C.H. Villiers, *The Mining Manual*, 1906. J.K. Hill, nephew of Sir Clement Hill, head of the FO's African Protectorates Department, became its property manager in B.E.A. The grant of 320,000 acres (500 square miles) at Gilgil was leasehold for 25 years, with a right to buy, on certain conditions. See Sorrenson, *Origins*, pp71-4; the lease is in Desp. 471, Holey to Lansdowne, FO 2/838, and Cd. 2099.

grant, made in December 1903, and offered to resign on a point of principle. His resignation was eventually accepted, and he left by late June.<sup>55</sup>

When he learned that the deal was off, Robert Chamberlain exploded. He believed it had been sewn up in August the previous year, when he and Flemmer met Eliot in his railway carriage at Nakuru Station and were assured that the grants would go through. The question of native rights had already been raised in his negotiations with Eliot's office; land officer Barton Wright had warned Chamberlain that the Maasai had watering rights in the area applied for, and these would be respected. Chamberlain agreed, but asked for a quarter of the watering places to be reserved for his exclusive use, because of the risk of Maasai stock infecting his imported breeds.<sup>56</sup> However, despite Eliot's later published claims, his concern for native rights in the Rift was academic. In a telling postscript to Chamberlain in December 1903, Eliot wrote: "I do not think you need to be alarmed by the clauses giving natives access to water. It was thought safer to reserve these rights, but it is quite likely that it will not be necessary to exercise them in practice".<sup>57</sup>

In defending himself to the Foreign Office against Jackson and Bagge, Eliot launched a personal attack on Jackson in particular – calling into question his lack of native languages (how could he know what the Maasai said, when they would raid, or how much land they really required?), his favouritism ("Mr Jackson seems to think all Masai angels and all Somalis, Indians and Europeans devils") and his whole approach to governing. "The root of the matter is ... that Mr Jackson is one of the strongest supporters of what I may call the gamekeeper theory of the Protectorate. He limits our task to protecting a few natives and preserving a little game. I have much sympathy with this easy and attractive theory of our

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<sup>55</sup> For Eliot's defence of his actions, see Cd. 2099 and the preface to Eliot, *Protectorate*, 1905.

<sup>56</sup> Barton Wright to Chamberlain, 21/10/03, f19; reply Chamberlain to Wright, 12/11/03, f20; Chamberlain Papers, RHO. Copies of this correspondence are in FO 2/836.

<sup>57</sup> Postscript to Eliot to Chamberlain, 15/12/03, Chamberlain Papers, RHO, ff26-7.

duties, but it seems to me to have been demolished by the construction of the Uganda Railway and the expenditure of large sums for which some return is hoped.”<sup>58</sup>

In Eliot’s third despatch to the Foreign Office in April 1904, defending his actions in the Chamberlain-Flemmer case, he went further. Here, Eliot spoke frankly about the Maasai and his plans for their demise in a confidential letter which Sir Clement Hill, head of the African Protectorates Department, published in full. He began by questioning why the Maasai should get special treatment – “The Masai are not essentially different from the Nandi, Lumbwa and other tribes. To regard them as especially friendly or loyal is unjust to other natives ... Neither can I see that they have any greater claim to land than other tribes and there seems to me something exaggerated in all the talk about ‘their own country’ and their immemorial rights over which Mr Bagge waxes eloquent”. Then he launched a full-scale attack, which included a classically stereotypical depiction of the Maasai.

No doubt on platforms and in reports we declare we have no intention of depriving natives of their lands, but this has never prevented us from taking whatever land we want... Apart from questions of expediency, justice does not in the least require us to reserve large tracts for the Masai; on the contrary it would be an act of unjust partiality to treat them differently from other natives ... Your Lordship has opened this Protectorate to white immigration and colonization, and I think it is well that in confidential correspondence at least we should face the undoubted issue – viz. that white mates black in a very few moves ... There can be no doubt that the Masai and many other tribes must go under. It is a prospect which I view with equanimity and a clear conscience ... I wish to protect individual Maasais [sic] ... but I have no desire to protect Masaidom. It is a beastly, bloody system, founded on raiding and immorality, disastrous to both the Masai and their neighbours. The sooner it disappears and is unknown except in books of anthropology, the better.<sup>59</sup>

Now he had fully shown his hand. Sorrenson calls it a “damaging confession” – he had made no attempt to pretend that his administration would place African rights above European commercial interests. Clement Hill used it to denounce Eliot to Lansdowne.

<sup>58</sup> Desp. No. 217, Eliot to Lansdowne, 5/4/04, in FO 2/835. The worst of his attack on Jackson was cut from this despatch for publication as No. 23 in Cd. 2099.

<sup>59</sup> Desp. No. 234, Eliot to Lansdowne, 9/4/04, FO 2/835; Sorrenson, *Origins*, p76.

An exhaustive appraisal of the Eliot affair is not appropriate here. However, on reading the whole correspondence,<sup>60</sup> one comes away with the impression that Eliot was at least no hypocrite, was consistent in his dealings, and had grounds for believing that there was something suspect about London's rubberstamping of the Syndicate lease, though this has never been proved. It went through rather smoothly, compared to all other early land applications. "Terms of offer seem to me too easy," he cabled.<sup>61</sup> It was certainly less defensible than smaller grants to individual settlers, both in terms of official obligations to pump in capital and develop the land, and flagrant abuse of Maasai grazing and watering rights. Lake Ol Bolossat and the Ongatapus pastures (north of Gilgil) were premium resources, whose loss is still lamented today. Ole Mootian spoke to me about the loss of Ongatapus: "I am still crying [for the land losses] until now. Not because of Entorror alone; it is all of this Ongatapus."<sup>62</sup> The Syndicate was not even asked to pay rent for the first seven years, and then only £500 per annum for the next eighteen. An interesting postscript crops up in the Colonial Office despatches in 1911, when the CO lamented that it could not "go for the Syndicate for failure to fulfil their obligations as to development" because an inspection by the Director of Agriculture of their farms in the Rift was quite favourable.<sup>63</sup> The grant appears to have been a reward to the Syndicate for having spent £34,000 on mineral prospecting, which was officially termed "exploration and development of the country", although it proved fruitless except for the discovery of soda deposits on Lake Magadi (see Chapter 4).<sup>64</sup> Sir Clement Hill and his

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<sup>60</sup> Printed as Cd. 2099, Africa No. 8 (1904), 'Correspondence relating to the resignation of Sir Charles Eliot and to the concession to the East Africa Syndicate', HMSO, London, July 1904. Available in RHO.

<sup>61</sup> Tel. 33, Eliot to Lansdowne, 3/2/04, FO 2/842.

<sup>62</sup> Thomas Maitei Ole Mootian, Narok 7. Hopley also lamented that the loss of Ol Bolossat to the Syndicate "damaged" his initial proposals for the Reserve because it deprived the Maasai of access to vital water sources, Hopley, *Kenya*, p127.

<sup>63</sup> Minute on Girouard to CO, 28/12/11, Desp. 715, CO 533/93. The Syndicate appears to have renegotiated the lease with Girouard, again on easy terms. In the Crown Agent file on 7/10/11, same register, "they were also to be exempt from any awkward questions" re-fulfilment of the development obligations, and won other favours such as the right to acquire the freehold by instalments.

<sup>64</sup> See Treasury to FO, 11/12/03, and FO to EAS, 18/12/03, in Cd. 2099.

nephew were suspiciously close to the Syndicate; certainly the nephew, and possibly his uncle, were beneficiaries of it.<sup>65</sup> Eliot was right to rubbish the claim that the Maasai were happy about the Syndicate grant, and had expressed their confidence in its local representative, Major Eric Smith. They clearly had no idea what he was up to, nor understood the long-term implications.

What is also clear from this correspondence, and the Foreign Office registers, is the fact that the Foreign Office consistently emphasised the necessity of respecting “native rights” when considering land grants to Europeans. They finally capitulated to the local administration, after being reassured that the Maasai themselves were allegedly anxious to move. In contrast to Eliot, Jackson’s voice was raised continually in championing Maasai land rights. Hobley, too, insisted that “Maasai rights are a very real thing”.<sup>66</sup>

Chamberlain’s anger and dismay at the government’s action centred on the “squalid standard of British justice”. There were early lessons here for the Maasai, in Chamberlain’s self-confessed “misplaced confidence” in this justice.<sup>67</sup> He vowed legal action and revenge. “There is not within the Empire a man more deeply chagrined and crestfallen, or more bitterly ashamed of his birthright as a British subject, than I am today ... If by no effort can the wrong be redressed I will repay it a thousandfold during the remainder of my life.”<sup>68</sup> He and Flemmer had done the British government a service, he said, by sending them 150 settlers from South Africa and advertising the wonders of B.E.A. there, and this was all the thanks they had got.<sup>69</sup> Chamberlain contrasted their allegedly altruistic aims with those of the Syndicate. He told

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<sup>65</sup> I found no evidence that Sir Clement was a shareholder, but as Ian Phimister pointed out in a personal communication, he could have disguised this fact quite easily.

<sup>66</sup> Hobley to Lansdowne, 13/7/04, No. 471, FO 2/838.

<sup>67</sup> Chamberlain to Eliot, 12/3/04, f79; Chamberlain to Eliot, 21/6/04, f110, Chamberlain Papers, RHO.

<sup>68</sup> Chamberlain to Eliot, 12/3/04, ff77-8, Chamberlain Papers, RHO.

<sup>69</sup> See Chamberlain to Milner, 29/7/04, ff149-157, *ibid.* The two could not claim all the credit for this. Eliot directly encouraged South African settlement. In 1903 he sent his Collector of Customs, A. Marsden, there to

Lord Milner that they had provided settlers “as a voluntary contribution of two private individuals in the work of Empire. The East Africa Syndicate has avowedly obtained its land with the intention of selling again at a profit”.<sup>70</sup> But when he learned of Eliot’s resignation, he stopped berating Eliot and expressed “deep regret [and] astonishment”.<sup>71</sup>

### **The first move**

Eliot’s successor, Sir Donald Stewart, moved swiftly to prevent further mishaps of this kind. Reserves were the answer. On arrival in B.E.A. in August 1904, he went straight upcountry to investigate what was going on in the Rift. Sandford wrote: “Sir Donald ... came to the conclusion that the removal of the Masai from the Rift Valley into two reserves was the only real settlement to the question. Masai and Europeans could never live together without endless trouble and friction.”<sup>72</sup>

Hobley and Ainsworth had already drafted a treaty and allegedly gained the verbal agreement of the Maasai at Naivasha, and Olonana at Ngong. Chamberlain and Flemmer got their land, the Colonial Office telling Chamberlain: “The decision to remove the Masai from the Rift Valley disposed of one of the most serious obstacles to allowing you and Mr Flemmer to receive a suitable grant in the localities which you originally selected”.<sup>73</sup> The relief was mutual: litigation had been avoided. This fear was outlined by Stewart in a letter to Lansdowne, in which he said of the Flemmer-Chamberlain applications: “the whole of it is really Masai country” and granting them is “entirely dependent on the removal of the Masai from the Rift Valley. Should they remain there these grants will not be practicable and we

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find would-be settlers and promote B.E.A. Until at least 1912 settlers from South Africa outnumbered those from Britain. Sorrenson, *Origins*, pp66-7.

<sup>70</sup> Chamberlain to Milner, 29/7/04, f155, Chamberlain Papers, RHO.

<sup>71</sup> Undated telegram in June 1904, Chamberlain to Eliot, ff107-8, in response to Eliot’s telegram (date illegible, stamped 21/6/04 at Johannesburg) f106, telling him of his resignation, Chamberlain Papers, RHO.

<sup>72</sup> Sandford, *Administrative history*, p24.

<sup>73</sup> Under Secretary of State (CO) to Chamberlain, 6/2/06, f322, Chamberlain Papers, RHO.

shall be obliged either to offer Messrs. Chamberlain and Flemmer land elsewhere or in the not improbable contingency of their refusing it, fight the matter out in the Courts". He doubted the government would win.<sup>74</sup>

This success did not stem the flow of Chamberlain's complaints to the government. He continued to rail against the preferential treatment shown to financial syndicates and aristocrats, calling the Syndicate a bunch of gamblers and mineral prospectors hiding behind a sham front of "harmless farmers and innocent graziers".<sup>75</sup> He had a point. Once Eliot had gone, he and Flemmer were offered only 20,000 of the 32,000 acres originally promised. Flemmer accepted, but Chamberlain was already occupying the 32,000 acres Eliot had offered him and refused to let surveyors cut out the difference, threatening to shoot any who set foot on his land.<sup>76</sup> He got his way eventually, after appealing to Churchill.

Hobley and Ainsworth had prepared the way for Stewart, in their plans for proposed reserves that were submitted to London in late July. At Eliot's request Hobley had made a reconnaissance of Laikipia in June, noting "magnificent grazing country" and water sources on the plateau. Hobley also outlined how the Maasai should be compensated for vacating their best grazing in the Rift, not least because "it is generally allowed that the occupation of the Rift Valley etc., by Masai flocks and herds for a long period has resulted in great improvement of the grazing, it having converted the greater part of this area to what is termed 'sweet veldt' by South African stock farmers".<sup>77</sup>

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<sup>74</sup> Stewart to Lansdowne, 4/10/04, Desp. 619, FO 2/838.

<sup>75</sup> Chamberlain to Elgin, 11/3/06, f345, Chamberlain Papers, RHO.

<sup>76</sup> The threat was made in November 1906. Sorrenson, *Origins*, p113.

<sup>77</sup> 'Proposals re-compensating Masai for grazing rights', Enc. 4, Desp. 495, 22/7/04, Hobley to Lansdowne, FO 2/838.

Lansdowne gave his blessing to the 1904 Maasai Agreement, signed in August, though he expressed surprise at the speed with which Stewart had rushed it through.<sup>78</sup> The Maasai signatories were Olonana, Masikonde and 18 representatives of eight sections, 12 of them *il-aiguenak*, including Ole Gilisho. This is important, because it implicitly recognises the authority and representativeness of the age-set spokesmen. The Loitai were said to be represented, but none actually put their mark to this. The signatories agreed to vacate the whole of the Rift Valley, and move into two reserves. The Purko, Keekonyokie, Loitai, Damat and Laitutok sections were to move to Laikipia. The British promised them Laikipia for ever, and a road half a mile wide would link the two reserves so that communication could be maintained. The Kaputiei, Matapato, Loodokilani and Sikirari were to move south. A sacred site on Kinangop, where circumcision and other ceremonies were traditionally held, was to be retained. Lansdowne “emphasised the fact that the definite acceptance of the policy of native reserves implied an absolute guarantee that the natives would, so long as they desired it, remain in undisputed and exclusive possession of the acres set aside for their use”.<sup>79</sup> (Significantly, Winston Churchill repeated the point when speaking of the inviolability of native reserves in the House of Commons in July 1907.)<sup>80</sup> When he submitted the treaty, Stewart had prophesied that settlers might soon cast “envious eyes” on the Laikipia pastures once Maasai stock had grazed the grass down and “got it sweet”. For this reason, he had urged on Lansdowne the “absolute necessity of making these Laikipia lands an absolute native reserve for the Masai”.<sup>81</sup> The likelihood of settler covetousness was raised at a Foreign Office meeting to discuss the settlement proposals. Jackson was present, and Lucas of the Colonial

<sup>78</sup> “...it is rather unlucky that he should have hurried matters so much,” minute on Tel. 146A, Stewart to Lansdowne, 16/8/04, FO 2/842.

<sup>79</sup> Sandford, *Administrative history*, p25.

<sup>80</sup> Churchill said, in reply to a question from Cathcart Wason MP: “a native reserve, when once established, shall be inalienable except with the consent of the natives themselves”, Cashmore, ‘Obedient’, pp115-6.

<sup>81</sup> Stewart to Lansdowne, 5/9/04, FO 2/839.

Office who “considered that this fact must be faced and that the settlement should be looked upon as of a permanent nature, i.e. that if in the future any change became necessary the Masai should be entitled to compensation”. Lansdowne minuted on this in red: “Surely if they are to be moved they should be settled permanently in their new home”.<sup>82</sup>

No one moved quickly. The first mention in the PRO registers is of Maasai moving by June 1905.<sup>83</sup> There is no mention of resistance. However, Sandford admitted, quoting Hollis, that “some pressure had to be put on the Masai of the Rift Valley to induce them to leave their grazing grounds”.<sup>84</sup> Yet Stewart had told Lansdowne “am assured Masai agreeable to movement to Laikipia”.<sup>85</sup> Leys wrote that the Rift “was most unwillingly evacuated”.<sup>86</sup> Without giving details, Cashmore claims: “There was some opposition and pressure had to be applied.”<sup>87</sup> An anonymous letter to the Anti-Slavery Society alleged: “Masai very loth to leave. Villages burnt by Government”.<sup>88</sup> District Commissioner Collyer’s interpreter Marianyie Ole Kirtela (wrongly spelled Marieni Ole Kertella), interviewed by Hanley, attended a public meeting with the British at which the move and treaty were agreed. He let Hanley in on a “secret” – Olonana, who had been salaried by the British since 1901, had already agreed to both move and treaty in advance of the meeting. “Elders were there in hundreds, most of them from the Purko section,” said Ole Kirtela. “But the Purko section refused to leave Naivasha and Kinopop and go to Ngatet. If they were asked to move up into Endoror they might reconsider the matter. They protested and said that Ngatet was too far.”

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<sup>82</sup> The meeting is described in Hill’s memo ‘Masai Question’, 19/8/04, FO 2/842.

<sup>83</sup> See report of an expedition against the Sotik to punish them for raiding the Maasai. “This raid was successful owing to the Masai warriors being away removing stock to the new Reserve on Laikipia”, Desp. 327, Stewart to Lansdowne, 8/6/05, CO 533/2.

<sup>84</sup> Sandford, *Administrative history*, p25. Taken from Hollis, Memorandum on the Masai, 5/7/10, in ‘Correspondence relating to the Masai’, Cd. 5584, p14. Hollis claimed that the move began at the end of 1904, but I found no corroboration of this elsewhere.

<sup>85</sup> Stewart to Lansdowne, 2/8/04, No. 141, FO 2/842.

<sup>86</sup> Leys, *Kenya*, p102.

<sup>87</sup> Cashmore, ‘Obedient’, p338, no source given.

Olonana said they should be allowed to go to Enterror. The Keekonyokie also lodged objections: “The Keekonyokie too were very adamant and refused to be moved either to Ngatet or Endoror”. They were over-ruled.<sup>89</sup>

The Maasai were in no position to mount a resistance at this time. They were in recovery, still reeling from the successive devastations of disease, drought, famine and internal disorder at the end of the nineteenth century. Their stock losses to rinderpest alone are estimated to have been as high as 90 per cent.<sup>90</sup> Many had been forced to seek refuge with neighbours, including the British at Fort Smith, and children had been pawned in return for food. The only dissidence that showed itself in 1904-5 was failure to do what they were told; many Maasai simply did not go to their allotted reserve. According to Sandford, about a quarter of the Purko stayed in the south instead of going to Laikipia. The Loitai continued to live in the Loita hills and plains; it is not at all clear why they were included in the proposal anyway, since they did not live in the Rift. The Damat and the Laitutok (sic, L’Aitayiok or Dalalekutuk?) also stayed south, while the Keekonyokie moved a short distance from Naivasha to Melili and the southern slopes of the Mau.<sup>91</sup> However, some Keekonyokie stayed around Naivasha; there is a later reference to their move from Naivasha to the Loita plains in 1910.<sup>92</sup> The story of how some Maasai stayed on in the north as workers on white-owned

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<sup>88</sup> Undated anonymous letter, no source, signed ‘A well wisher and admirer’, Anti-Slavery and Aborigines Protection Society Papers (ASAPS), Mss. Brit. Emp. s. 22, G131, RHO; also a copy in the Harvey Letters.

<sup>89</sup> Hanley, *Warriors*, pp293-5.

<sup>90</sup> J. Ford, *The Role of the Trypanosomiasis in African Ecology*, Oxford, 1971, p139. Also see Waller, ‘Emutai: crisis and response in Maasailand 1883-1902’, in D. Johnson and D. M. Anderson (eds.) *The Ecology of Survival*, Westview, 1988, p101; Waller, ‘The Maasai and the British 1895-1905: The origins of an alliance’, *JAH*, 17, No. 4 (1976).

<sup>91</sup> Sandford, *Administrative history*, p26. It is not clear who the Laitutok are from Sandford. This spelling was used re-the 1904 Agreement, but he did not include them in his list of ‘tribal divisions’ (pp6-7), though this only included sections recognised for administrative purposes. He may have meant the Il-Laitayiok (L’Otayok elsewhere in Sandford), then living on Loita and in German East Africa, or the Dalalekutuk, another ‘southern’ section which formerly shared the Lake Naivasha area with the Keekonyokie and Damat, defining themselves collectively as Enaiposha or Il-Kinopop (Galaty, in Spear and Waller, *Being Maasai*, p78).

<sup>92</sup> S.S. Bagge ordered them to go. No human figures given, but they took with them 10,000 cattle and 30,000 small stock, Sandford, *Administrative history*, p27.

farms, where they were later joined by returnees from the Southern Reserve, will be told in Chapter 6.

Though a more thorough investigation of the 1904-5 move is beyond the scope and aim of this study, I must point out that Maasai oral testimony typically does not distinguish between the loss of the Rift and the loss of Laikipia. Most of my largely Purko informants refer to the whole of their former northern territory as Entorror, and to that portion of the south to which they first moved as Ngatet.<sup>93</sup> From now on, all references to Entorror will implicitly include land occupied pre-1904, but most recently Laikipia, unless stated otherwise. The word Entorror comes from the verb *a-rror* meaning to trip or fall down.<sup>94</sup> This was said to be a reference to the environment. One explained: “It is such a good place, that one becomes spoilt and does not last long.”<sup>95</sup> However, Waller gives a different interpretation, claiming that the central Rift had been a focus for hostilities during the Iloikop wars and therefore “falling down” referred to people being killed.<sup>96</sup> I find this unlikely, given the fact that Entorror encompasses a much larger area, including Laikipia, and is today primarily remembered for its “sweet” environment (see Chapter 8).

### **The Laikipia experience**

In the main, the Maasai prospered on Laikipia, despite periodic outbreaks of bovine pleuro-pneumonia (BPP), ‘gastro-enteritis’ (likely to have been rinderpest), and other stock diseases. These will be fully covered in Chapter 8, together with an account of the veterinary interventions and an analysis of oral testimony which constantly reiterates the belief that Entorror was an Eden, free of disease. The Purko in particular had already come out of late

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<sup>93</sup> My elderly informants all used the word Ngatet to refer to the western part of the reserve to which their families moved, but one younger man (Partalala Ole Kamuaro) suggested that it meant more of a state of suspension than an actual place – one pauses in Ngatet before deciding to move forward. See Glossary.

<sup>94</sup> *A-rror*, to fall, falter, stumble. Imperfect singular *ta-rrorr-o*, pl. *en-ta-rror*, Mol, *Maasai language*, p352.

<sup>95</sup> From a conversation with Justice Ole Keiwua, Judge of Appeal, Nairobi, 2001.

nineteenth century inter-sectional warfare and *emutai* in the best shape, compared to other sections, and they consolidated their gains from 1904 to 1912.<sup>97</sup> Between 1904 and 1911, Maasai stock as a whole in both reserves “probably trebled” according to Leys.<sup>98</sup> In fact, the official figures for the Northern Reserve indicate that cattle more than trebled in just five years – from 64,000 in 1906 to 200,000 by 1911, and the latter figure does not include the 10,000 cattle that went south in early 1910 after the *eunoto* ceremonies on Kinangop.<sup>99</sup> Waller writes of the “highly productive pastures” on Laikipia, where the Purko rapidly expanded their stock and probably became wealthier than their kin in the Southern Reserve.<sup>100</sup> This wealth was not simply held in cattle; small stock is the bedrock of the pastoral economy and often provides a safety net when food is scarce. Sections such as the Purko and the Loitai, which owned large numbers of sheep and goats, were therefore at an advantage immediately after *emutai*.<sup>101</sup> The number of sheep on Laikipia was estimated to be 1.75 million in 1906.<sup>102</sup>

The reserve was too small for their needs, and was extended twice. The Maasai frequently broke out to find additional grazing during droughts, and were sometimes fined. In the east, they were permitted to cross the Uaso Nyiro river every dry season. In the south, some settled by Lake Ol Bolossat. Stewart’s successor Hayes Sadler asked the East Africa

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<sup>96</sup> Waller, ‘Lords of East Africa’, p56.

<sup>97</sup> See Waller, ‘Origins’, p540; ‘Emutai’, pp80, 92-3, 107. The Purko raided large numbers of Damat and Loitai cattle, incorporated families from vanquished sections, and took advantage of the opportunities offered by British rule, ‘Emutai’, p107.

<sup>98</sup> Leys, *Kenya*, p102.

<sup>99</sup> The 1906 figure is in the Laikipia District Annual Report, the 1911 figure in Sandford, p3. These were probably under-estimates. Sandford first cited 80,000 cattle in the Northern Reserve in 1911, then said this rose to 200,000 “when the mobs which were attempting to move south had been more thoroughly examined”. For the 1910 move to Loita, see pp7-8 of the Laikipia District Survey of Events 1906-11, LKA/1/1, KNA. 50,000 cattle moved south in 1911 (Sandford, p3). In the 1912-13 move, 199,264 cattle went south, according to the Annual Report of the Chief Stock Inspector 1912-13.

<sup>100</sup> Waller, ‘Lords of East Africa’, p45.

<sup>101</sup> Waller, ‘Emutai’, p95. He lists the advantages of sheep and goats: they give both meat and milk, breed rapidly, and were unaffected by the epizootics that ravaged Maasailand in the 1890s.

<sup>102</sup> Laikipia District Survey 1906-11, p4. In the A/R for the year ending 31/3/13 the 1906 figure was raised to 1.77m, and current numbers of sheep put at ?844,000 (microfiche indistinct), a deficit of nearly one million. But DC McClure wrote that sheep numbers had probably been over-estimated in 1906 and under-estimated in 1912-

Syndicate to give up its lands there to the Maasai, but no agreement was ever reached. When the rains partially failed in 1907, the Maasai were again allowed to break their boundaries in the east, south and west.<sup>103</sup> The grazing was “very scarce” in early 1910, and the Maasai broke out of the reserve all along the Uaso Nyiro, incurring convictions and fines totalling more than 1,500 rupees.<sup>104</sup> This confirmed the opinions of both Bagge and Collyer that the reserve was not large enough for their needs, but Bagge’s 1908 proposal to extend it again was not taken up.

Olonana never visited the ‘northern’ Maasai on Laikipia after 1904, and his authority waned. It had been tenuous at the best of times. The northern faction had effectively broken away from his control, if indeed this had ever existed, following a trend that began at Naivasha, where Jackson and MacAllister (the Collector there) had pursued a policy of building up Ole Gilisho’s power to rival that of Olonana. Purko on Laikipia in 1902 told administrative officer H.R. Tate that they acknowledged Olonana as their “chief” but did not consult him in any way.<sup>105</sup> In 1903, at the *eunoto* and circumcision ceremonies, the section was divided by arguments over the choice of age-set spokesman for the new left-hand circumcision group of Il-Tuati (I-Lemek), the juniors to Ole Gilisho’s warriors. Olonana favoured Ole Goinyo, while the ‘northern’ Maasai chose Ole Kotikosh. When the reserves were created, Ole Goinyo and his supporters went south while Ole Kotikosh and his people went to Laikipia. The row simmered for years, coming to a head again in 1910 when further ceremonies were scheduled to take place on Kinangop.<sup>106</sup> “It is a great pity that Lenana will not come to Laikipia, for it is hardly to be expected that he can maintain his influence here

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13 by between 300,000 (his figure) and 600,000 (that suggested by Captain Neave). The ratio of cattle to sheep was one to four.

<sup>103</sup> Sandford, *Administrative history*, p27.

<sup>104</sup> Laikipia District Survey 1906-11, p14.

<sup>105</sup> Cashmore, ‘Obedient’, Vol. 2, p329.

<sup>106</sup> Cashmore, ‘Obedient’, p340; Laikipia District Survey 1906-11, pp7-8.

with people he never sees,” wrote Collyer that year.<sup>107</sup> Another reason for Olonana’s failure to visit Laikipia may have been his poor health, which was worsening for some time before his premature death in March 1911.<sup>108</sup>

On Laikipia, younger leaders of the Il-Talala and Il-Tuati age-sets, notably Nkapilil Ole Masikonde and Ole Gilisho respectively, were able to consolidate their power base, free from Olonana’s interference. They were already in a strong position. The balance between age-sets had been upset by the events of the late nineteenth century. A stratum of older men had been taken out by the disasters, which handed an unusual degree of power to junior elders and senior warriors of Il-Talala and Il-Tuati. Their stock wealth had grown as a result of their participation in British punitive expeditions, as well as raiding on their own account. “As a result,” writes Waller, “they reached power and prestige earlier than usual and kept it for longer.”<sup>109</sup> In particular, the right-hand circumcision group of Il-Tuati was a supremely self-confident bunch, whose confidence and authority stemmed from the fact that they had repelled the Loitai, and restored the community’s depleted herds in the manner just described. In addition, they enjoyed reflected glory: their sponsoring elders (known as fire-stick patrons) were the famed Il-Aimer, who had shone as warriors before the disasters struck. As one of Waller’s informants put it: “It was said that the Il Dwati [sic] brought the Maasai back to life”.<sup>110</sup>

Collyer reported in 1910, in a foretaste of what was to come: “The two biggest Chiefs in Laikipia are Masikondi and Legalishu (Ol Le Gilisho). Of Masikondi I have nothing but good to say; he is most helpful in every way ... He has seen enough of the white man to

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<sup>107</sup> Laikipia District Survey 1906-11, p10.

<sup>108</sup> Hinde, placed in charge of the Maasai in 1899, apparently gained some influence over Olonana because he was a doctor and successfully practised on the ailing prophet, who Cashmore describes as “practically an invalid” towards the end, Cashmore, ‘Obedient’, Vol. 2, pp326, 340.

<sup>109</sup> Waller, ‘Origins’, p550. See also ‘Emutai’, p109: “Il Dwati ... were able first to assume authority in the community at an unusually early stage in their career and then to prolong their ‘rule’ until the 1940s”.

realize that the Masai must move with the times and he is prepared to progress and use his influence for forward movement ... Unfortunately his influence for progress is largely discounted by the influence of Legalishu who takes his cue from Lenana, and is against change of all kinds". Ole Gilisho was considered "intensely conservative", but his influence was believed to be greater than that of Masikonde, and he was "far too big a man to be ignored".<sup>111</sup> (Incidentally, Collyer's photographs of Masikonde and two of his sons appear in the Collyer family album, but there are none of Ole Gilisho, which says something about their relative relationship with the DC.)<sup>112</sup> Collyer's suggestion that Ole Gilisho was heavily influenced by Olonana is unlikely, for the reasons given above, and is refuted by oral testimony (see Chapter 7).

### **How Girouard engineered the second move**

By 1908, the Protectorate administration was hatching plans to move the 'northern' Maasai to an extended Southern Reserve in defiance of the 1904 Agreement.<sup>113</sup> At this stage, the Colonial Office was not informed.<sup>114</sup> Local officials were perfectly frank, at least in the district records in which these plans were described, about what lay behind a possible second move: "As soon as Laikipia is free from Masai the district will be open for white settlement" wrote Collyer.<sup>115</sup> This reason was never publicly admitted; the official line was that the move was for the benefit of the Maasai themselves, in order to bring reunification, and that Olonana

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<sup>110</sup> Waller, 'Emutai', p110.

<sup>111</sup> Laikipia District Survey 1906-11, pp9-10. Repeated in slightly different wording in Enc. 1, Desp. 14, Belfield to Harcourt, 6/2/13, CO 533/116.

<sup>112</sup> My thanks to Veronica Bellers, great-neice of Collyer, for showing me this album. I have not found any photograph of Ole Gilisho, which suggests that he refused to be photographed by Europeans.

<sup>113</sup> This is confirmed in the Laikipia District Survey 1906-11, p12.

<sup>114</sup> The CO said that the first it knew of plans to move the Maasai again was when it saw the B.E.A. budget estimates for 1910-11. Desp. 123, 7/3/10, CO 533/72; Sorrenson, *Origins*, p197.

<sup>115</sup> Quarterly Report for Laikipia ending 31/3/10.

demanded this.<sup>116</sup> Tours of inspection of the proposed western extension of the Southern Reserve were made by McClure (then ADC Southern Reserve) in November 1908, and by Hollis and Bagge in April the following year. Both subsequent reports stated that the main problem was lack of water, which could be remedied by irrigation.

But was there another motive, linked to settler pressure on the government to take action on East Coast fever (ECF)? Initially called African Coast fever, it was first diagnosed in the Protectorate in 1904, in a herd of cattle brought from the Kilimanjaro area of German East Africa to Nairobi.<sup>117</sup> It hampered the earliest white settlers' attempts to set up dairy and beef ranches; Delamere lost nearly all his young stock to it.<sup>118</sup> Settlers were panicked by news of how ECF was devastating Rhodesia and the Transvaal, following outbreaks that began in 1901 and 1902 respectively.<sup>119</sup> Churchill, who visited B.E.A. in 1907 as a junior Colonial Officer minister, was briefed about ECF and suggested remedies – wire-fencing and quarantine – in his subsequent account of that journey”.<sup>120</sup> It was thanks to him that the Treasury released extra funds so that farmers could buy fencing material.

By 1909-10, ECF was seriously worrying settlers who in turn harassed Governor Percy Girouard, who had replaced Hayes Sadler in the autumn of 1909. Sadler had had a poor relationship with the settler community, and Girouard wanted to make amends, never mind friends. He was sufficiently concerned about ECF to wire the Colonial Office on behalf of individual settlers facing outbreaks on their farms, who were demanding more land in “clean”

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<sup>116</sup> Olonana reportedly told the government that he favoured reunification in one reserve in December 1908, according to the Laikipia Survey of Events 1906-11, p6. He repeated the request in January 1909 when Hayes Sadler met him at Ngong, and later to Girouard, February 1910.

<sup>117</sup> R.A.I. Norval et al, *The Epidemiology of Theileriosis in Africa*, Academic Press, 1992, p48.

<sup>118</sup> Huxley, *White Man's Country: Lord Delamere and the Making of Kenya*, Macmillan, 1935, Vol. 1, p146. Norval, *Epidemiology*, p48.

<sup>119</sup> See P.F. Cranefield, *Science and Empire: ECF in Rhodesia and the Transvaal*, Cambridge University Press, 1991. ECF was initially mistaken for redwater or Texas fever by German bacteriologist Robert Koch.

<sup>120</sup> Winston Churchill, *My African Journey*, Hodder and Stoughton, 1908, p40.

areas.<sup>121</sup> In April 1910, he wrote to H.J. Read, head of the East African Department in London, on behalf of a Mr Heatley “who has had very bad luck owing to ECF” on farms at Kiambu and wants “extra land in a district unaffected by this pest”. He asked Read to intercede with the Secretary of State. Three days later, he sent a telegram to Crewe reporting another outbreak of ECF on Heatley’s farm, to drive home the plea for sympathy.<sup>122</sup>

These actions seem odd: had a governor not got other things to do? The highlands were apparently free of ECF at this stage. In February 1910, Girouard had written to the Secretary of State begging for more money to tackle ECF: “Unless such action is taken there is every reason to fear a spread of the disease to the highlands”.<sup>123</sup> But clear confirmation of the situation on Laikipia came in February the following year, when Acting Chief Veterinary Officer Francis Brandt visited Laikipia to investigate an outbreak of pleuro-pneumonia and to “find out if ECF is known on Laikipia”. He did not find any, according to Collyer: “He could find no trace of ECF and information supplied him by the Masai pointed to the fact that although the Masai feared the disease and *knew it existed in the South*, no case had ever been known on Laikipia”.<sup>124</sup> [My italics.] Plans to move the Maasai were immediately accelerated, which was surely no coincidence.

My hypothesis that British knowledge of the effective absence of ECF on Laikipia was behind the second move will be elaborated in Chapter 8. Of course there were also other reasons for the move, which would have happened sooner or later anyway. As land-hungry settlers made growing demands for farms in the highlands, the relocated Maasai came to be

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<sup>121</sup> See Chapter 8 for an explanation of “clean” and “dirty” areas.

<sup>122</sup> Girouard to CO, 1/4/10 and 4/4/10, Desp.175, CO 533/71.

<sup>123</sup> Girouard to CO, 2/2/10, CO 533/71.

<sup>124</sup> Laikipia District A/R, year ended 31/3/11. An outbreak of ECF in the Southern Reserve led to the ban on cattle movement between the two reserves from January 1910 onwards, Cashmore, ‘Obedient’, p349. This was the official reason given for disallowing the return of the 10,000 cattle that had gone south to Kinangop, and on to Loita, for the 1910 *eunoto*.

seen as a moveable embarrassment.<sup>125</sup> Their physical division into two reserves did not make administration easy. It was impossible to control stock disease while Maasai went to and fro between them, defying quarantine, and reserving the right to congregate both stock and humans in their thousands on ceremonial occasions. Seen from a new administrator's perspective, the whole idea of two reserves had been quite mad in the first place.

Percy Girouard was a French Canadian married to an English South African, Gwen Solomon, daughter of the Attorney General of the Transvaal. He arrived in B.E.A. from Northern Nigeria, where he had earned high repute as Lord Lugard's successor. An engineer and graduate of the officers' course at the Royal Military College at Chatham, Girouard was essentially a builder and director of railways – in the Sudan, Egypt and South Africa.<sup>126</sup> He was Director of Railways for the British army in South Africa during the South African War, before becoming governor of a railway company in the Transvaal, and Commissioner of South African Railways. In the second of these South African posts, he became used to getting whatever he asked of his employers, no expense spared. For example, after persuading Lord Milner to lobby Colonial Secretary Joseph Chamberlain, he was given £1 million to buy new locomotives and other goods.<sup>127</sup> His dismissal as Commissioner of Railways did not dent his confidence. By the time he reached Northern Nigeria in 1906, he had acquired a real taste for power, writing to tell his father: "...excepting the hold of the Secretary of State, I am a little independent king".<sup>128</sup> It was a style of command he would use in East Africa.

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<sup>125</sup> Seven people had applied for land on Laikipia before 1904. When the 1904 Agreement was signed, they were offered land elsewhere as compensation for giving up these claims. All but two did so; Delamere and his brother-in-law Galbraith Cole pressed the Land Office to recognise their original claims. It finally did so, in April 1910. Sorrenson, *Origins*, p126. Delamere was not an original applicant, but had bought the Thorne brothers' claim on Laikipia by November 1905, *Origins*, fn 33, p106.

<sup>126</sup> All biographical information about Girouard is taken from an unpublished biography, *The Lily and the Rose*, by Michael L. Smith. My thanks to Tony Kirk-Greene for showing me this manuscript.

<sup>127</sup> Smith, *Lily*, p220.

<sup>128</sup> Smith, *Lily*, p294, quoting Girouard's letter to his father Désiré, 22/7/07.

Girouard had the air of a New World frontiersman. He soon found the desk-bound dictates of the Colonial Office irrelevant in a country where he believed the man on the ground should set the pace and the policy. Where his predecessors had taken care to separate imperial duty from settler interests, at least in public, Girouard alarmed London by being unashamedly pro-settler. He actively promoted settler interests and tried to cut some of the red tape ties with home, pushing for self-government. In an unpublished manuscript, he called for settlers to be given “freedom in the management of their own affairs”.<sup>129</sup> On the other hand, his biographer suggests that Girouard was not unsympathetic to or ignorant of native rights. He advocated indirect rule because he believed it prevented African authority from being undermined. Before coming to B.E.A. he had studied land tenure in other parts of the empire, and favoured “the definition and recognition of native rights in land”.<sup>130</sup>

But he had inherited a problem with the ‘northern’ Maasai. They now occupied a superb stretch of country on Laikipia that white settlers coveted, but which had been promised to them for life. How could they be made to “disappear”, as Eliot once suggested, without sparking rebellion at home and abroad? As Sorrenson puts it: “It was a measure of the utmost delicacy. Girouard had to abrogate the 1904 Masai treaty and pretend to the Colonial Office that the Masai wanted to move south. At the same time he had to disguise the fact that he was acting in the interests of the settlers, some of whom had been promised land on Laikipia.”<sup>131</sup> It is also fair to stress, as Cashmore does, that Girouard was not the chief architect of the second move. It had been on the cards for some 18 months before he arrived in B.E.A., and his main aim in this and other sluggish administrative matters was to shake things up and take action.

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<sup>129</sup> Smith, *Lily*, p322, quoting from Girouard’s unpublished work, ‘The Imperial Ideal’.

<sup>130</sup> Smith, *Lily*, pp305, 312. The quote is Girouard’s own words.

<sup>131</sup> Sorrenson, *Origins*, p126.

Without waiting for a formal treaty or Colonial Office sanction, Girouard began to move the Maasai south in early 1910. He used the impending *eunoto* ceremony on Kinangop as a cover, although Olonana's duplicity was also a major factor in the premature removal. The ceremony was scheduled to take place on a sacred site between the two reserves, as allowed under the 1904 Agreement. In December 1909, Purko warriors from Laikipia were allowed to proceed to Kinangop with 10,000 cattle, accompanied by Ole Gilisho and Masikonde. Maasai on Loita were told they could also attend, but they would have to leave their stock behind because of the risk of infecting settler stock en route with ECF. In January, Olonana kicked up a fuss – ostensibly over threats to his authority posed by the division into two reserves, but more likely linked to the ongoing row with 'northern' Maasai leaders over the choice of age-set spokesman. He demanded that the ceremony be switched to Ngong, where he lived, in the Southern Reserve. At first, Ole Gilisho and Masikonde refused. Girouard had a private meeting with Olonana on 2 February to thrash the problem out, telling the prophet not to tell the other leaders what had passed between them. Girouard later told the Colonial Office that Olonana had asked the government to reunite his people in one reserve, and that it was vital to support his authority. He claimed: "The whole matter has really been a demand from the chiefs themselves who are influenced in no way by anyone".<sup>132</sup> In fact, he had struck a private deal with Olonana, recognising him alone as Paramount Chief in return for his cooperation in getting the other Maasai to move.<sup>133</sup> It is unclear whether the *eunoto* went ahead – Sandford said it began prematurely on Kinangop, without Olonana's sanction, and that after the talks with Girouard, all those concerned moved south. Sorrenson says the

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<sup>132</sup> Girouard to Read, 3/3/10, CO 533/72.

<sup>133</sup> Report by Hollis and Collyer of Girouard's 2/2/10 meeting with Olonana about the *eunoto*, at which Olonana asked for the Maasai to be united in one reserve and Girouard told him what the boundaries of the Purko's southern territory would be, Enc. 2, 4/2/10, in Desp. 14, CO 533/116.

cattle were driven straight to Loita, not Ngong, and the ceremony was postponed.<sup>134</sup> He does not comment on one obvious anomaly: if ECF quarantine was the reason why the ‘southern’ posse could not come north, how come there were no government objections to ‘northern’ cattle moving south through European farms? Clearly ECF was just an excuse, or the government believed the northern herds were entirely free of it and therefore posed no threat to settler stock. These migrants were intended to be the vanguard of the entire Maasai population of Laikipia.

The Colonial Office received a tip-off about Girouard’s plans when Gilbert Murray forwarded a letter of warning from Leys, with Leys’ signature omitted.<sup>135</sup> Leys ended by telling Murray: “You can depend on the accuracy of my account. Act with regard to it entirely on your own discretion. Use my name if you like, *if* [underlined] it makes any difference of success. I don’t see how it can. And it would probably mean my dismissal.” Sorrenson claims that “no official notice was taken of the complaint”. In fact, the move was called off on 19 April by telegram, as he himself describes a few pages later.<sup>136</sup> Leys was surely instrumental in this, and in sowing the seeds of doubt about Girouard at the Colonial Office, which led to his ultimate downfall. Girouard was told to leave the Maasai where they were until such time as they chose to leave, and not before another treaty had been negotiated. But potentially obstructive local officials with Maasai sympathies were simultaneously removed by one

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<sup>134</sup> Sandford, *Administrative history*, p29; Sorrenson, *Origins*, pp198-200.

<sup>135</sup> Leys to Murray, 3/2/10, Mss. 148, Murray Papers, Bodleian Library, Oxford. See also Jackson to Crewe, 7/3/10, CO 533/72. Fiddes noted that the subject could “easily give rise to a tornado in the House of Commons” if word got out.

<sup>136</sup> Crewe to Girouard, tel. of 19/4/10 followed by full despatch 22/4/11, CO 533/72. Sorrenson, *Origins*, pp128, 200-1.

means or another, notably Stephen Bagge, Provincial Commissioner Naivasha, who resigned in March.<sup>137</sup>

The first of a series of key meetings to discuss the proposed move was held with the Maasai on 24 February 1910 at Kiserian camp, close to Olonana's homestead. It was at this meeting that Girouard told the 'northern' Maasai what he had already agreed with Olonana. Girouard, McClure (Acting DC Southern Reserve), Lord Delamere and Collyer met Olonana, Masikonde, Ole Gilisho, Saburi (described as Olonana's chief elder) and others. The interpreters were Mogobit and Ole Tinka, and Collyer wrote up the report. The Governor urged relocation in the south out of concern for the "safety" of the Maasai. Most significantly, he defined safety as freedom from cattle disease: "...the Masai in the Southern Reserve were safe, and the Purko would be equally safe if located in the Loita country". He was aware that the Maasai had always kept their promises, he said, and the government wished to keep theirs. The move was being considered in "the best interests of the Masai and not because [the government] wished to take back the land already given them". The three "chiefs" all reportedly said they were in favour of the move, Olonana adding that he had explained to Ole Gilisho and Masikonde what country the Purko would be allowed, and that he had arranged for the *eunoto* to take place in the Southern Reserve. Olonana was said to be "very pleased" with these arrangements. Ole Gilisho sounded more doubtful, asking for unspecified details to be gone into. He was reassured that these would be taken care of by officers organising the move.<sup>138</sup>

A second treaty was actually agreed at a further meeting in May 1910 at Ngong, but not implemented. It was signed by Olonana, Ole Gilisho, Masikonde and eleven other Maasai.

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<sup>137</sup> McGregor Ross to mother, No. 428, 8/3/10, Ross Papers, RHO. Bagge cited ill health as the reason for his resignation, but he had come under fire from Girouard for talking direct to the CO. Cashmore confirms this was a punishment posting, 'Obedient', pp64-5.

<sup>138</sup> Enc. 3 in Conf. Desp. 14, Belfield to Harcourt, 6/2/13, CO 533/116.

Girouard did not sign it. Ole Gilisho, the one dissenting voice, made it very clear that he now opposed the move, because the proposed territory was not large enough and lacked sufficient water.<sup>139</sup> Before attempting to enforce the treaty, therefore, Girouard invited Maasai representatives to inspect the proposed western extension of the Reserve. Ol Le Geli (sic, probably Yelle) and Reien represented Ole Gilisho, while Olonana also sent two men to accompany Collyer on the two-month trip. They “pretended not to be pleased with the country”, said there was not enough water, and doubted the government’s ability to make dams to conserve sufficient water.<sup>140</sup>

Collyer called another major meeting to discuss the move with the Maasai on 27 August 1910 at Rumuruti.<sup>141</sup> The mood had radically changed since February. Collyer met Masikonde (“head of the elders”), Ole Gilisho (“head of the senior warriors”) 12 “chiefs” and warrior spokesmen for the Purko and Keekonyokie, and up to 30 other elders and a “considerable number” of younger men. He told them quite frankly they would “probably be squeezed out of Laikipia”, that it was not big enough for them anyway, and now was the time to unite with their kin in one area. The Maasai were equally blunt. Their representatives claimed to speak for all the elders and chiefs on Laikipia in saying that they would move if the government ordered it, but they did not want to because the land was bad and waterless and the Sotik would steal their stock. They were invited to inspect the proposed Trans-Mara extension. Their response to this was taken down verbatim by Collyer, who said in a covering letter that “the District Clerk’s attempt was not quite what I wanted”:

We don’t want to send anybody to look at any part of the country, between us, we know all of it ... We know the country offered is bad and waterless and have no faith that Government can store sufficient water for us. We are sure our stock will die there, but we

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<sup>139</sup> Laikipia District Survey 1906-11, p13; Sandford, *Administrative history*, p30.

<sup>140</sup> Laikipia District Survey 1906-11, p14.

<sup>141</sup> Summary in Laikipia District Survey, *ibid.*, p14. Full report is Enc. 5, Desp. 14, Belfield to Harcourt, 6/2/13, CO 533/116.

are prepared to obey the orders of Government and go. We want Mau, but if we can't have it we shall have to do without it. We don't want any more conferences on the matter, as the above is the decision of us all, we will go.<sup>142</sup>

This was agreement of a kind but, as Collyer said, "with a very bad grace". He expressed surprise at the new truculence. "The line the Maasai now adopt is probably the result of much thought. No inkling of what they proposed to say reached me previously." As for whether these were minority views, he said: "The Conference was so largely attended and by such representative men that there is no doubt the matter has aroused much interest and has been thoroughly discussed". The Maasai themselves stressed that these were not individual opinions but those of all elders and chiefs on Laikipia. Collyer doubted whether his superiors would accept the result of the meeting without calling another conference with Olonana, presumably in the mistaken belief that Olonana could whip the dissenters into line. He sent the report of the meeting "by special runner" to the Governor via the Provincial Commissioner, saying "it is hoped your answer will be returned in like manner".<sup>143</sup> He wanted to know what he should do next. It should have been forwarded to Lewis Harcourt, Secretary of State for the Colonies, but no one was in a hurry to convey news of a Maasai change of heart.

In his August 1910 'Report on the Masai Question', Collyer advised against moving the Maasai again unless they would be better off with the grazing in the south, or at least no worse off.<sup>144</sup> His intention in the paper was to "discuss the question from the point of view of the Masai, as distinct from the Settlers' 'view'". He described the "well behaved" Maasai as never having presented a threat or nuisance to white settlers, the railway or its staff. They had always been cooperative, and moving them again would be a poor reward. He urged the government to view with suspicion Olonana's desire to "unite" the tribe in one reserve.

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<sup>142</sup> Enc. 5 in Desp. 14, *ibid.*

<sup>143</sup> Collyer to PC Naivasha, 29/8/10, Enc. 5 in Desp. 14, *ibid.*

<sup>144</sup> Enc. 1 in Desp. 14, *ibid.* The copy on file is undated.

“Lenana’s motive is purely a political one, as he wishes naturally to have all his people under his own eye.” He himself would not have to move, nor would his stock suffer. Collyer urged the government to give the Purko some say in the matter if it seriously planned to move them again. As for white settlers, they had not wanted Laikipia originally. There was every likelihood that they would want the Loita country, too, in a few years’ time.

Collyer suggested alternatives to moving them, which included expanding the Northern Reserve to include land east of the Uaso Nyiro, telling the Maasai to curb their stock numbers, and raising taxes “so that at any rate the Masai pay for their own administration”. He warned against trying to turn them into agriculturalists; the most likely way of making them “useful members of society” would be to improve their stock. The report was not sent home immediately for the obvious reason that it contradicted the Governor’s line. Harcourt eventually saw these and other reports by Collyer in March 1913, when their author was long dead.<sup>145</sup> Enclosed in the same, ultra late despatch was Collyer’s report of a meeting with Maasai leaders at Gilgil on 18 November 1911, when Ole Gilisho said he had only agreed to give up Laikipia under threat of “exportation” (deportation) by PC Lane. “It was naturally impossible to take any notice of this latter statement, besides noting it”, wrote Collyer. At the same meeting, Ole Gilisho said he had now personally inspected Trans-Mara but did not think it good enough. Collyer was dismissive, saying Ole Gilisho had only spent four days there; he agreed to take six of his representatives to inspect Trans-Mara again, and told them to visit with an open mind, not with the aim of making the worst of it.<sup>146</sup>

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<sup>145</sup> These 1910 reports by Collyer were sent to the CO in February 1913, only after Harcourt had wired B.E.A. demanding information he suspected was being withheld. All enclosures in Desp. 14, *ibid.* An angry red note by Harcourt dated 11/3/13 on the despatch said: “I cannot understand Mr Collyer’s report of 29/8/10 never having been sent home to us when we were enquiring as to the attitude of the Masai to the move. I now think that the questions and debate in the H of C in 1911 must have been inspired by a knowledge of this report”.

<sup>146</sup> Enc. 6 in Desp.14, CO533/116, *ibid.*

### The Leys-Harvey campaign

Norman Leys began writing to British MP Thomas Edmund Harvey about the Maasai on 17 October 1910.<sup>147</sup> Known as Ted to his friends, who included my grandfather John Hughes, Harvey was Liberal member for his home town of West Leeds from 1910 to 1918. An Oxford-educated Quaker, Harvey fought for penal and educational reform at home and colonial reform in India and Africa. He went on to defend the rights of conscientious objectors and enemy POWs in both world wars. The unfashionable underdog was his speciality; he was, therefore, open to hearing what Leys had to say about the Maasai.

To briefly set this exchange in context, in the same period agitators were calling attention to colonial excesses elsewhere in Africa, riding on the momentum of the anti-slavery movement. Both men were aware of, and Harvey was at this stage certainly involved in, these broadly Christian socialist anti-imperial movements, through the Anti-Slavery Society and friends such as Gilbert Murray and Ramsay MacDonald. In the Congo, E.D. Morel (who had Quaker ancestry) and Roger Casement were speaking out against the atrocities being carried out in the name of King Leopold. In West Africa, British investigative journalist Henry Nevinson was exposing Portuguese use of mainland slaves as “indentured labourers” on cocoa plantations in the islands of São Tomé and Príncipe years after slavery was abolished, and thoroughly upsetting Quaker cocoa manufacturers who were shipping the fruits of this labour to an unsuspecting Britain.<sup>148</sup> His actions led to a boycott. African-led movements included the Aborigines’ Rights Protection Society, formed in the Gold Coast in 1897, which sent delegations to London in 1898, 1906 and 1911 to protest directly to the Colonial Office about various new laws. The pages of the *Anti-Slavery Reporter*, from its first issue in October 1909,

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<sup>147</sup> At least, this is the earliest letter in my collection, and there is no indication that others exist.

<sup>148</sup> H.W. Nevinson, *A Modern Slavery*, Harper, London and New York, 1906. This was followed by other investigations by W.A. Cadbury, Joseph Burt, Rev. John and Mrs Harris, and others.

were full of news of São Tomé cocoa, native policy in Nigeria, rubber slavery on the Amazon in South America, lynchings and “the race problem” in the United States, and the colour bar in South Africa. By 1911 this publication (produced by the Anti-Slavery and Aborigines’ Protection Society in London) was flagging up the Cole case (see next chapter) and the Maasai moves.<sup>149</sup>

Leys was clearly inspired by Morel in particular, who likewise focused on economic causes and saw how the theft of African land and labour made Leopold’s whole system of exploitation possible.<sup>150</sup> Cell mentions: “At the height of the Masai affair he [Leys] had compared the scandal of the East Africa Protectorate to that of the Congo several years before. Only gradually did the notion begin to crystallize in the mind of Norman Leys that he himself might become the E.D. Morel of East Africa.”<sup>151</sup> Short of actually becoming a journalist like Morel, he followed Morel’s deft use of every available means to expose injustice: the press, books, articles, pamphlets, speeches and copious letter writing. Leys was aided by anonymous sources inside the system, as Morel was inside its Belgian equivalent. Though the Harvey Letters do not name Morel, Leys clearly feared that a Congo-type scandal might develop in East Africa when he declared of the Maasai issue: “If the CO does not find out the guilt and punish the guilty there is a probability in a year or two of a large administrative scandal comparable to the Congo affair”.<sup>152</sup> In 1913, he criticised the Anti-Slavery Society for failing to do for British colonies what it seemed able to do for the Congo and Angola.<sup>153</sup> Later, Leys worked closely with Rev. John Harris of the Society – who had in turn worked with Morel in the Congo Reform Association – while sitting on the League of Nations Union Mandates

<sup>149</sup> Initially called *The Anti-Slavery Reporter and Aborigines’ Friend*, Vols. 1-2, 1909-1913, RHO.

<sup>150</sup> See Adam Hochschild, *King Leopold’s Ghost*, Macmillan, 1999. MacDonald nominated Morel for the Nobel Peace Prize (p291). Morel’s focus on causes is summarised p306.

<sup>151</sup> Cell, *By Kenya Possessed*, Introduction, p17.

<sup>152</sup> Leys to Harvey, No. 18, 22/3/12, Harvey Letters.

<sup>153</sup> Leys to Travers Buxton, 26/4/13, ASAPS Papers, G131, RHO.

Committee. All these networks were interlinked.<sup>154</sup> Furthermore, Leys' profession gave him unique access to places (such as prisons, steamships, workplaces, slums) which yielded inside information he could use against the government. Besides the Maasai cause, he took up several others simultaneously and wrote in July 1912 that he was "strongly tempted to take up a still more scandalous business than the Masai – the condition of contract labour".<sup>155</sup> Curiously, Girouard also wrote to Morel at one point to enlist his help in case he faced agitation by "sentimentalists" in Britain. He wrote: "I have a small native question which is being criticised particularly by Ramsay MacDonald. I wish he would come and govern for a while ... I have croakers who certainly don't know a Masai from a Fulani howling what a cruel beast I am."<sup>156</sup>

This is the background to the barrage of letters that Leys now sent to Harvey and influential others. Leys had met Harvey in London the previous day, 16 October, when home on leave, and now regretted some of what he had said. "If I had to live yesterday afternoon over again I would put things to you in a different way. To me this move of the Masai has been a sore business for over a year. And I am apt to speak of it out of proportion." He felt powerless to do anything about it within the Protectorate, and called for a new, liberal colonial policy "that must come from home". He urged Harvey to help create this and avert disaster, for he believed "we are laying the foundations of an evil system that generations to come will

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<sup>154</sup> See Wylie, 'Critics', for a full description of these interlinking networks.

<sup>155</sup> Leys to MacDonald, copied to Harvey, Murray, No. 26, 17/7/12, Harvey Letters. Though he devoted a large part of *Kenya* and other writings to the subject of labour, he was removed too soon from B.E.A. to take up this cause on the ground. Other issues pursued through Harvey included floggings of Africans in Nairobi prison, a subject Harvey raised in the Commons to good effect – Girouard later "issued an angry circular saying that the Sec. of State was smelling about, and prohibiting floggings for such execrable crimes as cigarette smoking ... some backs have gone unscarred because you made enquiry", Leys to Harvey, No. 16, 11/3/12, Harvey Letters.

<sup>156</sup> Girouard to Morel, 1/10/11, Morel Papers, LSE. Also in Girouard to Harcourt, 30/9/11, CO 879/112.

struggle with. Be ready in ten years for native ‘rebellions’. I could write a fairly accurate account of one now!”<sup>157</sup>

His chief informant was clearly Collyer, whose heart was not in the move.<sup>158</sup> (I will speculate about others in due course.) Though he was appointed Special Commissioner in charge of it, he went on home leave from April to November 1911 and missed the first half. It is not clear whether he was ‘taken off the case’ or absented himself; the former seems most likely. However, he refused to join Leys in public protest because he still believed in the good intentions of the British government.<sup>159</sup> The concerns that Leys shared with Harvey throughout their correspondence were broader than Maasai rights. For example, since 1908, he had discussed with McGregor Ross and others the possibility of issuing a pro-native manifesto or “counterblast”, as Ross described it in letters home.<sup>160</sup> This was intended to be a response to the worst excesses of settler misbehaviour and judicial indulgence of it. In January, Ross had written home of “the scandalous acquittal of a settler called Hall who shot a Somali at Limoru ... So much for the justice of trial by jury in this land of ‘Light and Liberty’ when the jury is made up of Nairobi stiffs”.<sup>161</sup> The aim of the manifesto was this: “We want to show some of the South African stiffs that there is a community in the country flatly opposed to almost everything that they advocate”.<sup>162</sup> It was apparently never written.

In early 1910, Leys had unsuccessfully tried to get Collyer, McGregor Ross and a few other unnamed officials to agree to resign in protest at the Maasai move.<sup>163</sup> Ross told his

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<sup>157</sup> Leys to Harvey, No.1, 17/10/10, Harvey Letters.

<sup>158</sup> Cashmore says Collyer was “devoted to the Maasai”, first administering them at Naivasha and later in the Northern Reserve. An Oxford graduate, he first came to B.E.A. in 1902 at the age of 22. He died of TB in September 1912 at Nyeri. More biographical details, from his family, will be included later.

<sup>159</sup> Leys to Murray, 30/4/10, Murray Papers, Bodleian, Oxford.

<sup>160</sup> Ross to mother, 21/8/08 and 16/12/08, Ross Papers, RHO. In the second, he wrote: “Leys the doctor is coming down from Nakuru ... to stay with me for a day or two to talk about the pro-native manifesto.”

<sup>161</sup> Ross to mother, 16/1/08, Ross Papers, RHO. The Somali was driving cattle across the settler’s farm, according to Wylie, ‘Critics’, p32.

<sup>162</sup> Ross to mother, 21/8/08, as before.

<sup>163</sup> Wylie says Leys suggested this to five other officials, ‘A Case Study’, p301.

family: “He wrote round to several of us suggesting that five or six officials should resign in concert as a mark of protest. I wrote and told him that if he felt so strongly about it, he might, at first at any rate, do what I did over the Liquor Bill and write to the Governor.” Leys sent Ross a draft of his letter to Girouard. “It was much too strong and undiplomatic. I largely recast it and sent it back to him today...” Leys sent it to Girouard at the end of May, and as a result was summoned for interview. Girouard appears to have charmed him into uncharacteristic submission, from what he told Murray:

The main impression left on my mind by the Governor is that he is better fit to be responsible for native rights and interests than any Governor I have served under. He told me he is dead against any other move of a native tribe. I blame him for having given settlers a wrong impression of his policy – an impression I shared myself. He assured me that six months from now settlers would know the truth. On the Masai move he is determined and I feel that however regrettable that is, my duty is to say and do no more than I have, now that I know he is no friend to land grabbers. He has been misled into a mistake ... Sir Percy was so frank as to tell me his detailed policy. I could put my name with pleasure to nine tenths of it.<sup>164</sup>

Ross did not hold out much hope of success: “The facts are ... white settlers badly want Laikipia. They do not want the Southern districts near the German border. These have been open for settlement for some years and practically nobody will look at them. Therefore, clear the Maasai off Laikipia and send them down to the region which nobody wants! Delamere is a prominent advocate of the move, of course. Naboth’s Vineyard.”<sup>165</sup>

Ross soon had his own opportunity to speak directly to Girouard. He had gone to Government House to object to a liquor licence being issued for tramway staff at Chania. Girouard raised the subject of the move, saying he understood that Ross was among those who objected to it. Ross was unimpressed with Girouard’s defence. “He made out no case which a man of Leys’ knowledge and ability could not counter effectively if he started writing in the

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<sup>164</sup> The interview was on 3 June, described the same day in Leys to Murray, 3/6/10, Murray Papers (148, folios 92-96), Bodleian, Oxford.

home papers. I told him that I was naturally on the side of the evicted, that an aunt had been laid out by British soldiery from Inverness in resistance to the depopulation of a glen that was wanted by people of superior standing, and that my sympathies automatically went in that direction.” He told Girouard that his main concern was water; the government ought to check there was sufficient water in the Southern Reserve before concentrating five million head of stock there.<sup>166</sup>

Leys did not write to Harvey again until May 1911, a month after becoming Acting Medical Officer at Mombasa. He had gone on home leave in February, and apparently briefed Harvey and Ramsay MacDonald face to face. “Things have gone badly again,” he now reported. “The Governor again proposes to move the Masai. This time he has engineered a request from the people themselves. I don’t know the whole story ... How can such intrigues be proved? To accuse Girouard of them would simply be to procure my own dismissal. He is far too crafty a general to allow an outsider like me to know what goes on. I believe he will fall. I don’t think Providence often allows the wicked to prosper very long. But I fancy he is much more likely to hit his own wicket than to allow himself to be bowled out.” Leys urged Harvey to ask more questions about the move in the Commons.<sup>167</sup>

A 1911 Maasai Agreement had been signed the previous month.<sup>168</sup> It negated what had been agreed in 1904. Under this new deal, the British sought to “unite” the Maasai in one extended Southern Reserve. Some 4,500 square miles on Laikipia were to be exchanged for 6,500 in the south, and this time round there was no talk of a permanent contract.<sup>169</sup> It was signed by 15 Maasai (or rather, they set marks next to their names), led by Seggi, son of the

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<sup>165</sup> Ross to mother, No. 439, 24/5/10, Ross Papers.

<sup>166</sup> Ross to mother, No. 490, 30/5/10, Ross Papers.

<sup>167</sup> Leys to Harvey, No. 3, 20/5/11, Harvey Letters.

<sup>168</sup> Enc. 1 in Girouard to Harcourt 18/4/11, CO 533/116. The original signed treaty has not been found.

late Olonana. Of the 15, only Ole Gilisho (now one of Seggi's regents, since he was a minor) and Masikonde had also signed the 1904 Agreement. All signatories agreed that it was in the best interests of the tribe to inhabit one area, instead of being divided in two. Girouard told London that the agreement had been sanctioned by Olonana. On his deathbed, on 7 March 1911, Olonana was said to have exhorted the northern Maasai to obey the government and move south. Such dying wishes were a godsend for the Governor, who pressured Olonana's successors to sign the 1911 Agreement days later. The timeliness was not lost on Harcourt, who dryly noted: "Sir P. Girouard must have telepathetically inspired Ole Lenana's dying speech!"<sup>170</sup> Subsequent events showed that Girouard's confidence in Olonana was misplaced, and Olonana's authority highly questionable. Olonana reportedly died of dysentery, though rumour persists among the Maasai that he was poisoned or bewitched by his brother Senteu. Crewe-Read spoke to him just before his death, viewed his body a day after he passed away, and recorded: "Thus ended the life of one of the most powerful and intelligent natives this country has known". The source of the "dying wishes" story was attributed to Marmaroi, his half brother, who was to be Seggi's advisor until he came of age.<sup>171</sup>

An anonymous informer again threatened to scupper the contract. Colonial Office approval of the 1911 treaty was stalled by Ramsay MacDonald, then MP for Leicester, who passed on information from B.E.A. (supplied by Leys) alleging that Girouard had forced the Maasai to sign.<sup>172</sup> MacDonald reckoned that Olonana's dying wish had been "manufactured by the living", and that settlers were trying to provoke a Maasai rebellion in order to justify

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<sup>169</sup> The size of both reserves kept changing in the records. In the Commons debate on 20/7/11, Harcourt said the Northern Reserve was 4,770 square miles, and the Southern, with new extensions, 8,920. Hansard, Vol. 28, col. 1350. See first page, Chapter 8.

<sup>170</sup> Minute by Harcourt on Girouard to Harcourt, 15/3/11, CO 533/85.

<sup>171</sup> Report by Crewe-Read on the death of Lenana [sic], 8/3/11, is in Southern Masai Reserve District Records 1908-1911, DC/KAJ.1/1/1, KNA.

<sup>172</sup> Leys' first reference in the Harvey Letters to contact with MacDonald is in No.3, 20/5/11, where he described having talked to him – "My idea was to inform everyone that would listen to me".

seizure of their land.<sup>173</sup> Following Ted Harvey's lead, MacDonald threatened to raise the matter in the House, and proceeded to do so in a debate on the colonies in July.<sup>174</sup> "Since 1904," he told MPs, "we have committed this great crime" against "a peaceful people". He called the Olonana deathbed tale "much more like a Sunday School story than anything else". As for the deficiencies of the recent White Paper on the Maasai, "You have to fill in the blanks". He outlined the story so far, pointing out that land speculation in the highlands had rocketed since news of the impending move had emerged. A farm bought from the government for £55 at the beginning of the year had recently sold for £500. Harcourt wanted to know whose farm it was, but MacDonald could not say. He would ask his informant in B.E.A. – "a most reliable person". As for Olonana, Harcourt – with a telling slip of the tongue, unless this was a misprint – replied: "I am not moving the Masai into the South Africa Protectorate on the strength of a dying speech." His successor and other 'chiefs' had agreed to it. "The Masai had come to a unanimous and even enthusiastic decision to move to the Southern Reserve."<sup>175</sup>

### **Death on the Mau?**

The move began in early June 1911. It was quite a sight, as Charles Miller has described: "Napoleon's retreat from Moscow may have been a dress parade by comparison. Planned routes were forgotten as 10,000 Maasai, 175,000 cattle and over one million sheep sprawled out across the Rift and its two escarpments like nails spilled from a giant's keg."<sup>176</sup> The official record, however, says that the Maasai followed the four prescribed routes south. Moreover, they went quietly. ADC Popplewell wrote: "They appeared to be moving with absolute willingness and no pressure of any kind was put upon them." By the end of July, all

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<sup>173</sup> MacDonald to Harcourt, 18/5/11, CO 533/86. Cashmore, 'Obedient', p366.

<sup>174</sup> Harvey asked questions in the House on 31/5/11 and 2/6/11, Hansard, Vol. 26, pp1056 and 1433.

had reportedly left Laikipia except for Masikonde, Ole Gilisho, the 'Nyeri Masai' (the Dalalekutuk section) and some sick herds.<sup>177</sup> Days later, the movement was in disarray as the march reached the Mau in mid-August. Three of the four routes converged on the summit, where cold and heavy rain greeted the travellers. Grass was scarce, and the pathways became a muddy morass. One posse seems to have halted and turned back on those who were following, on hearing that there was insufficient grazing ahead. The result was chaos. Large numbers of Maasai began breaking back into the Rift Valley, flooding settler farms between Njoro and Gilgil, and the move was officially suspended.

Popplewell's account of what went wrong was frank, unlike later official denials which tended to blame the Maasai:

Of the four roads used one passed round the South side of Naivasha Lake and crossed the Mau behind the Endabibi plains into Engattit. The other three passed respectively South and North of Lake Elmenteita and North of Lake Nakuru, reaching the foot of the Mau at three different points and converged onto one point at the summit, whence the only outlet into the Reserve was one narrow track through the forest, taking at least two days to pass and practically without grazing. On the first route there was no difficulty; the Masai passed right into the Reserve and stayed there. Those who used the other three routes became congested at the top of the Mau...<sup>178</sup>

Heavy rains and cold then added to their problems. The Maasai lacked adequate shelter, he said, and these conditions "caused a certain number of deaths both amongst the people and the stock". The road became "almost impassable". Officers in charge of the move tried to push them forward, but the Maasai refused. "Finding the Mau untenable and unable to go on they turned back onto the [European] farms." Two-thirds of the total migrant population

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<sup>175</sup> Hansard, Vol. 28, debate of 20/7/11, cols. 1324 -1353.

<sup>176</sup> Miller, *Lunatic Express*, p495.

<sup>177</sup> Rumuruti (Laikipia) District A/R, year ending 31/3/12, LKA/1, KNA, p1, with cover note by H.B. Popplewell. The total number of stock still on Laikipia at the end of July was about 50,000 cattle and a "proportionate number of sheep". The sick stock was quarantined and awaiting veterinary clearance before moving. The Quarterly Report to 30/9/11 gives the cattle diseases as rinderpest, BPP and Blackquarter. By the year's end, cattle numbers had gone back up to 160,647 and sheep to 1,068,100.

<sup>178</sup> Laikipia District A/R to 31/3/12, p2.

eventually returned to Laikipia, although at the time Girouard claimed that half the ‘northern’ Maasai had moved into the Southern Reserve. His first full report to the CO differed from Popplewell’s in key respects. The initial back-up was caused, he said, by Maasai halting on the plateau because they found the grazing good. They put up their “kraals” and decided not to move down to the plains. Congestion followed when the rains came, making the “roads” impassable. Citing reports by MacDonald and Atkinson, he said the Maasai had “suffered no great hardships ... and their losses are not of a serious character”.<sup>179</sup>

News of the alleged deaths soon leaked out. Humanitarians in London were alerted to what was going on via the Anti-Slavery and Aborigines Protection Society. Three impassioned letters arrived at its London offices between the autumn of 1911 and January 1912.<sup>180</sup> The anonymous author, who signed him or herself variously ‘A friend of the native’ or ‘An Englishman’, described the plight of “the unfortunate Masai of British East Africa who were being forced from their homes for a second time in spite of the statements of Mr Winston Churchill regarding the inviolability of Native Reserves”. Travers Buxton, the Society’s secretary, presumed the handwriting to be that of “a lady”. The writer begged the Society to come to the aid of these unhappy Africans.

The second letter, dated 25 September 1911 and sourced “London”, gave a purportedly eye witness account of dead and dying Maasai and their stock on the Mau. Photographs<sup>181</sup> of human skeletons scattered in the bush, enclosed in a third letter dated 7 January 1912, appeared to confirm this report:

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<sup>179</sup> Girouard to Harcourt, No. 497, 6/9/11, CO 533/90.

<sup>180</sup> ASAPS Papers, RHO; copies also in the Harvey Letters. The first letter is undated and unsourced. The third, dated 7/1/12, has a Swiss postmark. The report quoted is from the second letter, dated 25/9/11, London, signed ‘An Englishman’.

<sup>181</sup> There are four sepia photographs; two are reproduced on the next page. The other photographs of skeletons do not clearly show human remains, but this one (overpage, below) shows a woman’s body complete with skull. ASAPS Papers, RHO.

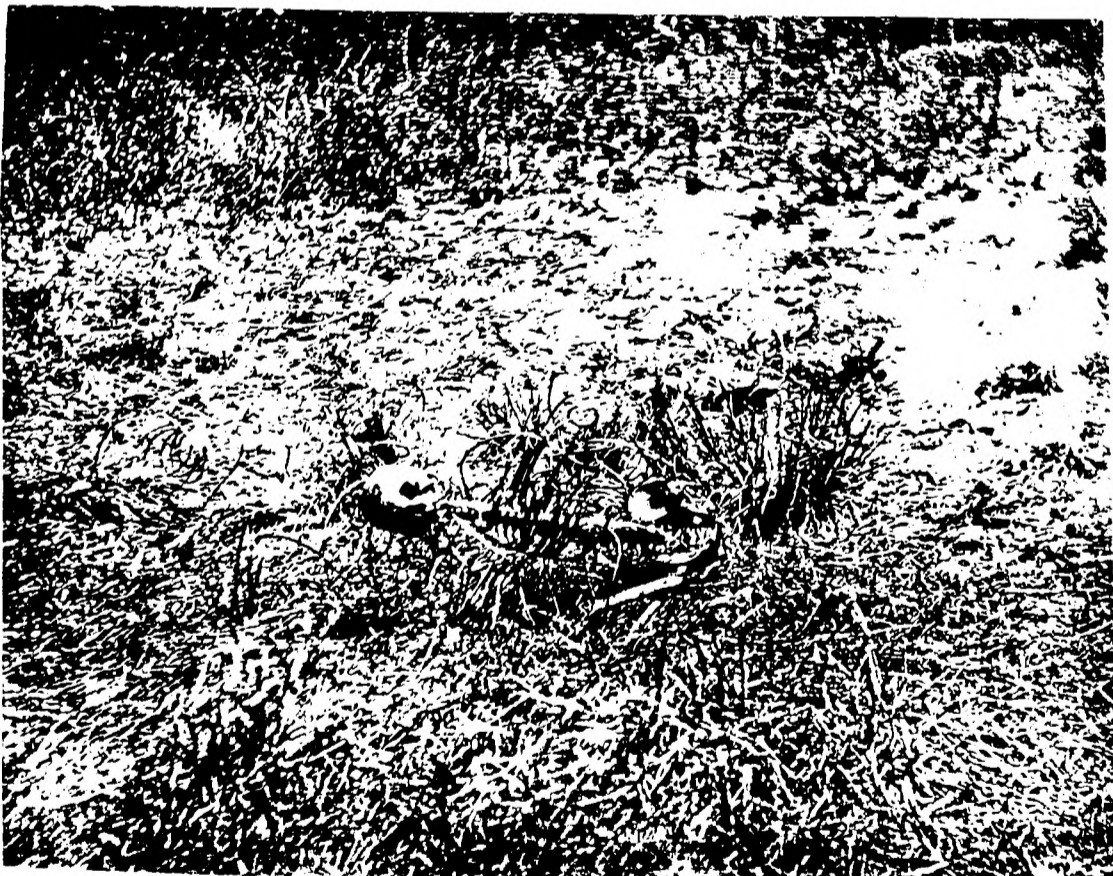
These people were driven from their homes without the slightest attempt being made to find out first whether the country they could go to could keep them, and secondly whether there was any possible chance of their being able to get there; the sole idea being to get them out as quickly as possible, and by different routes they were forced on to the top of the Mau Escarpment, it being an impossibility for them to get any further, owing to the absence of grass for their stock. About the 13<sup>th</sup> August a large deputation of these wretched people came in to the nearest Government Station and reported that their stock were dying of starvation, and also their little children, and the old people, whose food is practically entirely milk, and they begged to be allowed to return to the nearest available grazing. The local officials, apparently realizing the gravity of the situation, recommended that they should be allowed to return. The reply to this can hardly be believed. It was practically to the effect that they might stop and die, or go on and die, and that there was plenty of grass on the German border...

Now to those of you who may happen to be the proud possessors of happy and well fed children, try and imagine this scene – ‘A rolling plain surrounded by impenetrable forests 10,000 feet above the sea, the coarse grass stamped into a sea of mud and dotted about with the temporary homes of the evicted Masai. From the circles of these rude shelters comes the wailing of the starving and dying children whose unhappy mothers unable to get the milk from the dying cows are trying to feed them with the best meat they can get from the dead cattle and sheep. Without, the never ceasing moaning of the hungry cattle is only broken by the screaming of the kites as they wheel overhead, a bitter wind and driving rain and sleet, while to complete the picture, on the scrubby and windswept cedars sit the ill-omened forms of the gorged vultures. As the short twilight rapidly deepens into night and the feathered scavengers slowly sail away to their resting places for the night, echoing up the little valleys comes the horrible cry of the hyena.

It was a case of ‘death’ where they were, certain ‘death’ in front, and perhaps what they feared most, death and outrage at the hands of the savage native soldiers at the orders presumably of those at the head of affairs. What the condition of things can be at the present moment it is impossible to say, but amidst the Golgotha there must be many little heaps of tiny bones...’

Now, though we are told that ‘Vengeance belongs to the Lord’, it is perhaps hardly too much to expect that the British nation will demand and see that ‘Justice’ is administered impartially, and ... any attempt to further carry out such atrocities shall be stopped at once and for ever.

The Society responded by sending the photographs and first letter to the Secretary of State for the Colonies on 22 January 1912. It circulated the entire correspondence to various MPs including Harvey, its Honorary Secretary in the Commons.<sup>182</sup> Thanks to Leys, the story of this particular injustice was not new to him. He had been expecting something of the sort for months. With the claims of mayhem on the Mau, Girouard’s nightmare had begun.



Top: 'The Masai in B.E.A. as they should be'.

Below: 'What the Masai in B.E.A. are becoming in daily increasing numbers after having been driven from their reserves'.

(Photos sent anonymously to the Anti-Slavery and Aborigines Protection Society, January 1912.)

It is unlikely that Leys was the author of the anonymous letters – the handwriting differs, so does the overblown style, and such a detailed eye witness account seems more likely to have come from an official involved with the move, or even from a local missionary. Wylie calls the writer of this last letter “an ill-informed humanitarian”, but gives no evidence.<sup>183</sup> One cannot assume that the author was ill informed. Writing to Harvey and MacDonald on 27 August, Leys said of the magistrate at Nakuru: “He is the man who reported the affair originally”.<sup>184</sup> It could be that the magistrate decided to contact a pressure group in Britain, or passed information to a friend to disseminate. At any rate, Leys took up the same refrain and sought to investigate the facts. In October he wrote to Harvey, MacDonald and Murray:

When, about the middle of September, over 30 of the Masai elders came to complain to the magistrate at Nakuru of the loss of life during the march, the doctor at Nakuru was sent up to enquire. He went from village to village asking in each the numbers who had died in the preceding month. He calculated that from two to four per cent of the population in the different villages had died. He saw no dead bodies. When he met with the Masai they had come down from the mountain forests and bush. Unfortunately he did not take names of the people who were alleged to have died in the mountains.<sup>185</sup>

The doctor, Bodeker, had established the cause of death as exposure and famine, and claimed “enormous” numbers of stock had also perished.<sup>186</sup> But this finding was at odds with an official inquiry by the Director of Agriculture, Archibald MacDonald, and leading settler Dr Arthur Atkinson, a close friend of Delamere’s and his former travelling companion.<sup>187</sup> Both these persons, wrote Leys with heavy sarcasm, were “strong advocates of the move long before the CO heard of its having been proposed”. They reported seeing the corpse of one

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<sup>182</sup> The other MPs were Sir William Byles and Josiah Wedgwood. Cover letters sent out 15/1/12 by Travers Buxton. The anonymous letter writer had already sent a letter similar to the second in this series to Ramsay MacDonald. ASAPS Papers, RHO.

<sup>183</sup> Wylie, ‘Critics’, pp75/6.

<sup>184</sup> Leys to Harvey, copied to MacDonald, No.7, 27/8/11, Harvey Letters.

<sup>185</sup> Leys to Harvey, MacDonald, Murray, No. 12, 7/10/11, Harvey Letters.

<sup>186</sup> Leys to Harvey, MacDonald, No. 8, 3/9/11, Harvey Letters.

young woman, who looked too well nourished to have died of starvation, and a few animal carcasses; they did not think the livestock losses abnormal compared with those suffered by any European farmer. However, game warden G.H. Goldfinch (who was to become involved in the resumed move as an Officer in Charge) told them that a “large number” of cattle and sheep had died, and “some old men and women and young children had died of exposure and starvation”. MacDonald and Atkinson conceded that there may have been some fatalities among the very old and very young about which they were unable to obtain direct evidence. Most of the people they had met looked healthy, and the children looked particularly well nourished.<sup>188</sup> In a separate report their companion, veterinary officer Richard Edmundson, said he had inspected Maasai livestock on the Elmenteita Plains and the Mau. In the first place he had only found a little scab and foot rot among the sheep, seven dead sheep and three cattle skins pegged out near a “kraal”. The position was similar on the Mau.<sup>189</sup>

Leys later wrote that he did not believe their testimony for a moment, since he knew the inquiry had been conducted at breakneck speed in difficult bush country. MacDonald and Atkinson had been sent up to the Mau from Nairobi by train. They rode from the railway to the site of the alleged deaths, a distance of 30 or 40 miles. “They went there and back in three days, on horseback. They dated their report on the third day from leaving the railway. To examine forest and bush country in the time was impossible. Their report, which states that there was no loss of life, is of no value. At the same time the doctor’s estimate is probably much too high.”<sup>190</sup> Leys based his despatch on information supplied by the Nakuru magistrate, to whom he had written asking for facts and figures after a tip-off from an unexpected source – the Principal Judge of the High Court, Sir Robert Hamilton, who would

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<sup>187</sup> Their report of 25/8/11 is Enc. 1 in No. 497, 6/9/11, CO 533/90.

<sup>188</sup> No. 497, 6/9/11, CO 533/90, pp2-3.

<sup>189</sup> Enc. 2 in No. 497, *ibid*.

<sup>190</sup> Leys to Harvey, MacDonald, Murray, No. 12, 7/10/11, Harvey Letters.

hear the Maasai Case of 1913. Leys had written excitedly on 22 August of a conversation held that night with Hamilton:

The Principal Judge of the High Court took me aside to tell me that he had learned that the Masai were finding grass and water so insufficient in the Southern Reserve that numbers of their cattle and sheep were dying. The milk supply is so short (Masai eat no farinaceous food) that the official in charge of the move is feeding some of the women and children on tinned milk. The streams are all polluted by thousands of dead cattle and sheep. Some of the Masai are trying to break back to the old reserve. But the grass is all trampled and eaten bare on the roads. And between them and their old country is 100 miles or so of settlers' country. The police are heading them back. There [his underline] is the danger. If a Masai is shot or a policeman speared a futile but bloody 'rising' is sure to follow. Some of the settlers have always prayed for it ... You can imagine the rest. I want to warn you that what has always been possible [a Maasai rising] seems now to be quite near ... I need not warn you not to let Judge Hamilton's name appear.<sup>191</sup>

Leys urged his parliamentary contacts to push for an independent inquiry, while lamenting that it would never take place and "the real truth will never be known".<sup>192</sup> Indeed, the Protectorate administration saw no need for further inquiries, blaming the Maasai for their predicament. Sandford later wrote, repeating what Girouard had said in 1911:

This check was undoubtedly the result of the Masai having proceeded too quickly. They pressed forward even when asked by European farmers (through whose farms they were passing) to hold back, the farmers being desirous of trying to open up a trade with them. No police measures of any kind were adopted, testifying to the voluntary character of the move. It appears that the Masai did not suffer to any extent by the journey, and the losses reported were those which would naturally take place in large movements of stock."<sup>193</sup>

Thomas Maitei Ole Mootian remembered things rather differently. He was there, as a small boy, driving sheep and cows. A former colonial office clerk who became a politician and farmer, Ole Mootian was in his mid- to late 90s when interviewed shortly before his death in 1997, at his home at Olokurto on the Mau. King had interviewed him much earlier, in 1969, but apparently not about these events.<sup>194</sup>

<sup>191</sup> Leys to Harvey, MacDonald, No. 6, 22/8/11, Harvey Letters.

<sup>192</sup> Leys to Harvey, MacDonald, No. 8, 3/9/11, Harvey Letters.

<sup>193</sup> Sandford, *Administrative history*, p32. He lifts Girouard almost word for word from Girouard to Harcourt, Desp. 548, 30/9/11, CO 533/90, pp8-9.

<sup>194</sup> Narok 7. See King, 'Kenya Maasai'; King and Salim, *Kenya Historical Biographies*; Waller, Chapter 11, Spear and Waller, *Being Maasai*. King writes of Ole Mootian's long involvement in politics, which began when

We were pushed by force, by a white man called Bilownee [E.D. Browne]<sup>195</sup> because he was the migration officer, accompanied by *askaris* [police/soldiers] from Zambia, and others from Germany and others from Sudan. So now they were pushing us by force – it was not a joke. The *askaris* were holding guns. They were beating the people. When you stopped, they hit you with the butt of the gun. And if women made a joke or became lazy, they were caned. And when the sheep or cows became weak, they were killed ... Villages were coming, about 20 at a time. Others were about 50 at a time. This is the movement, and *askaris* were on all sides, here and behind...<sup>196</sup>

Sandford's account remains the official version of events. He repeated Girouard's words almost exactly. It ignored the covert coercion (which the Colonial Office suspected), the lack of adequate planning (which surprised experienced administrators like Ainsworth, who was called in by Girouard to sort out the mess) and the timing of the move in atrocious weather conditions. And, of course, it said nothing about Maasai being driven at gunpoint to their Promised Land, and dying along the way. But in the margins of history, scribbled on a telegram from Girouard to the Colonial Office, is a sharper assessment by Harcourt: "His suggestion that the move has 'been pressed too quickly' is a piece of monstrous impertinence coming from him!" Girouard, whose coded telegram had ended with the words "Masai are querbogen", meaning "all quiet", was soon to lose his job for one impertinence too many.<sup>197</sup>

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he came to work in the Land Office in Nairobi, and met Harry Thuku. In 1926 he joined the Kikuyu Central Association. I came across Ole Mootian by lucky chance; he was the father of one of my contacts in Narok.

<sup>195</sup> Africans' nickname for Browne was Bilauri, Swahili for glass, which is presumably a reference to his drinking habits. Ole Mootian's name for him sounded like a cross between the two.

<sup>196</sup> His description of the soldiers' origins as Sudan and Germany may be a reference to Nyamwezi from German East Africa and Nubians (Nuba) from the Sudan.

<sup>197</sup> The Harcourt quote is a minute on Girouard to Harcourt, Tel. 190, 5/9/11, CO 533/90. Girouard also said the move had been made "quite voluntarily". Sandford lifted Girouard's wording from this and a despatch one day later, No. 497, 6/9/11.

### Chapter 3: In search of the truth

“For heaven’s sake don’t think me a hero. I am only a cranky anachronism – a democrat in a country where every social, political and economic circumstance makes for slavery...”

Norman Leys<sup>1</sup>

Not surprisingly, views differ as to whether the Maasai suffered any casualties at the beginning of the second move, according to whether one consults official, Maasai or other sources. Besides Popplewell, officers involved in moving the Maasai reported some evidence of sickness, but no human deaths. Talbot-Smith wrote of the contingent he escorted back to the Northern Reserve after the move was aborted: “There appeared to be a fair amount of sickness among the natives, several requesting permission to rest on the unoccupied farms, etc. before proceeding further. I gather that fever and chest, possibly pneumonia, were the chief complaints”. He also noted “considerable mortality among the sheep. In fact it would be no exaggeration to state that the track was lined with their carcasses”.<sup>2</sup> The Maasai told him that the cause of the deaths was exposure on the Mau. In this particular group of migrants, no cattle had been lost apart from a calf that strayed.

Crewe-Read made a tour of the so-called Promised Land (Mau Narok) and Il-Melili (also on the Mau) and reported: “I saw no human remains”. Having visited several “*manyatas*” he also saw no signs, apart from two sheep carcasses, that stock had suffered in any way, though one elder – Ole Kamweira – said he had lost four cows and about 100 sheep during the move. Crewe-Read suggested that the sudden return of Maasai from the Mau to European farms in the Rift, accompanied by reports of “heavy casualties amongst man and beast”, simply amounted to an attempt to “bluff the Government into returning them to Laikipia for ever”. He warned the elders he met that any return would be temporary, and that “a large body

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<sup>1</sup> Leys to Harvey, No. 3, 20/5/11, Harvey Letters.

of police were stationed all along the foot of the Mau to prevent others who were already in the Southern Masai Reserve from following them". Some elders said they had no desire to return to Laikipia, and were surprised that others had turned back. Ol le Yeli [sic], an age-mate of Ole Gilisho's, told Crewe-Read that he had had "no difficulty whatsoever" en route, had no wish to return to Laikipia and hoped that the rest of his brethren would soon follow him south. In his view, grazing was plentiful on Il-Melili and superior to that on Laikipia, but he hoped that the government would build dams because water would be scarce except in the rains. Crewe-Read agreed about the lack of water.<sup>3</sup>

The Maasai believe it is unlucky to count people or cattle, or to name the dead.<sup>4</sup> Therefore it is hard to ascertain, so many years later, how many people died during this early stage of the second move. Curiously, human deaths were not mentioned in the plaint that went before the court; reparation was only sought for £200,000 worth of stock that allegedly died as a result of the move. Leys himself developed doubts about the alleged numbers of deaths, urging Harvey: "Whatever action you may think wise to take in view of the facts, I strongly advise that no notice should be taken of the alleged deaths suffered by the Masai during the abortive move. The truth is not known. It probably never will be ... The Masai throw their dead into the bush for birds of prey. Up there, in the forest, 10,000 feet high, these are scarce. But in these two months some of the bodies will have gone and others be hard to find..."<sup>5</sup>

Harcourt was to say something similar, for different reasons, when put on the spot in the Commons in April 1912. Harvey asked him: "In view of the very serious loss of life that occurred during the removal of part of the Masai south, will the Right Honourable Gentleman give an undertaking that the remainder who are in the Northern territory will not be removed

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<sup>2</sup> DC Eldama Ravine to PC Naivasha, 25/9/11, PC/RVP/6E/1/1, KNA.

<sup>3</sup> Diary of Tour by E.C. Crewe-Read, ADC Ngongo Bagas, 19/9/11, PC/RVP/6E/1/1, KNA.

until Parliament has had an opportunity of discussing the matter?" Harcourt replied that the matter had already been discussed in the House, in a debate on the colonies in July 1911, and there was nothing more to add.<sup>6</sup> Harvey retorted that the loss of life had occurred since then: "Has he not seen a photograph showing skeletons on the roadside along the route which these unfortunate Masai took in moving south?" Harcourt responded coldly:

The loss of life was considerably less than that which usually occurs when the Masai move from one part of the country to another. I have seen the photograph. It shows only the skeleton of one woman, and, as the honourable member must be aware, the Masai do not bury their dead, and it is therefore easy to discover the skeletons of those who die on the road.<sup>7</sup>

When asked about human deaths, a typical response from my informants was that of Ole Mootian: "I can't remember how many Maasai died. I can only remember one person, my father's sister, who died here at Siapei". Most said they did not know, and therefore "could not cheat" by giving false information. Daudi Ole Teka recalled that people who became weak were simply left behind: "When somebody became weak when we were moving, we used to leave them in the camp. We used to leave the weak, somebody who was dying. Even weak cows, we left them behind. Many cows died. But I can't remember how many people died, because actually we had no problem like a disease that killed them all. So I can't cheat, I can't tell you the people who died or not".<sup>8</sup>

Former Kenyan cabinet minister William Ole Ntimama (he failed to regain a cabinet post after the National Rainbow Coalition won the 2002 elections), MP for Narok North and an outspoken advocate for Maasai rights, has publicly claimed: "The Maasai lost over 2,000 men, women and children ... slain during this forceful [sic] movement from the Rift Valley to

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<sup>4</sup> It is said to be unlucky, or plain wrong, to count these two commodities because "there is never too much of either people or cattle" as one informant put it.

<sup>5</sup> Leys to Harvey, No. 12, 7/10/11, Harvey Letters.

<sup>6</sup> Hansard, Vol. 28, debate of 20/7/11, cols. 1324-1353.

<sup>7</sup> Hansard, Vol. 37, 16/4/12, cols. 180-181.

what was known as the Southern Reserve... Few Maasai families escaped without either a father or brother being struck down or wounded”.<sup>9</sup> He has offered no evidence, and this number is unverifiable. There are no reports, written or oral, of Maasai being shot dead or injured. One of my oldest informants, Karanja Ole Koisikir, said: “The white men ... chased us out [of Enterror]. They were not shooting us”.<sup>10</sup> This was borne out by his neighbour, Sondo Ole Sadera. Too young to have been there, he was told about the move by his father. “They were not using guns. They never shot anybody. They were just chasing them.”<sup>11</sup> Nkaburra Ole Njapit said: “Many people died while coming; they died of diseases. I can’t say they were killed by the white men. There were no cases reported of the white men killing people, being shot and so on.”<sup>12</sup> Another eye witness was Kitinti Ole Sadera. “We were moved forcibly, and were not allowed to rest for a day. The soldiers were escorting us with firearms, though they did not use them. The only problem we faced while moving was starvation.”<sup>13</sup> No one reported guns being fired at people; they were only said to have been used to kill off sick animals, and to threaten the Maasai. The very presence of white men was threatening. When Ole Teka was asked if the British used guns, he cried: “Ay, ay, ay! You know, in those days, if a Maasai put on a coat, boys would run away in the field, thinking he was a white man. We feared the British. We never even wanted to see them. We never wanted to see them at all!” He laughed at the memory.

Maasai women bore the brunt of the move in many ways, since they had to construct temporary shelters, carry babies and household goods, care for the very young, the sick and

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<sup>8</sup> Ole Teka, Narok 1.

<sup>9</sup> Address by William Ole Ntimama, then Minister for Local Government, to the 5<sup>th</sup> International Congress on Ethnobiology (undated paper in my possession). This reference seems to confuse the two moves.

<sup>10</sup> Ole Koisikir, Narok 4.

<sup>11</sup> Ole Sadera, Narok 5.

<sup>12</sup> Ole Njapit, Lemek 18.

<sup>13</sup> Ole Sadera, Lemek 25.

the elderly, feed everyone, and give birth in very stressful circumstances.<sup>14</sup> Some may retort that the Maasai are nomadic anyway, so this was nothing unusual. But forced migration bears no relation to the voluntary kind, as the large body of literature on refugees and forced migration bears out. Kirapusho Ene Gilisho, daughter-in-law of Parsaloi Ole Gilisho, was told about the move by her mother and other female relatives. She said:

Women were the ones who took care of the children during the move. They had [herbal] medicine in case a child became sick on the way. And when a woman gave birth on the move, they had to spend two or three days in one particular place in order for her to recover her strength. She would be given sheep's oil, blood and meat and after a few days she would be ready to move with the others ... There was not enough food, many people died of hunger on the way.<sup>15</sup>

People ate a lot of soup, which could be carried in calabashes. Meat was stored in small boxes or gourds, which were also easily portable. Women traded with the Kikuyu for food: "They sold animal fat, dogs, hides and skins. They sold all of that in exchange for food – a certain food called *il-oiboribori* that they used to eat in those days."<sup>16</sup> When asked whether any women tried to resist the British, she said: "Not at all. They had nothing to say to the white people. Women were trying to run away with their children, so they didn't have that in mind. That is always the work of women – when it comes to a fight, they run away with their children." Pantiya Ene Njapit, who claimed to be 100, took part in the move as a "very big girl, more than ten years old".<sup>17</sup> She said: "Nobody died on the way. I don't cheat – I have not heard that anybody died." One of women's main tasks was to build shelters: "Women went and cut materials in the bush and made small shelters [to live in] for maybe one day or one week. If a woman gave birth, they stayed for one week." They took with them everything they

<sup>14</sup> As mentioned earlier, a special questionnaire was drawn up for women, focused on the practical challenges they may have faced during the move, rather than on the macro-political picture.

<sup>15</sup> Lemek 3. Wife of Leperes Ole Gilisho, aged about 60, born Laikipiak and assimilated by the Purko.

<sup>16</sup> Not found in Mol in this form. *Ol-oibor* means 'white one', *a-iborrie* 'to cause to be white', therefore it seems to mean literally 'the white one that is made white' (Mol, *Maasai language*, pp 92, 299). Described by informants as a famine food made from hides that were burned and ground up.

<sup>17</sup> Lemek 31. A Purko widow with seven children.

possessed – carrying materials to make shelters, utensils, cooking pots, and personal adornment. Her family settled first at Ole Nkasurai on the Mau, and later moved to Ngoilali. Now she lives at Oloromei village (also known as Five Kilometre), near the Mara River. “I really like this place [Ngatet] very much, because this is where I grew up.” However, “Maasai women did not want to be moved from Enterror, but no woman resisted the whites. They didn’t have those powers to resist. They had no say, because women in Maasailand have no say. They just follow what the men decide”.

At 75, Kurito Ene Sengeny is too young to have been involved in the move, but stories were passed down to her.<sup>18</sup> Her family settled initially in Loita, and “chased” the Loitai away. “I heard that when people were coming [south] they encountered a lot of problems, like people becoming sick on the way, other people dying from diseases, maybe killed by wild animals.” Women gathered medicinal roots and plants to boil and give to the sick. “In those days, Maasai in Ngatet were suffering from diseases like malaria and common colds. Cattle diseases were ECF, foot and mouth, pneumonia and rinderpest.” As for food, the migrants lived on milk, blood and meat, and bartered for other goods. “There was a slave trade – you went and sold your child to other people for food, and that child, when he or she knew that that food was finished, they ran back [home] again.” Surprisingly, women managed to continue with their beadwork as they travelled: “When they rested somewhere they quickly went and did something little, so at the end of the day they had done something.”

Kiter Ene Lemein is about 90, and lives near Ololulunga.<sup>19</sup> Her family moved first to the Mara, back to the Mau and finally to this location. “When they were moving, men were taking the cows and women were coming with the calves and children. Women were treating

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<sup>18</sup> Lemek 36. Childless Purko widow, working as a female circumciser.

<sup>19</sup> Lemek 43. Purko widow with two children.

sick people using herbal medicines like *o-sokonoi* and *e-sumeita*.<sup>20</sup> Enterror was better than this place because there were no diseases for animals and people. When they went to Mara, people were getting colds and malaria.” This was a refrain often repeated by informants (to be fully explored in Chapter 8). As for resistance by women, there wasn’t any: “They didn’t resist the whites because women don’t have any say in the Maasai community”.

### Suspension of the move

After news emerged in B.E.A. and Britain of the chaotic situation on the Mau, the move was suspended, the Secretary of State issuing orders that those Maasai who had not been accommodated in the south must be allowed to return to their old reserve for the time being. Some were temporarily allowed onto European farms in the Rift, including 150,000 acres of East Africa Syndicate land at Gilgil.<sup>21</sup> They would not be moved again until Girouard had satisfied the CO that enough water was available in the south, and that the move could be properly supervised.<sup>22</sup>

Leys wrote to Harvey: “Nobody here really knows what happened. The Government has issued a statement to the press, not only minimising last month’s trouble, but attributing the blame to the Masai – accusing them of being in a hurry to go South! ... I greatly fear that the doctor in Nakuru – a weak man – has had pressure put on him to withdraw his report or

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<sup>20</sup> Mol gives *e-sumeitai* (also *o-sumeita*) as the name of a tree, no medicinal uses given; *e-sokonoi*: the pepper bark tree or East African greenheart (*Warburgia ugandensis*), whose fruits are used in soups, as a spice in cooking and as cattle medicine, *Maasai language*, pp378, 375. Kokwaro does not include the first (unless the Maasai purgative and gonorrhoea treatment *Bsuneute* (*Cassia italica*) is misspelled). The bark of *ol-sogunoi* or *olosogoni* (*Warburgia salutaris*) is used to treat stomach ache, coughs, fever, toothache, muscle and general body pains, weak joints and malaria, while Kikuyu also use the roots to prevent diarrhoea, J.O. Kokwaro, *Medicinal Plants of East Africa*, Second Edition, Kenya Literature Bureau, 1993, pp130, 56. Informant Esther Ene Nchoe, a herbalist in Lemek, said the roots of *e-sumeita* are ground and drunk with hot water as a cure for “malaria of the stomach”, while she grates *e-sokonoi* like a carrot and places it in cool water, or mixes it with porridge, as a treatment for malaria and ulcers.

<sup>21</sup> A census of Maasai who returned to Laikipia, after vacating European farms, listed “not more than 4,000 adults” plus 160,600 cattle and 1,068,100 sheep, Sandford, *Administrative history*, p33.

<sup>22</sup> Sandford, *Administrative history*, pp32-3.

change it, and also that the magistrate there painted the picture so luridly as to give the white washers a chance. The feeling of the country is very disturbed".<sup>23</sup> This description of the magistrate's account tallies with the highly emotive, if not lurid, anonymous letter to the Anti-Slavery Society quoted in the last chapter. It almost suggests that the magistrate, Ronald Donald, could have written this.<sup>24</sup>

Girouard sent Harcourt a curious review of the Maasai affair, in which he tried to deflect attention from his political actions to Maasai sexual mores. In a thorough, 16-page review of Maasai policy to date, he suggested that someone should be placed in charge "who I feel certain could produce definite results by moral suasion ... Personally I have been and am still a sincere well-wisher of the Masai. I fully realise however that the time has come for definite and stricter measures to be adopted with them. This will be kinder in the end ... strict administration based on schemes of development and improvement in their sexual relationships, must tend to their uplifting and to their ultimate good."<sup>25</sup> Girouard is likely to have taken his moral cue from missionaries whose views he had canvassed on the advisability of placing the Maasai in one reserve. Bishop Allgeyer of the Catholic Missionary Society told him: "You are only too well aware of the moral condition of this people, and I feel sure that our mission will have a much better opportunity of improving this people if they are once brought together and firmly controlled by Government". In a second letter, Allgeyer warned of the danger of spreading cattle diseases because the Maasai moved about so freely, before reiterating the moral argument: "The Masai is a crafty enterprising fellow, not wanting in intelligence. He is however a coward and will easily yield to a strong hand. He is not inaccessible to serious moral training and betterment, if properly taken in hand..." Bishop Peel

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<sup>23</sup> Leys to Harvey, No. 9, 10/9/11, Harvey Letters.

also wrote of their “low moral condition” and “sexual excesses” which would lead to ruin unless they were saved by the missions, as some of their brethren had been.<sup>26</sup>

However, Girouard made three fairly valid points in this despatch. Splitting the Maasai in two had been “the primary mistake made” by government. Anyone could have anticipated that trouble would arise from allowing mass movements of stock between the reserves over European farms at the time of circumcision ceremonies. On Laikipia they were “hemmed in all sides” with no room for expansion. Then, in a thinly disguised attack on the officers in charge, he said he could find no evidence of any Maasai policy as such being applied in the north or south between 1904 and 1909, when he arrived, or that the government had taken seriously its duty to administer the ‘northern’ Maasai. It was the circumcision ceremonies of 1910 that first drew his attention to the situation, when Olonana had directly appealed to see him and asked that his people should be united in one place. Girouard stressed the need to support chiefs. The move had brought one important fact to light: the number of stock owned by the ‘northern’ Maasai had been greatly under-estimated and was now set at around 200,000 cattle and two million sheep. The Northern Reserve was clearly far too small for Maasai needs. A strong new policy was needed, to include the abolition of warriorhood, which would deal with the ‘moral’ questions, the introduction of a stock tax to replace hut tax, and the encouragement of cattle trading.<sup>27</sup> As for the stalled move itself, Girouard emphasised that “the rumours of large numbers of people and cattle dying on the Mau are entirely without

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<sup>24</sup> Leys did not name him, but Ronald Donald is listed as town magistrate in the Blue Book 1910-11. He was also present at the British-Maasai meeting to discuss the move on 5/12/12 in Nakuru (CO 533/109). But there were some personnel changes that year, so it may not have been Donald.

<sup>25</sup> Girouard to Harcourt, Desp. 548, 30/9/11, CO 533/90, pp13, 15.

<sup>26</sup> Allgeyer to Girouard, 6/9/10; Peel to Girouard, 19/10/10, enc. in Desp. 330, 15/6/11, CO 533/88. Minute by Read: “The letters are all written in 1910 and do not therefore specifically bless the arrangement actually arrived at.”

<sup>27</sup> Desp. 548, *ibid.*, respectively pp2,5,3,4, 6-7, 9-12.

foundation” and that the Maasai were to blame for pressing forward too quickly.<sup>28</sup> The most astounding statement of all was his denial that he had been influenced, in moving the Maasai, by the desire to secure land for European settlement:

This is not a question of the seizure of native lands but of changing the pasture lands of a nomad pastoral tribe from one part of the Protectorate to another in order that they may be brought together, under equally good circumstances as to pasturage as those which exist today, and under one Government with a view to retrieving gross errors made in the past.<sup>29</sup>

The Colonial Office was not fooled. Butler minuted that Girouard appeared to be “in a hurry to cover up what looks like a disastrous experiment”. He noted Girouard’s failure to mention how Maasai leaders were feeling now, or any plans to meet them.<sup>30</sup> London repeated its instruction that the Maasai were not to be coerced in any way. Meanwhile, Girouard appointed someone to take charge of the Maasai and their suspended move – John Ainsworth, co-architect with Hobley of the 1904 Agreement. Leys applauded, calling him “the best administrator in the country”.<sup>31</sup> Ainsworth was summoned from Nyanza Province, where he was Commissioner, and ordered to temporarily take charge of the move and Naivasha Province. After a quick reconnaissance, Ainsworth reckoned that the move could not be carried out all in one go; it should be spread over several months and done in relays.<sup>32</sup>

Ainsworth expressed surprise at the lack of planning and preparation for the move. In his memoirs, he also doubted that his old friend Olonana had ever supported it: “At the time I was somewhat surprised to hear of this request and was inclined to suspect that outside pressure had been brought to bear on the Laibon”.<sup>33</sup> He advised his superiors to set up a government station in the Southern Reserve immediately, start water conservation schemes,

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<sup>28</sup> Desp. 548, *ibid.*, pp9,8.

<sup>29</sup> Desp. 548, *ibid.*, p14.

<sup>30</sup> Minute dated 30/10/11 on Desp. 548, *ibid.*, pp5, 3.

<sup>31</sup> Leys to Harvey, Murray, MacDonald, No. 11, 19/9/11, Harvey Letters.

<sup>32</sup> Quoted in F.H. Goldsmith, *John Ainsworth: Pioneer Kenya Administrator 1864-1946, being the hitherto unpublished memoirs of Col. John D. Ainsworth*, Macmillan, 1955, p82.

make a proper survey of the reserve and get expert reports on its grazing capacity. On a lighter note, his account of the rescue mission included a ditty penned by one of the officers involved in the move, who pleaded to be given any other work (*kazi*) but this:

Oh dear, will it never be finished for ever?  
 This Promised Land exodus, how it does pall!  
 There's Ol-Beress in the deuce of a mess;  
 He can't keep his cattle at all.  
 The settlers abuse us, there's none to excuse us.  
 Their furrows are broken, their crops trampled lie.  
 Oh! powers that be, any *kazi* give me  
 Except further tramps with the giddy Masai.<sup>34</sup>

Ainsworth returned to his old post in Kisumu after telling the Laikipia Maasai that the move was merely postponed, and that they would be expected to obey orders later. These did not come until May 1912, after Girouard's stormy meeting with Harcourt over his denials that he had promised settlers land on Laikipia. Incidentally, when news of the impending Maasai legal action emerged, Ainsworth was effectively accused by Lord Delamere of having instigated it, after Delamere passed on a rumour he had heard from J.K. Hill to the Chief Secretary, Charles Bowring. Ainsworth later wrote: "I took extreme exception to the rumour that I had instigated the Masai to take legal action. The fact, however, that the Masai did take such action was not in my opinion anything very terrible. If they really thought that they were being unjustly treated it was a much more civilised way of doing things than going into rebellion."<sup>35</sup>

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<sup>33</sup> Goldsmith, *Pioneer administrator*, p81.

<sup>34</sup> Goldsmith, *Pioneer administrator*, p83. The last two words presumably come from Kipling: "Some take their tucker with Tigers, and some with the giddy Masai". Ol Beress must be Oliberes [sic, Ole Peres], whose 2,000 cattle were described as "bush bred and savage" and inclined to charge people, so they had to be kept separate. Maasai move report, Talbot-Smith to PC Naivasha, 25/9/11, in PC/RVP/6E/1/1, KNA.

<sup>35</sup> Goldsmith, *Pioneer administrator*, pp84-5. Delamere wrote to Bowring on 12/10/12, saying he hoped the rumour was untrue. His informant later denied having made the accusation and apologised to Ainsworth. Cashmore adds (fn p376), from the Ainsworth Papers in RHO, that Delamere's informant appeared to be J.K. Hill of the EAS, who had heard it from Buckland the lawyer.

### Surveys of the Southern Reserve

It had become clear that the western extension of the Southern Reserve was already occupied by other Maasai, principally the Loitai, and was more or less fully stocked. One idea was to extend it again, to take in Trans-Mara – land to the west of the Mara River, which the Maasai call Ol-Orokoti. This had not been on offer under the 1911 Agreement. Girouard now proposed to do so; Harcourt told him he must inspect it thoroughly first. Archie MacDonald, Director of Agriculture, led the first tour of inspection and reported back on 11 November.<sup>36</sup> He was accompanied by J.K. Hill of the East Africa Syndicate, a settler called Chaplin, DC Hemsted and McGregor Ross, in his capacity as Director of Public Works. They were to report on the adequacy of water supplies and stock-holding capacity of an area measuring roughly one million acres. Before setting out, Ross wrote home: “Although I don’t think much of my companions [with the exception of Hemsted, “quite a pal of mine”], I can’t help having a very interesting tour.”<sup>37</sup>

MacDonald reported that the area was “practically unoccupied”, contained “some of the finest grazing land in the Protectorate and is exceedingly well watered”. Total cattle carrying capacity was put at 185,000 head; if calculating the same for sheep, he allowed six or seven sheep to every cow. As to why it was unoccupied, except by the Siria Maasai, this was explained away by smallpox and rinderpest having decimated previous Maasai inhabitants and their herds. There were said to be no signs of fly. Butler minuted that this was “all very glowing”, but urged caution until the other reports had come in, they had heard Maasai views of the area, and had received “the full and free assent of the Northern Masai to the resumption of the move”. Harcourt rejoindered: “We must wait. But I do not conceive that we are asking the Northern Masai for assent to the renewal of the move. They assented originally and the

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<sup>36</sup> Enc. in Desp. 624, Girouard to Harcourt, 3/11/11, CO 533/92.

move is only postponed owing to unforeseen events. If they refused now we should be in an impossible position.” He queried the “rosy account” of the water supply, asking if this was intended to save spending the £2,000 already authorised to improve it? Butler replied that if they were talking about any other governor but Girouard, the reply to the latter query would be a resounding ‘no’.<sup>38</sup> As usual, CO minutes on the correspondence give the best indication of what was passing through the official mind, and the state of the relationship between London and its African outposts. (By 28 November, an exasperated Harcourt was scribbling: “I give it up; I can’t waste the remnants of my brain of his riddles [sic]”).<sup>39</sup>

Hills’s report was even more effusive, prompting Harcourt to minute: “Mr Hill seems to have inadvertently dropped into paradise. It should be remembered that he is Manager to the E.A. Syndicate on whose land many of the N. Masai are now located and that the E.A. Synd. Property adjoins the Northern Masai Reserve which is to be vacated!”<sup>40</sup> Hill put the carrying capacity higher than MacDonald’s estimate, saw no signs of tsetse fly or other biting insects though these were said to exist on the lower reaches of the Gori river, thought the Siria Maasai cattle were in superb condition, and only cautioned that the water supplies in some areas would not allow thousands of head of Maasai cattle or sheep to sup simultaneously, and noted a shortage of timber. Hill was “sad” that settlers would see such beautiful land passing into the hands of “natives” – it was the finest and best watered country in the whole Protectorate.<sup>41</sup> Both Hill’s and MacDonald’s remarks about fly contradicted other observers, and what the Maasai – and those officials mostly closely in contact with them – knew to be true. Browne

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<sup>37</sup> Ross to mother, No. 516, no date, McGregor Ross Papers, RHO.

<sup>38</sup> Minute on Desp. 624, *ibid*, CO 533/92.

<sup>39</sup> Minute on Tel. 264, Girouard to Harcourt, 25/11/11, CO 533/92.

<sup>40</sup> Minute on Girouard to Harcourt, Desp. 652, 21/11/11, CO 533/92. Hill’s report is an enclosure. Chaplin did not submit a report but said he agreed with everything Hill had written.

<sup>41</sup> This settlers’ lament, said Leys, was another falsehood designed to deceive the CO. Harvey met Harcourt in May 1912. On being told of their conversation, Leys commented: “He said the settlers are furious with him for

had written to Pickford on 27 August of Maasai avoidance of the Mara area “on account of the fly”.<sup>42</sup> Ross seems to have told Leys, who then told Harvey, that the extension “was far too good for the Masai but that there must be a curse on the country. What he meant was that for generations the area had been uninhabited and that no one knew the reason. The explanation may be sleeping sickness ... part of it is in the ‘fly area’”.<sup>43</sup>

A second inspection of Trans-Mara was made in November, led by Rupert Hemsted. Maasai representatives of the ‘northern’ Maasai joined him, and allegedly said that the country was suitable for them and their stock. Ole Gilisho picked four men described as elders to join a third trip, again led by Hemsted in November. This time, there was a change of mood. “They returned nothing but evasive answers,” wrote Sandford, “at the same time admitting that the grazing was sufficient and the water supply accurate.”<sup>44</sup> Hemsted described the thoroughness of the inspection: “They appeared to be keenly interested, inspecting all the herds of cattle met with, and making careful inquiries as to the permanency of the streams, the nature of the grazing, etc.” However, they would not commit themselves in any way. Pressing them to say what they would report on return to Laikipia, they “were generally rather foolish in their remarks, asserting that their cattle would fall into game pits, and that they themselves would contract sleeping sickness from the Kavirondo”. They insisted that they must see Ole Gilisho before saying any more. Hemsted was suspicious: “I strongly suspect that they had been instructed by Legalishu to adopt this non-committal and rather unassailable attitude, and Mr

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giving the Masai the new extension of the Reserve ... That is simply nonsense. If Girouard told him so he did it as a move in his game”, Leys to Harvey, No. 23, 29/5/12, Harvey Letters.

<sup>42</sup> Browne to Pickford, 27/8/11, Hollis to Ainsworth 11/9/11, in PC/RVP/6E/1/1, KNA. DC Pickford took temporary charge of Naivasha Province when PC Lane left. Also Sorrenson, *Origins*, fn p206, who says none of the official reports sent to the CO in 1911 mentioned the presence of tsetse fly.

<sup>43</sup> Leys to Harvey, No. 23, 29/5/12. I could not find the Ross report in the CO registers.

<sup>44</sup> Sandford, *Administrative history*, p33.

Collyer is of this opinion too. I have every reason to believe they are perfectly satisfied with Ol-orukoti [Trans-Mara] as a cattle country...<sup>45</sup>

The same month, Leys claimed to have proof of the following: “They [Maasai leaders] were sent for and asked to sign a petition already drawn up, purporting to be a voluntary request to go to the Southern Reserve. They were pressed to sign on several occasions before they finally submitted and agreed. There is no use asking if that was how it was done. No Government admits to such practices”.<sup>46</sup> He went on to talk about the Cole case, ending: “This will explain to you the kind of support the local government gives to the wishes of the CO.” Ramsay MacDonald sent a copy of the letter to Harcourt, without the signature, saying it was from “my most reliable correspondent”.<sup>47</sup> Ole Mootian confirmed that such a petition did exist, and was not signed willingly. “There was nobody who agreed to be on the list. But if you have a gun pointed at you, will you agree or won’t you? There were many names on the list – I can remember Lepisha Ole Monya. There was another old man from Olosikirari called Kirinkol. There was Lasiti from Olkeri. Another one was Ole Masikonde Nkapisu [sic], and one called Ole Kitaika. They were the people who signed when we were just about to leave Entorror. Those were the people who were following the orders of the white men.”

Another series of summits then ensued between British officials and Maasai leaders. Collyer admonished the Laikipia returnees at a previously mentioned meeting in November at Gilgil, with Ole Gilisho and “some 35 Elders and Morans”. He told them in no uncertain terms that the present “impasse” was largely their own fault. “They had always refused to be of any assistance to the progress of the country by trading their cattle, and had insisted on sitting still and increasing their livestock in spite of repeated warnings.” The government was

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<sup>45</sup> Enc. in Desp. 45, Bowring to Sec. of State, 5/7/12, CO 879/112. The four Maasai on the trip were Ole Mbojwenck, Ole Garienge, Ole Kool and Ole Lemeen [sic]. Bowring, in a cover note, called them “Legalishu’s tools”. Narsering Ole Kool, if this is the same man, became a plaintiff in the Maasai case.

disappointed that such an “intelligent tribe” was content to sit still and allow tribes like the Kikuyu and Kavirondo to leave them far behind in development.<sup>48</sup> But behind Collyer’s public bluff lurked private doubts, which he later shared with J.W.T. (John) McClellan, PC Naivasha. “What I can’t get over is that the Government have got themselves into a position when they can give no orders. They have no one to blame for this but themselves. I wish I could see some way out of the impasse; it has been going on too long.”<sup>49</sup>

At a meeting between British and Maasai leaders on 10 February 1912 at Naivasha, several Maasai who had moved south called on the ‘northern’ Maasai to join them. Ngaroya (sic, correctly spelled Nkaroyia), regent to the young prophet Seggi in the Southern Reserve, said it was Seggi’s wish that all remaining Maasai should move south. Ole Kotikosh for the Purko and Ole Seti for the Keekonyokie also reportedly said that members of their sections who had not already moved wanted to be allowed to do so. (Ole Kotikosh had been in the Southern Reserve nearly two years, since the 1910 *eunoto* – Crewe-Read had met him and his warriors while touring.)<sup>50</sup> But Ole Gilisho and Masikonde held firm, saying they definitely did not want to move. Sandford commented that Ole Gilisho’s influence was such that he subsequently prevented several Purko who wanted to move from doing so.<sup>51</sup>

This was borne out by Collyer, now posted to the Southern Reserve. He sent a message with nine of Ole Kotikosh’s warriors to the ADC Rumuruti on 11 April, saying they were coming back to fetch their property and he hoped the ADC, Mogorr, would insist on the old men handing over this livestock. He had heard that Ole Gilisho was preventing anyone

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<sup>46</sup> Leys to Harvey, MacDonald, No. 13, 5/11/11, Harvey Letters.

<sup>47</sup> MacDonald to Harcourt, 27/11/11, CO 533/92 (folios 311-2, no number). There is no CO comment.

<sup>48</sup> Enc. 6 in Desp. 14, 6/2/13, CO 533/116.

<sup>49</sup> Collyer to McClellan, 12/4/12, Enc. 9 in Desp. 14, 21/1/12, CO 533/116.

<sup>50</sup> Crewe-Read, *Diary of Tour*, 19/9/11, pp13-14.

<sup>51</sup> Sandford, *Administrative history*, p34, said Ole Kotikosh and Ngaroya had visited Laikipia to try and persuade other Maasai to follow them south, without success.

moving south “by threats and curses”.<sup>52</sup> Soon he was telling McClellan of his feelings of utter powerlessness:

It has now been reported to me by Ol le Giti and I believe it to be true that soon after Kittermaster and I left the Uaso Nyiro, there came from Laikipia a number of Laikotikosh’s men saying ‘We have defeated the Government, they can’t throw us out of Laikipia, Laikipia is ours, let anyone who has relations or property go back there’. The leader of this movement is one Ol le Kisando, and I understand that a number of Laikotikosh’s people are going to try to break back ... They may be on their way now ... Ol le Yeli thought they would try and cross the railway at night close to Elmenteita. The bulk of old men who promised to go Westward now seem to be sitting tight on E Uaso Nyiro again, but what is the good when I can’t enforce my orders; it is only making a fool of myself and doing no good; if I was allowed to break kraals or something of that sort I might do some good.

The same day as these things were reported I gave nine of Laikotikosh’s men a pass to go and get their property from Laikipia. My headman who has just come back from Laikipia and whose wife is a Masai tells me that they do not intend to move and would not move now if ordered to do so. That there are individuals who want to go South, but Legalishu threatens them, and is prepared to put curses on them if they do not obey him and stay where they are. They evidently think they have defeated the Government.<sup>53</sup>

The continued defiance of the returnees became supremely embarrassing to the government as the months passed. It made nonsense of the official claim that the Maasai had asked to move in the first place. Leys wrote to Harvey of the “abominable truth of the Masai business – a far worse affair than I had thought”.<sup>54</sup> He had learnt that Girouard had intimidated the Maasai into “asking” to be moved, and that Ole Gilisho had been threatened with flogging and deportation by Lane, PC Naivasha, “unless he got his people to petition Government to move them South”.<sup>55</sup> Leys wanted to get a judicial enquiry, but felt he could not demand one on the basis of mere allegations.

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<sup>52</sup> Enc. 8 in Desp. 14, CO 533/116.

<sup>53</sup> Enc. 9 in Desp. 14, CO 533/116. Re-Laikotikosh (Ole Kotikosh), this refutes Sandford’s and other accounts of the February 1912 meeting when this man was said to be in favour of the move. Sandford, *Administrative history*, p34.

<sup>54</sup> Leys to Harvey, No. 17, 17/3/12, Harvey Letters.

<sup>55</sup> Leys to Harvey, *ibid.* References to the threat are made in Desp. 14, *ibid.*, CO 533/116. Lane and Hollis denied that anything of the kind happened. Read, who had recently visited B.E.A., said it had been “quoted as an instance of the wild statements which have been made”. He advised the CO not to ignore the deportation threat.

By April 1912 Leys had left Mombasa for a new posting at Fort Hall, about 80 miles east of the eastern boundary of the Northern Reserve. He said he hoped “to take a journey, if I can find a pretext, to get an interview with Legalishu” and other Maasai. “My idea is that if they tell a straightforward consistent story which if true convicts government agents of using threats of punishment for expressing their real opinions, I shall be able to write an official letter demanding an enquiry.”<sup>56</sup> There is no further mention in the letters of any such meeting. By 23 May, Ole Gilisho was being moved south again. Leys was no closer to getting firsthand evidence.

At a decisive summit with Hollis on 21 May 1912 at Naivasha, the Maasai had again been told they must move. This time, there was no opposition. Even Ole Gilisho appeared to have changed his mind, agreeing to move south with the first batch and to help people settle once they had crossed the Mau. This he proceeded to do. But he was playing a waiting game – news of his impending legal action was about to break. On 28 June, Alexander Morrison told the Colonial Office that he, A.D. Home and A.W. Buckland had been instructed to act for Ole Gilisho in legal proceedings against the government.<sup>57</sup> Cashmore is probably correct in suggesting that Ole Gilisho volunteered to start moving when he did in order that he could meet Morrison outside the reserves, in relative freedom.<sup>58</sup>

### **The Cole case**

Simultaneous to all these intrigues was the Cole affair. Settler Galbraith Cole was Lord Delamere’s brother-in-law, and a son of the Earl of Enniskillen, who had arrived in the Protectorate in 1903 and taken up land in 1905, farming largely sheep on Kekopey in the Rift

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<sup>56</sup> Leys to Harvey, No. 19, 27/3/11, Harvey Letters.

<sup>57</sup> Cashmore describes Morrison as a Scottish law graduate of Aberdeen University, who was called to the Bar in 1903, moved to East Africa the following year as a magistrate and went into private practice before 1910, ‘Obedient’, fn p376.

and on Laikipia. He was deported to Britain in October 1911 after an all-white jury acquitted him of the murder of a suspected sheep thief on his farm, shot as he ran away.<sup>59</sup> Cole had set out to look for Africans he believed had stolen one of his sheep, came across several men skinning a sheep in a hut a few miles from his house, assumed they were thieves and opened fire when two of the men ran off. The fatal bullet went clean through the victim's back and out through his stomach, leaving half his intestines spilled on the ground to be scooped up as evidence later. Wrote Ross: "The dirty points about Cole's action were that he shot the native and left him to die ... and that he did not report the case but lay low. It was only found out as a result of native report 12 days later."<sup>60</sup>

But once apprehended, Cole had not denied the murder charge. Far from it: Cole told the jury he shot to kill. The judge asked him to reconsider his words and he replied: "No, by God, I shot to kill".<sup>61</sup> The jury was only out for five minutes, and ignored Judge Hamilton's direction to return a guilty verdict.<sup>62</sup> The acquittal caused outrage in certain quarters, not least at the Colonial Office, which demanded that Cole should be deported for "conducting himself so as to be dangerous to peace and good order in East Africa"; the original wording, "exciting enmity between the people of East Africa and His Majesty", was later withdrawn as inapplicable.<sup>63</sup> It was feared that African unrest and European demonstrations could follow the

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<sup>58</sup> Cashmore, 'Obedient', p377.

<sup>59</sup> Some reports, including the record of the case (Criminal Case No. 94 of 1911 at Nakuru Magistrates Court, sitting as a High Court it became Session Case No. 25 of 1911) and Cashmore (p365), say the victim, Siongo wa Nasuru, was Kikuyu. The name does not necessarily reflect his ethnic identity. Cole's son Arthur confirmed by letter that he was Maasai. I asked him what stories were told in the family about the incident. His reply: "Life had moved on – never talked about it".

<sup>60</sup> Ross to mother, No. 515, 17/9/11, McGregor Ross Papers, RHO.

<sup>61</sup> Errol Trzebinski, *Silence Will Speak*, Heinemann, 1977, p75.

<sup>62</sup> Tels. commencing 7/6/11, Girouard to CO, 19/6/11 and sequ.; 'Proceedings in the case of the Crown v. Cole', enc. in Girouard to Harcourt 24/6/11, Conf. 53, CO 533/88. Minute by Harcourt: "This is a very horrible case. It is a pity that Sir P.G. should reserve his condemnation for a private letter." See Robert M. Maxon, 'Judgement on a Colonial Governor: Sir Percy Girouard in Kenya', *Transafrican Journal of History*, Vol. 18 (1989), for an analysis of the case and Girouard's handling of it.

<sup>63</sup> Copy of deportation order dated 5/9/11 is in Girouard to Harcourt, No. 77, 15/9/11, CO 533/90; the amended order is in Conf. 93, 5/10/11, CO 533/91. See the first of these registers for the heated correspondence between

acquittal, so he was effectively being accused post-trial of stirring racial tension. Settlers petitioned government to withdraw the order. Cole's own counsel, Sir Edward Carson, advised him to defy it and stay in East Africa. In London, Harcourt became increasingly angered by what he saw as Girouard's failure to follow orders and publicly condemn the actions of both Cole and jury. From the *Times* of 9 September, he learned that the Governor was suggesting the deportation order had been issued by the Secretary of State and not himself. Harcourt accused Girouard of having "attempted to divest yourself of responsibility in the matter".<sup>64</sup>

The June trial and later deportation had the Protectorate buzzing with speculation. It provides a fascinating parallel to the Maasai affair. For one thing, lively coverage of the case in the British and East African press raised public awareness of another alleged outrage of empire, and laid bare the attitudes of some settlers – never mind media and other Europeans – to Africans. (However, Cole's attitude should not be taken as representative of all settlers, or his relationships with Africans seen as typical of his class; see Chapters 5 and 6.) Secondly, Leys was again involved in igniting interest at home, using Harvey and MacDonald as conduits.<sup>65</sup> He probably heard the inside story of the murder from his colleague Dr Bodeker, who was sent to investigate and scooped up the victim's entrails for clinical examination. With Harvey, he first referred to Cole in August 1911, saying that in comparison to the "hopeless" case of the Masai,

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the two over the deportation. For his wife's account of their early years, see Eleanor Cole, *Random Recollections of a Pioneer Kenya Settler*, Baron Publishing, 1975. She wrote nothing about this episode, but she only met him in 1916, after he had returned from exile. For more stories of Galbraith and his brother Berkeley, including warm endorsement of Galbraith's actions here, see Trzebinski's *Silence Will Speak* and *The Kenya Pioneers*, Norton, 1986.

<sup>64</sup> Tel. of 5/9/11, Girouard to Harcourt, minuted "This is unpardonable" at CO, and the reply, CO 533/90.

<sup>65</sup> Twenty-four questions were asked in the House about the Cole case and Maasai move between May 1911 and August 1912, mostly by Harvey and MacDonald, also Clement Hill, William Byles, Josiah Wedgwood and Mitchell-Thomson. MacDonald raised both issues in a debate on the colonies on 20/7/11, Hansard, Vol. 28, from col. 1325. Questions solely about the Maasai were raised on 19 occasions between 1911-13.

I am really more hopeful about the usefulness of the Cole Case, and I do hope you are getting papers published – the official reports I mean. Even yet the Governor has said nothing publicly about the Case. No one has. For all the public knows he is on the side of the men who shoot natives when they run away ... Once again a thousand thanks.<sup>66</sup>

In a letter home that month, McGregor Ross mentioned: “I am staying with Leys, who has ceased to be excited re the Masai move since it is a *fait accompli*. He is still on the warpath about the Cole case, however.”<sup>67</sup> In B.E.A., *The Leader* newspaper even put the two issues together when it “reported and then scotched a rumour that the true reason for the Cole deportation was that he had given advice to the Masai against the interests of Government”.<sup>68</sup> There is no evidence for this whatsoever; the Cole family as a whole was hardly in favour of Maasai land rights. Galbraith had to give up land at Ndaragua, east of Thomson’s Falls on Laikipia, when the Northern Reserve was created; in exchange, he was given land in the Rift.<sup>69</sup> After the second move, he got more land on Laikipia.

Girouard kept telling the CO, to their annoyance, that “the crime is due to prevalence of unrestrained stock theft”.<sup>70</sup> The Maasai have customarily justified their stock thieving as the legitimate reclamation of herds, believing that God originally gave them all the cattle on earth. Whatever the origins of this mythical belief, it coincided with a sense that Maasai land and cattle were being lost. Such ideas did not amuse the struggling European farmer, for whom stock theft (by Maasai and others) was infuriating. Settlers said it was the bane of their lives, and if the government could not protect them, they would take the law into their own hands. Lord Cranworth wrote: “In every savage country it has been proved that up to a certain point it is absolutely necessary for settlers in certain cases to take the law into their own hands for the

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<sup>66</sup> Leys to Harvey, No. 4, 11/8/11, Harvey Letters.

<sup>67</sup> Ross to mother, No. 511, 19/8/11, McGregor Ross Papers, RHO.

<sup>68</sup> Cashmore, ‘Obedient’, Vol. 2 of RHO mss., p368. He gives no date.

<sup>69</sup> He warned the government then that having two reserves would not work, because you could not have “a block of European farmers between two lots of Masai who would always be wanting to trek their stock between their two communities, as indeed it proved,” E. Cole, *Random Recollections*, p37.

<sup>70</sup> Tel. Girouard to Harcourt, 7/6/11, CO 533/88.

protection of themselves and their property".<sup>71</sup> Leys did not sympathise with the murderer, but he doubted the wisdom of the deportation.

The majority would perhaps do as he [Cole] did under similar circumstances ... The verdict of the jury is evidence of common opinion. As one settler has put it to me, logically the C.O. should have deported the jury ... What happens to Cole is nothing. The real problem is what is to happen to prevent assaults, trivial or murderous, and other abuse of political and social superiority done by the 4,000 Europeans in the country to the 4,000,000 natives of it. You can't deport every European who gives a boy 20 lashes for breaking machinery by his carelessness, or a man who smashes a boy's head with a bottle for impertinence. Deportation is not a method of dealing with crime. It is only a way of disgracing an occasional criminal.<sup>72</sup>

Lord Delamere cabled the *Daily Mirror* to protest at the deportation, while the Mombasa correspondent of the *Central News*, London, reported:

The public here are absolutely astounded at the order of deportation against Mr Cole, and express high indignation since Mr Cole has never mixed himself up in political affairs, and is allowed to be one of the most peaceful men in the colony ... Neither the Press nor the public has knowledge of anything ever said by Mr Cole which could in any way be construed into an expression of disloyalty or as likely to disaffect natives...<sup>73</sup>

Both national and provincial British newspapers ran the story, with strong leader comment. To cite two extremes, the *Morning Advertiser* had this to say:

The Government has made another huge blunder in Africa ... Ministers seem to be proceeding upon the principle that a black man is the equal of a white man. That has certainly never been the opinion of Englishmen. They have always treated the natives with justice, but not on terms of equality. As every practical man knows, that is the only way to safely govern natives.<sup>74</sup>

The *Manchester Daily Guardian* took a different tack, castigating settlers and their apologists.

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<sup>71</sup> Lord Cranworth, *A Colony in the Making*, Macmillan, 1912, p57.

<sup>72</sup> Leys to Harvey and MacDonald, No. 10, 16/9/11, Harvey Letters.

<sup>73</sup> Cable sent 9/9/11, quoted in *The Leader* 14/10/11, headlined 'The Cole Case - Home Comment'.

<sup>74</sup> No date given for original. Quoted in *The Leader* on 14/10/11.

The lively surprise and wrath of a certain kind of ‘man on the spot’ bear witness to the rightness of Mr Harcourt’s action in the deporting of Galbraith Cole from East Africa. Some of the white colonists in British East Africa badly need to be taught that they are subjects, not kings. Their attitude in this matter is that of lordly slave-owners in the Southern States of America resenting the control of a ‘Yankee’ Government. Cole is one of a number of settlers, mainly drawn from the wealthier classes in England, who seem to have taken out to East Africa ideas alien to those associated with British rule over subject-races [sic]. We cannot permit a class whose deadening domination is only now being lifted from the English countryside to practise a coarser despotism on the natives of Africa.<sup>75</sup>

Meanwhile, some foreign correspondents in B.E.A. were keeping their heads down. According to Leys, Reuter’s East Africa correspondent fed at the Governor’s table, and ignored stories that showed the government in a bad light. “Reuter’s agent is a personal friend of the Governor’s and only gives convenient information.”<sup>76</sup> Leys described how the correspondent – the Honourable J.H. Wilson, also a member of the Legislative Council – provided a halfway house to Cole in Mombasa as he headed for the steamer home. Wilson’s place was, it seems, a coastal haven for VIPs. The Governor stayed with him ten days later, “and, only last week, Mr Read, specially sent out by the C.O. to report on vexed questions, was by the Governor’s instructions, conveyed to Mr Wilson’s house on landing from the steamer. He stayed there till he went up country although precedent prescribes that such official visitors should be entertained by the Provincial Commissioners. This will explain to you the kind of support the local government gives to the views of the C.O.”<sup>77</sup> Herbert Read was then head of the CO’s East African Department. Four months later, Leys was still going on about Wilson, calling him “a merchant prince” and saying: “It makes me despair to think of men sent out from home to report, deliberately blinded to the smallest particle of first hand knowledge of the six million human creatures”.<sup>78</sup> These are useful insights into the kind of

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<sup>75</sup> Quoted in *The Leader*, *ibid*.

<sup>76</sup> Leys to Harvey, No. 6, 22/8/11, Harvey Letters.

<sup>77</sup> Leys to Harvey, No. 13, 5/11/11, Harvey Letters.

<sup>78</sup> Leys to Harvey, No. 15, 4/3/12, Harvey Letters.

cosy relationships between press and politicians that have always intervened between the public and the truth.

Leys suggested that some good could come of the Cole affair if right-minded people were “driven by it to the roots of the difficulty ... The only complete remedy of course depends on economic, social, religious changes”, as well as an overhaul of the justice system. But the case sent out dangerous signals to Africans.

...one or two such cases destroy the confidence we fondly imagine natives to have in our system – among the natives who know of the case. The usual claim that natives don’t understand our abstract justice has just enough of truth to make it a wholly harmful lie. Our only chance – and theirs – is that they should come to believe (as they do not now believe) that our law protects them. If they come to believe, as many do, that the European can do as he wishes, we have failed. Nothing else is failure.<sup>79</sup>

Leys seemed to be spoiling for an African rebellion, which did not materialise in the expected form. Its absence confirmed his often repeated view of “native docility”, combined with a *Heart of Darkness* dread of the enemy within. Professor George Shepperson, in his introduction to the fourth edition of *Kenya*, notes: “Norman Leys was obsessed with the fear of African insurrections”. In this, the socialist anti-imperialist had “something, however slender, in common with the sentiments of the declared imperialists of his day ... with their dread of the consequences of the breakdown of law and order and Pax Britannica”.<sup>80</sup> Leys urged white reform, not black revolution, while acknowledging the likely necessity of the latter. He had at the start of this correspondence told Harvey to be ready for native rebellions in ten years time. After the Maasai returned to Laikipia, he had halved the waiting time: “The two best judges I know believe that a Masai ‘rising’ is probable in the next five years”.<sup>81</sup> Several times, he had reminded Harvey that some settlers would relish this. He did not spell it

<sup>79</sup> Leys to Harvey, No. 10, 16/9/11, Harvey Letters.

<sup>80</sup> Introduction to Fourth Edition, Leys, *Kenya*, pp ix, x.

<sup>81</sup> Leys to Harvey, No. 11, 19/9/11, Harvey Letters.

out, but this was because there would be a final crackdown on a 'tribe' that had never suffered a punitive expedition. Some thought this long overdue.<sup>82</sup>

Cole did not stay away long. He returned to B.E.A. soon after World War One began, and picked up farming where he had left off. He was apparently allowed to return after his mother wrote to the CO to say he was wanted for the war effort in East Africa. That was unlikely, since he was practically crippled by arthritis.<sup>83</sup> Leys, by this time banished to Nyasaland, could not resist asking Harvey: "Do you think it possible that I might share in the amnesty? Or does the Colonial Office think my offence worse than Cole's murder?"<sup>84</sup>

Girouard soon followed Cole out of the country, initially on home leave. He and Harcourt had a stormy meeting on 8 May 1912, at which Girouard confessed that he had promised settlers land on Laikipia if they vacated farms in the south, saying it was not inconsistent with his previous claims. This confirmed Harcourt's suspicions. It was at this meeting that Harcourt accepted Girouard's resignation, although he did not leave the post until July, and he allowed the Maasai move to go ahead on condition that it was properly supervised and water supplies were improved. The ostensible reason for the resignation was not, claims Sorrenson, "Girouard's deception over the Maasai" – principally, his attempt to move them south in 1910 without official consent, and his lies that they themselves had asked to be moved and the move was for their benefit, but because he had initially lied to the CO about promises to settlers of land on Laikipia. The row over the latter raged long after Girouard had resigned, with one settler demanding that the government should pay him rent – as Girouard

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<sup>82</sup> For example, see Lord Hindlip, *British East Africa: Past, Present and Future*, T. Fisher Unwin, 1905, p19. "They [the Maasai] know that if they attempted to rise against the whites, all their old foes would be only too delighted to, in their turn, play the part of friendlies and, while helping the Government, get a little of their own back again."

<sup>83</sup> Cole, *Random Recollections*, p38. He had arthritis in both legs, arms and spine.

<sup>84</sup> Leys to Harvey, No. 52, 29/11/14 – the last of his letters to Harvey in this collection.

had verbally promised him – for accommodating the flocks of settlers displaced from the Southern Uasin Nyiro to make way for the ‘northern’ Maasai.<sup>85</sup>

However, these deceptions were intertwined. Girouard was also in trouble with the CO for a host of other reasons. He had begun to build the Thika tramway, which amounted to a private railway line for a handful of rich estate-owners, without the official go-ahead and having lied about what it would cost. He had enraged Harcourt by telling the press that Cole was only being deported on the orders of the CO; Smith calls it “a turning point in their relationship”.<sup>86</sup> He was far too close to the settler community for the CO’s liking, and they only knew half the story. But there were also personal reasons for resigning; the first two were the official ones given. He had been offered a new job, a directorship with Armstrong, Whitworth and Company near Newcastle upon Tyne. His wife was sick and had been advised not to return to East Africa. Privately, his marriage was on the rocks and would soon be over. As Governor, the stigma of divorce was unthinkable.<sup>87</sup> He was tired of the problems facing him, tortured by insomnia, and certainly prepared to go.

### **Build-up to the Maasai Case**

Ole Gilisho and his supporters continued to appear to go along with the move, and cooperate with the government, while preparing their forthcoming action. This was possibly on Morrison’s advice. Ole Gilisho was not acting alone in this legal action, but with three

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<sup>85</sup> Sorrenson, *Origins*, pp207, 126-7. The source of his denial that any promises had been made to settlers on Laikipia is Girouard to Harcourt, Tel. 217, 7/10/11, in response to CO to Girouard, 5/10/11, CO 533/91. It was Lane, on home leave in October, who had tipped the CO off about promises of farms (Harcourt minute 11/10/11 on Tel. 217). For the ongoing row, see Bowring for Gov., No. 57, 29/1/13, CO 533/116. Re-settler demands for rent, Harcourt minuted on this: “Sir P. Girouard shall pay – in public reputation!” The settler in question was Russell Bowker, who said he had been promised monthly rent from 1/5/10 for allowing other settlers’ stock to graze his land in the Kedong Valley until they were allotted farms elsewhere. Bowker to Stordy, 23/10/12, in No. 57 and sequ., *ibid*.

<sup>86</sup> Smith, *Lily*, p418. Smith points out the CO never knew just how close he was to the Cole brothers and their brother-in-law, Delamere, who was staying at Government House the week Cole was acquitted, p414.

<sup>87</sup> See Smith, *Lily*, Chap. 31. Wife Gwen said in January 1914 they had been virtual strangers for the past two years; she petitioned for divorce that April on the grounds of desertion and adultery, p458.

fellow Purko – Parmuat, Enessering and Engeness (also spelled Parmuat Ol le Sopin/Sopia, Narsering Ol le Kool and Engenes Ol le Guriangei).<sup>88</sup> In Civil Case No. 91 of 1912, the plaintiffs claimed that the 1911 Agreement was not binding on them and other Maasai of Laikipia, and that the 1904 Agreement remained in force. They claimed £5,000 damages for stock lost during the earlier, aborted move south and sought an injunction against McClellan, PC Naivasha, and Hemsted, Officer in Charge Southern Reserve, to stop them preventing the return of any Maasai and their stock to Laikipia or compelling the same to move from Laikipia. They granted power of attorney to Messrs. Bischoff & Co., London.

According to an affidavit of 25 June 1912, sworn in the High Court, Stephano Ole Nongop – a young Mombasa-based Christian temporarily employed by the legal firm as “boy and interpreter” – was sent to Ole Gilisho’s camp on 14 and 15 June to deliver legal papers and a letter.<sup>89</sup> Morrison was staying nearby with farmer A.S. Flemmer, and asked Stephano to make the first overture. The whole affidavit smacks of intimidation, and is indicative of the witch hunt that had now been launched against people with Maasai sympathies. Stephano, who was studying at Buxton High School in Mombasa, said his master, the Reverend George Wright of Mombasa, had “lent” him to Morrison for the trip to Nakuru. On 15 June, Stephano had read the papers over to Ole Gilisho. The latter and other Maasai with him told Stephano they were all being moved against their will “and that but for fear of the European they would remain in Laikipia ... Not one said he was moving of his own choice”. They had all agreed to employ advocates both here and in London, they said, and to file a suit to obtain their rights. They had agreed to incur costs worth 2,000 bulls or £5,000, but they needed to be able to collect them from other Maasai – “at present they had no opportunity, being hurried

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<sup>88</sup> All these are likely to be misspellings.

<sup>89</sup> Affidavit of Stephano Ol-le Nongop, sworn on 25/6/12 before W.S. Wright, Registrar of the High Court, (q) in Enc. 1 in No. 75, Belfield to Harcourt, CO 879/112.

continually on without a moment's leisure". Ole Gilisho instructed Stephano to write two letters to Morrison, agreeing to pay the necessary fees.

Next day, said Stephano, Ole Gilisho told Morrison he was "very very glad" that he had agreed to act for them. Cost was no object. They arranged for Ole Gilisho to come to Flemmer's farm on 17 June to sign the papers and give more detailed instructions, but this was forbidden by Crewe-Read (by now ADC in Charge of the West Route, Maasai move). He told the Maasai leader he "must go with the safari". He also appears to have refused Ole Gilisho time to cut at least 40 bullocks out of the herd, to leave with Flemmer for future sale.<sup>90</sup> Morrison then developed a fever and was unable to do any work. It is unclear what happened next. But this was the start of a process of gross interference by the local administration (no such orders came from London) in communications between plaintiffs and lawyers. This was clearly designed to stall, or derail, the legal action.

An unnamed friend of Leys had first suggested to Ole Gilisho that he should see a lawyer. "I procured the best one in the country for him" Leys told Harvey.<sup>91</sup> This was more than Leys ever admitted in print, although in letters to the Governor in July 1912 and February 1913, forwarded to the CO, he confessed to having engaged Morrison and arranged for him to visit Ole Gilisho.<sup>92</sup> Morrison was "an old and intimate friend".<sup>93</sup> Leys later elaborated: "There were two of us concerned in getting a lawyer for Legalishu. They have sent for the other man to go to Nairobi to be cross-examined and brow beaten. He is a simple-minded person and they may intimidate him into resigning. I wish they had sent for me."<sup>94</sup> On learning that he had

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<sup>90</sup> See Enc. 1 in No. 75, *ibid.*, for correspondence between Morrison and Crewe-Read – the latter in his camp, and the lawyer in his pony and trap unable to get up the hill to the camp.

<sup>91</sup> Leys to Harvey, MacDonald, Murray, No. 26, 17/7/11, Harvey Letters.

<sup>92</sup> Leys to Acting Gov. Bowring, Enc. 1 in No. 51, 22/7/12, and others in this register, CO 879/112. However, in the same despatch (No. 51) Morrison said the Maasai came to him, and Hollis said in Enc. 3 that Ole Gilisho claimed Morrison had approached him.

<sup>93</sup> Leys to Harvey, No. 28, 31/7/12, Harvey Letters.

<sup>94</sup> Leys to Harvey, No. 27, 20/7/11, Harvey Letters.

seen a lawyer, Hollis (Secretary for Native Affairs) pressed Ole Gilisho to make a statement explaining his actions.

*Statement by Legalishu, Enderit River, 21<sup>st</sup> June 1912*

Legalishu stated that two Europeans came to him at Pusi Lokony on Soisambu<sup>95</sup> on the evening of the 18<sup>th</sup> instant and offered, on payment of 40 bullocks, to assist him in regaining Laikipia. On being asked by Mr Hollis if he had called these Europeans, he replied: 'Is it possible for a black man to call a white man?' He then stated definitely that he did not call the Europeans, but that they came to him. He had never seen them before.<sup>96</sup>

Ole Gilisho said he would like to accept the offer "as, if a man offers something you like, is it likely you would refuse?" Then, in a marked change of language that may be attributable to the filter of translation or deliberate misrepresentation, he reportedly asked the government not to "lower his prestige with his people". He realised there was an order to move and he was now prepared to cooperate to the best of his ability. "He was told as long as he performed his duties his position according to Masai custom would not be interfered with." The statement was read back to him and he agreed that these were his words. But two days later Morrison sent the plaint to G.H. Goldfinch, an Officer in Charge of the move, to be witnessed. By 25 June it was declared a civil case in the High Court at Mombasa. Leys explained Ole Gilisho's behaviour before Hollis as the tactics of a man under government pressure. He had already told Harvey of how the *ol-aiguenani* had been threatened with flogging and deportation. "Probably Legalishu, being terrified out of his wits, did say he was ready to go and repudiated my friend the lawyer. He will probably play a double game for some time."<sup>97</sup>

C.C. Bowring (Acting Commissioner from February to October 1912), sending a letter of protest from Leys to London in which he also admitted arranging Morrison's visit to Ole

<sup>95</sup> Soysambu (Soisambu) is the name of Lord Delamere's ranch above Lake Elmenteita. Derived from Esoit Sampu, The Striped Stone, from *o-soit* = stone, rock. Mol, *Maasai language*, p375.

<sup>96</sup> In Enc. 3, No. 51, *ibid.*, CO 879/112.

Gilisho, expressed the hope that Leys would be removed from the service without delay. He played down the threat to government of the pending action:

I am advised by the Attorney General that legally the position of the Government is perfectly secure, and the incident is apparently being engineered either by unscrupulous persons who wish to trade on the credulity of the Masai to their own pecuniary advantage or by so-called 'sympathisers' with the tribe who, like Dr Leys, are obsessed with the idea that the Government has adopted a policy of systematic and continual oppression where the interests of the natives are concerned, despite the fact that officials, non-officials and missionaries who possess a far longer and more intimate acquaintance with the indigenous population hold an entirely contrary opinion."<sup>98</sup>

Morrison denied having "touted for employment by the Masai". When his authorisation to act for them was officially questioned, Morrison retorted: "From the beginning of the year, it has been well known that Legalishu wished to have a lawyer to help him and his people, and wanted to pay a yearly retainer of 100 bulls. So far as I know Dr Leys had nothing to do with this, and the suggestion came from another and high-placed official. Dr Leys ascertained from me that I was willing to act for the Masai on terms and, I understand, recommended me. The Masai also approached Mr Buckland ... It is not the case that I sent to Legalishu before he asked me to come to him."<sup>99</sup> The point may seem academic now, but it was to cost Leys his job. By the end of 1912, Ole Gilisho was talking of sending a Maasai deputation to London to appeal directly to the Secretary of State and MPs. Nothing seems to have come of this.<sup>100</sup>

### **The role of educated Maasai**

Stephano's affidavit also provides a rare insight into how relatively educated and urbanised Maasai, living some distance away, viewed the predicament of those on Laikipia.

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<sup>97</sup> Leys to Harvey, No. 27, 20/7/11, Harvey Letters.

<sup>98</sup> Bowring to Harcourt, 8/8/12, Conf. 80, Desp. 51, CO 879/112. Leys' confessional letter to Bowring via the Principal Medical Officer was 22/7/12.

<sup>99</sup> Morrison to Acting Chief Secretary, 4/9/12, (v) in Enc. 1 in No. 75, Belfield to Harcourt, CO 879/112.

<sup>100</sup> Enc. 12 in Conf. 136, 17/12/12, CO 533/109. Home the lawyer had told Belfield of this plan.

He was one of a small group of such people, all young and mission-educated, some of whom had been influenced by the American missionary John Stauffacher, who assisted their up-country kin to press the case. Stephano told the court: “Before leaving Mombasa Mr Morrison asked me why the Masai were leaving Laikipia, and I at once told him it was for fear of the Government. I said so as all I had heard of the movement was to that effect, and it is obvious the Masai themselves would not voluntarily consent to leave Laikipia. I said this before I knew Mr Morrison had any business with the Masai, and it is the absolute truth”.

The most important member of this loose group was Molonket Ole Sempele. A Keekonyokie Maasai, he played a peripheral but key role in the Maasai resistance, and is chiefly remembered today for his church and political work. He broke away from the Africa Inland Mission (AIM) in 1930, over the issue of female circumcision, set up with others an independent church and school, and became involved in the Kikuyu Central Association and the Maasai Association, together with Ole Mootian. As a boy, he was befriended by the newly arrived Stauffacher who wanted help with learning the Maa language. Their rather intense friendship was to last for 40 years, until Stauffacher finally left Kenya.<sup>101</sup> In 1904, he helped Stauffacher in his attempts to convert Maasai living in the Rift Valley. When the AIM established a mission on Rumuruti after the first move, Ole Sempele joined it despite great opposition from his family and tribal leaders.<sup>102</sup> This is where his early schooling seems to have taken place. Kenneth King describes how he then sold some cattle to pay for his passage by sea to the United States in 1909, to seek higher education – the first Kenyan African to do so there. Funded by the mission, he attended an all-black college in the South, and in three years his political consciousness was transformed. “Exposure to the intense racial prejudice of

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<sup>101</sup> See references to Ole Sempele by Waller in Spear and Kimambo (eds.), *Expressions of Christianity*, Chapter 5, pp87-9, 92-3, 96, 100-1.

the South provided him with a fresh insight into white settlement and intentions in Kenya,” writes King. On return home in 1912, he found his people in dire straits and set about helping them to resist the second move. Conversely, Morrison said he returned from the United States on hearing of this.<sup>103</sup> Stauffacher, who had tried to get the Maasai to oppose the first move, had in Sempele’s absence been urging another young Maasai, Taki Ole Kindi, to persuade the elders to resist.<sup>104</sup> Most felt that armed resistance would be unrealistic. Sempele teamed up with those Maasai who favoured legal action, contacted Morrison at Mombasa and offered his services, but the AIM stopped him from acting as an interpreter and advisor to the plaintiffs.<sup>105</sup>

Colonial Office records, and elderly Maasai who knew him, tell the rest of the story. On 13 September 1912, Lee. H. Downing, Acting Director of the Kijabe Mission, wrote an indignant letter to the Judge of the High Court on learning that “a Masai boy named Mulungit is, in [sic] behalf of his people, about to enter a suit against the Administration”.<sup>106</sup> Downing expressed great surprise, since Sempele had been with the mission for eight years and said nothing about this. But the mission had given him permission about five weeks earlier to go to a meeting in Nakuru “which we understood was to be a conference between a European of Mombasa and some of the Masai”. He was away a long time, and on learning from Sempele that Morrison “was trying to get a ‘pass note’ for him to go among his people”, Downing wired Sempele with orders to return. Downing went on: “He told us that Mr Morrison had influenced him to proceed against the Government. I spoke most disapprovingly of this, and

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<sup>102</sup> “One Laioni [boy] of considerable importance to the tribe by name Melungit ol le Sambeli joined them [the AIM mission] in spite of a great deal of opposition offered by his relations and the chiefs and he has now gone to be educated in America at a school for black Boys”, Laikipia Dist. Survey of Events 1906-11, p15.

<sup>103</sup> Morrison to CO, No. 60, 14/9/11, CO 879/112.

<sup>104</sup> Taki Ole Kindi, who was a government *askari* at Rumuruti, joined AIM in 1909 and remained with it until his death in 1923, does not appear to have been involved in the supportive action, but I have not investigated this. Referred to in Waller, *ibid.*, who calls him AIM’s second major Maasai convert after Sempele, and in O.L. Burbridge, *Taki: Soldier, Evangelist, Translator*, London (no date).

<sup>105</sup> King, ‘Kenya Maasai’, pp120-131. King calls the Maasai Association the first inter-Maasai political association, p130. Ole Mootian was its first vice-secretary, Sempele its advisor.

<sup>106</sup> Enc. 2 in No. 75, 13/9/12, CO 879/112.

explained to him the whole matter as I understood it. He felt very sorry for having allowed himself to be influenced to do as much as he has already done and now wishes me to do all I can to prevent the attorneys doing anything more in his name. With this request I comply most cheerfully.” Downing said the mission supported the government – “we do not for a moment approve of one of our boys championing such a cause”. He hoped the judge would “free” Molonket from “all obligations to the Court”.

Morrison’s colleague Home had perhaps acted naively in sending Downing a letter, via Sempele, in which he outlined the Maasai action and asked Downing to help Sempele get into the reserve without a pass. If he was arrested, wrote Home, “please at once wire us”. He revealed that Sempele had applied to the High Court for an order enabling him to start an action against government officials, compelling them to give him a reserve pass. Alternatively, Sempele had asked if he could be excused payment of the court fees until such time as he could go to his village in the Northern Reserve and collect them. Morrison went on:

The position appears to us to be:

1. Either the boys in the reserves are absolute slaves, and as such must obey each and every arbitrary order of the PC and not dare to approach His Majesty’s courts; or
2. They are free men and as such have a constitutional right of approaching the judgement seat with their petitions. The Court must decide.<sup>107</sup>

Downing strongly disagreed; it was up to the mission to decide what its “boys” did. He accused Morrison of “using Mulungit without consulting us, when he is subject to our direction”. He claimed Mulungit now saw the “folly” of his actions. “You need not, therefore, expect us to send him out to his people on the mission you suggested, or to return him to Mombasa. He does not want to go.”<sup>108</sup> Soon afterwards, Sempele signed a statement before the Attorney General and Acting Chief Secretary Monson. He swore that he had only agreed to see Morrison because he thought he was a “Government man”. Downing had told him not

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<sup>107</sup> Enc. 3 (b) in No. 75, 5/9/12, CO 879/112.

to have anything more to do with Morrison, and Sempele did not want to do anything without the permission of the missionary.<sup>109</sup> The Maasai plaintiffs and their legal team had lost a potentially valuable, and literate, intermediary.

The Reverend Peter Kuyoni Ole Kasura of Ilmashariani Africa Inland Church, near Narok, was born and brought up in the same village as Ole Gilisho, near Lemek – Enjoro-Emotoroki, or River of Bees. He joined the mission at Siapei in 1922, and Ole Sempele was among his teachers there. Aged about 88 at the time of interview in 1997, he was still working as a minister. He had vivid memories of both these key characters, and also knew Downing: “He used to sing to us and teach us how to sing. But it was Kikuyuland that he knew most; he was No. 1 in Kikuyuland.” Later, he will say more about the great pressures that were placed upon Maasai ‘mission boys’, both by the church and by their own people. Ole Gilisho was so determined not to lose Ole Kasura to the mission, that he reportedly chased after him in a plane belonging to the Narok DC. If he had not joined the church, said Ole Kasura, he would have become an age-set spokesman; he had already been chosen. Sempele had been in the same position, chosen as *ol-aiguenani* for the Keekonyokie before he joined the mission. He gave up his traditional status for a very lowly role with AIM, which eventually spurred him into joining a separatist church movement and political activity.<sup>110</sup>

“This one called Molonket, he was converted by the missionaries when they were in Entorror, and they took Molonket overseas and he went learning there,” said Ole Kasura. “He knew English and he even used to preach in English.” Asked about Sempele’s view of the loss of Entorror, he said: “He told me that he hated the way the British took their good land and forced them to a bad side. But he never wanted the Maasai to fight with the British ... He used

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<sup>108</sup> Enc. 3 (c) in No. 75, 13/9/12, CO 879/112.

<sup>109</sup> Enc. 4 in No. 75, 25/9/12, CO 879/112.

to talk so much with Ole Gilisho; they were friends.” Ole Mootian had, when interviewed in 1997, recently been baptised by Ole Kasura, although he shared with me some highly cynical thoughts about missionaries and Christianity. He had, as usual, his own distinctive interpretation of events: “The whites came and took [Sempele] overseas to prevent him from helping the Maasai and doing what Ole Gilisho was doing. Because if they joined hands with Ole Gilisho, they [would] become dangerous. So that is why they separated Ole Sempele from Ole Gilisho and took him overseas, and he even stayed there.”

Another person who might have been expected to play a role in these events was Justin Lemenye, interpreter for Collyer at Rumuruti from 1904, and Hollis’s chief informant and research assistant for his work on the Maasai. Born Parakuyo, and originally known as Sameni Ole Kivasis, he became a child refugee with the Church Missionary Society as a result of a series of social crises following famine and rinderpest. He was initially taught by the Rev. A.R. Steggall at Taveta, baptised Justin, had further schooling at the coast and became “one of the principal supports” of the CMS in southern Maasailand.<sup>111</sup> Unfortunately, his lively autobiography neither says anything about the Maasai moves, the intrigues around them and the legal action, nor gives any hint of his views of these events. Yet he was only hired because of the first move, and describes meeting both Ole Gilisho and Masikonde at Naivasha before they migrated to Laikipia.<sup>112</sup> He may have played no part in Maasai resistance because he was an outsider: his formative years were not spent among his own people (he was amazed by his first glimpse of Maasai in war dress in the Rift in 1904), and Hollis said that his original name, Ol-omeni, meant “he who is despised” because he had been a sickly child and not expected to

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<sup>110</sup> King stresses this loss of status, eg, pp129-130, ‘Kenya Maasai’. Waller also stresses this, and the social ostracism that faced mission converts, in Spear and Kimambo, *Expressions*.

<sup>111</sup> Hollis’s preface, A.C. Hollis, *The Masai: Their language and folklore*, Clarendon Press, 1905, pv.

<sup>112</sup> H.A. Fosbrooke, ‘The Life of Justin: An African autobiography translated and annotated by H.A. Fosbrooke’, *Tanganyika Notes and Records*, Vols. 41-2, 1955-6, Part II, pp25-7. The original Swahili version, *Maisha ya Sameni ole Kivasis, Yaani Justin Lemenye*, was published by Eagle Press, Nairobi, no date given.

live.<sup>113</sup> When he first got to Naivasha, the Maasai there said they did not want him because “perhaps he will show favouritism and cause us to fall out with you”.<sup>114</sup> (It is not clear from this whether they thought he would favour them or his British masters.) Ole Gilisho only agreed to accept Lemenye after Olonana spoke up for him; he then told the assembled throng: “This is the man whom we have been given to deal with our *shauris* at this Boma”.<sup>115</sup> Some Maasai refused to greet him, thinking him still a boy. All in all, he appears to have identified more with his European patrons than his distant blood kin, the ‘northern’ Maasai do not appear to have rated him very highly, and he may not have had much empathy with them on any ‘political’ level.

### Obstruction of the legal action

The British attempted to block the forthcoming action in a range of ways, according to Leys and the lawyers. Ole Gilisho and others were prevented from selling cattle to raise the legal fees<sup>116</sup> by a ban on cattle trading and through placing the reserve in continuous quarantine.<sup>117</sup> Intimidation of Ole Gilisho continued, although they did not give details of this.<sup>118</sup> Governor Belfield ordered Home and Morrison that all consultations between them and their clients should take place upcountry as far as possible, instead of the clients coming to Mombasa. Morrison saw this as an attempt to swell the legal fees, and hence deter the Maasai from pursuing the action. The lawyers were subsequently refused passes to enter the reserve,

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<sup>113</sup> *Ol-omeni*, pl. *il-oomeni*, he who is despised, the despised one, Mol, *Maasai language*, p309.

<sup>114</sup> Fosbrooke, ‘Life of Justin’, p26.

<sup>115</sup> Fosbrooke, ‘Life of Justin’, p27.

<sup>116</sup> “A Govt. agent tried to terrify Legalishu once more, and refused to allow him to sell the cattle necessary to pay Mr M’s fees. Mr M. applied to Nairobi and was refused”, Leys to MacDonald, copied to Harvey and Murray, No. 26, 17/7/12. Claim repeated in No. 28, 31/7/12. “Our great mistake was that before Morrison saw Legalishu we should have got L. to sell the cattle and have the money ready,” Leys to Harvey, No. 29, 9/9/12, Harvey Letters.

<sup>117</sup> “The country into which Legalishu has been moved is in quarantine ... [it] was already gazetted infected with ECF ... He can’t send a bullock out without breaking the law, so he cannot pay Mr Morrison’s fees”, Leys to Harvey, No. 29, 9/9/12, Harvey Letters.

and their clients were prevented from leaving it.<sup>119</sup> Entry passes were also refused to other known sympathisers, notably Ole Sempele, to stop them acting as interpreters and intermediaries. This isolated the plaintiffs in the reserve, and prevented all necessary interpretation. The High Court refused to allow the payment of advance court fees to be postponed (it is not clear why these were demanded in advance), while preventing Ole Sempele from going into the reserve to “realise” his property, thus forcing him to organise a whip-round among impoverished urban Maasai. As described above, pressure was put on Ole Sempele, via his missionary benefactors, to abandon his part in the legal action and disown the plaintiffs.

Morrison told the Colonial Office: “If my clients were criminals in jail I should have readier access to them than I have at present.”<sup>120</sup> Since Ole Gilisho was illiterate, it was imperative that passes should be given to literate intermediaries: “[He] has no one among his following able to read. If I am to send a confidential letter to Legalishu it is necessary I should also send a confidential person to read him the letter”.<sup>121</sup> The CO response was to order the Governor not to obstruct the lawyer or his clients, or “to put unnecessary difficulties in the way of communications” between the two parties. It was concerned about public opinion. After his departure, Girouard belatedly countered by justifying the trading ban on veterinary grounds.<sup>122</sup>

Ted Harvey tried to help raise money for the legal expenses in Britain. In September 1912, he approached fellow MP David Davies and asked if he might help in guaranteeing

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<sup>118</sup> Leys to Harvey, No. 29. Also unspecific claim of intimidation made in Leys to Harvey, No. 27, 20/7/12.

<sup>119</sup> Morrison cabled the CO several times in August and September 1912 to complain about being refused a pass to visit his clients, CO 899/112. Vice versa, “Legalishu recently asked permission from Govt. to be allowed to go to see Morrison. It was refused”. Leys to Harvey, No. 29, 9/9/11, Harvey Letters.

<sup>120</sup> Morrison to CO, 12/8/12, CO 879/112. He also complained about the refusal of passes to “Maasai suspected of being sympathisers with my clients’ case”.

<sup>121</sup> Morrison to CO, 2/10/12, CO 869/112.

<sup>122</sup> CO to Girouard, 7/11/12, reply 12/11/12, CO 879/112.

preliminary expenses of £100. He was prepared to dig into his own pocket, too, but regretted that his income was too low to be of much use. He also asked the Anti-Slavery Society, but it said it could not help.<sup>123</sup> It seems that Harvey was prompted in all this by Leys' brother Kenneth, who then regretted his action.<sup>124</sup> When Leys got to hear about it, he told Harvey: "I am very strongly averse to any money being spent on the Masai. People with grievances ought to be helped to justice but when they are rich the help should be confined to showing them the way ... The fact is of course that one can't and shouldn't help people who won't help themselves". [His underlining.]<sup>125</sup>

Ole Sempele was not the only go-between to be obstructed by officialdom. Reserve passes for two young men known only as Peter and Juma (described respectively as a Swahili and a Maasai boy) were repeatedly refused during August and September 1912. Simultaneously, Ole Gilisho and his fellow plaintiffs were also refused permission to leave the reserve. Hollis explained the government's reasoning to Morrison on 7 August: "I regret that the political situation will not admit of Legalishu, Parmuat, Enessering and Engengess leaving the Masai Reserve at present".<sup>126</sup> When Home applied for a reserve pass, in order to collect evidence and arrange payment of court fees, he was told: "His Excellency [the Governor] ... is unable to grant you a pass to proceed in person to the Southern Masai Reserve as Government is cognizant of no legal action in the Courts which would render it necessary for you to meet clients in that locality".<sup>127</sup> After orders from Harcourt that the Governor was not to obstruct either party in the action, passes were finally granted in December to Andrea Murioki and Karumba Masai to enter the reserve to get signatures and evidence of the alleged stock

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<sup>123</sup> Harvey to Davies, No. 31, 19/9/12, Harvey Letters.

<sup>124</sup> Kenneth Leys to Harvey, Nos. 30 and 32, 18/9/12 and 21/9/12, Harvey Letters.

<sup>125</sup> Leys to Harvey, No. 35, 2/11/12, Harvey Letters.

<sup>126</sup> Hollis to Morrison, 7/8/12, (k) in Enc. 1, No. 75, CO 879/112.

<sup>127</sup> Acting Chief Secretary Monson to Home, 30/9/12, (aa) in Enc. 1, No. 75, CO 879/112.

deaths.<sup>128</sup> However, Harcourt's own office was not exactly helpful: when Morrison tried to see the Secretary of State in person, he was rebuffed by H.J. Read and W.C. Bottomley. Read noted: "We said as little as we civilly could and got rid of him as soon as possible."<sup>129</sup>

Incidentally, Morrison was simultaneously acting for other Maasai clients in a separate case. Keekonyokie warriors, living on the Loita Plains after being moved south two years earlier, had instructed Morrison through their "head Moran", Ole Setaki, to reclaim land at Naivasha and on Kinangop in the Aberdares. They complained there was not enough well-watered and healthy land for them in the Southern Reserve, many people and stock had died and that two more seasons on Loita would finish them completely. They claimed never to have recognised the agreements, and that their rights to both places therefore remained intact. The warriors said, through Morrison, that they were willing to "buy out" the white farmers around Kinangop, and were willing to pay "very large sums". When Morrison raised the question officially, the local administration retorted that it was perfectly aware of the grazing and water on Loita, and would take any necessary steps to deal with it, but it would not permit any Maasai section to acquire land outside the reserve. Morrison was accused by Lane of "being allowed to interfere with the internal working of the Administration of the tribe" which had led to the Maasai being "discontented and hopeful that they may thwart the officers in charge of them at every turn". Lane and Hemsted said the Keekonyokie were not on Loita anyway; their area was Ngong but they took their cattle in the dry season to Il-Melili.<sup>130</sup>

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<sup>128</sup> Tel. Harcourt to Belfield, No. 77, 7/11/12, CO 879/112.

<sup>129</sup> Note from Read to Anderson, 20/1/13, CO 533/109.

<sup>130</sup> Encs. 1 and 3 in No. 100, 12/11/12 and 1/11/12, CO 879/112; Morrison to Chief Secretary, 12/11/13, and other correspondence enclosed in No. 13, 24/1/13, CO 533/116. The Lane rebuke is dated 23/11/12 in Desp. 13. I have not investigated what happened to this action.

**“With you there is daylight. Here, helpless fools are being throttled in the dark.”<sup>131</sup>**

Leys expected to get the sack quite early on, as soon as Girouard had got wind of his activities (as opposed to his attitudes, which he did not attempt to disguise). He wrote to Harvey on Christmas Eve 1911: “The Governor has sent a message to me to the effect that he hears I have been conspiring against him and wishes to know about it. I replied that face to face and divested of our official relations I will gladly tell him what I think and what I have done”.<sup>132</sup> But he was not directly challenged at first, and held on. By 22 July 1912 he had confessed to Acting Governor Bowring (as mentioned earlier) that he had arranged Morrison’s visit to Ole Gilisho. Writing of “our mad firebrand Leys [being] in rather deep waters now”, Ross described how Leys had “written a final counterblast to Sir Percy [sic] ... he says it is none of the ‘timid slush’ that he wrote to Sir P. two years’ ago” and “expects to get the sack for it but that he will refuse to go! Talk about stormy petrels!”<sup>133</sup> He stayed with Leys in September, and they sat up talking about the issue until after midnight. The local administration had by now asked the CO to dismiss Leys, and he knew it. “He has got his tail up pretty stiff, but Mrs L is rather upset about things.”<sup>134</sup> Over the years he had certainly had several warnings to mend his ways; at this stage, from Bowring, came a demand to “refrain from any further interference, either directly or indirectly, in political matters outside the scope of your official duties”.<sup>135</sup>

To re-emphasise Leys’ contribution to events, Mungeam is wrong to credit only Murray and MacDonald, not Leys, as the “lone prophets” who openly criticised colonial

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<sup>131</sup> Leys to Harvey, No. 18, 22/3/11, Harvey Letters.

<sup>132</sup> Leys to Harvey, No. 14, 24/12/11, Harvey Letters.

<sup>133</sup> Ross to mother, No. 556, 14/8/12, McGregor Ross Papers, RHO.

<sup>134</sup> Ross to mother, No. 565, 29/9/11, McGregor Ross Papers, RHO.

<sup>135</sup> Conf. No. 80, Desp. 51, 8/8/12, CO 879/112.

policy.<sup>136</sup> They were merely the visible, British-based manifestation of a wider phenomenon. Without naming Leys, in the same passage Mungeam states: “The solitary voice in the Protectorate itself that had supplied Murray and MacDonald with ammunition over the Masai move did not appear to be representative of official opinion in the Protectorate as a whole”.<sup>137</sup> Behind Leys were several other local informers, whose identities I shall speculate about in a moment, who acted independently of him on other occasions. They may not have represented official opinion, but this was usually fragmented, never monolithic.

Leys paid dearly, going into what he called “exile” in Nyasaland in spring 1913, after a period of home leave. But he shrugged it off, telling Harvey he should “entirely ignore my exile ... I have paid very cheaply for my opinions, less, I am sure than thousands pay daily in England. It is sheer nonsense to consider me in any but the most ordinary light”. He told Harvey not to call him a martyr – he did not have “a single drop of martyr’s blood”.<sup>138</sup>

What was his motivation in taking up the whole issue? It was not that he cared especially about the Maasai. “I don’t care a rap for the Masai, particularly” he wrote in September 1912.<sup>139</sup> It went further and deeper than that. He once told Gilbert Murray that he had been looking for a social injustice issue to expose since his earliest days in Africa. With the Maasai, in the short term he wanted a judicial inquiry and an exposure of imperial policy towards Africans (“I would like to see the history of the whole affair used to illuminate the methods and aims of the administration of our African Protectorates.”)<sup>140</sup> He was also determined to oppose and expose settler hegemony – “They are demanding and receiving a position of privilege which includes the real control of the country and their own enrichment

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<sup>136</sup> Mungeam, *British Rule*, p273.

<sup>137</sup> Mungeam, *British Rule*, p273.

<sup>138</sup> Leys to Harvey, Nos. 39 and 40, 30/3/13 and 10/4/13, Harvey Letters.

<sup>139</sup> Leys to Harvey, No. 29, 9/9/12.

<sup>140</sup> Leys to Harvey, No. 20, 12/5/12.

by lavish grants of land, literally worth millions of pounds”.<sup>141</sup> In the long term, as he explained to Harvey in his first letter, he wanted Harvey and others to help create a new colonial policy, in the same mould as the current liberal domestic policy. That entailed challenging the profit motive that he believed drove imperial policy, and led to the oppression of Africans. “I have yet to see an African government that is not mainly directed by consideration for the men, whether in England or in Africa, who profit by African land and African labour ... I want you and your kind to lead and change policy when the chance comes. I am tired of inferior imitations of Kipling’s heroes”.<sup>142</sup>

He believed “we are laying the foundations of an evil system that generations to come will struggle with,” and asked Harvey to help dismantle it. Local dissenters like him were powerful to make real change. He also knew he was inclined to get things out of proportion. “What I feel most keenly is that if I had the wisdom and patience and courage that I haven’t I could really do nothing. The new policy, the new spirit must come from home ... there is no cure except a new atmosphere [which] can only come as a result of a liberal colonial policy.”<sup>143</sup> He believed East Africa needed a different type of governor – one who was prepared to challenge settlers and their ilk:

I long for a man to prove to them [the settlers] that their rights over Africans and Africa are no greater than an English farmer’s over other Englishmen. In Africa slavery is dead but liberty is not alive. In Africa I want men from home who have courage to oppose local interested parties...<sup>144</sup>

The rhetoric suggests that he saw himself following in the footsteps of the great anti-slavery campaigners. In the same breath, however, Leys warned Harvey not to take any action over the Maasai or to think unkindly of Girouard. This ambivalence of tone runs throughout

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<sup>141</sup> Leys to Harvey, No. 23, 29/5/12.

<sup>142</sup> Leys to Harvey, No. 1, 17/10/10, sent from Bedford Place, London.

<sup>143</sup> Leys to Harvey, No. 1, *ibid.*

<sup>144</sup> Leys to Harvey, No. 1, *ibid.*

the correspondence, signifying the mixed loyalties of the servant who lives by the system he scorns. In the very next paragraph, Leys urged his friend “I hope you will leave the Masai question alone”, for three reasons. First, he believed the Secretary of State would do his best. Second, he did not think he had given Harvey “an altogether fair account” when he had met him the previous day; it was one-sided. Third, he did not want Girouard to go. “He has brains. But he is vain, absurdly fond of popularity, dearly loves the rich and titled. And he bluffs ... But if you only knew how rare and precious brains are in Africa you would sympathise with my wish to keep him.”<sup>145</sup>

### **Leys’ sources: who was the ‘depththroat’?**

As for whether we can trust his claims, what was the quality and reliability of his sources? Collyer was clearly one of his main informants and not, by all accounts, a person given to exaggeration or politicking. This is confirmed by his family, who believe his early death was hastened by his bitterness over the Maasai move and his cavalier treatment by government. He was not the kind of person likely to blow the whistle himself, or to be openly disloyal, but he had a strong sense of fair play. His great-niece, Veronica Bellers, comments:

I think it is unlikely that he wrote anonymously; he wasn't a disloyal man. When Leys says Arthur was sickened and embittered, I think the point is that he sat alone night after night with this awful dilemma. He was being told what to do by Girouard but in his heart he didn't want to do this. At one point Girouard rather forces Arthur to say things he didn't want to say. I feel, in being made to say he was a friend of the Maasai, and what government was suggesting should be done was in their interests, was *not* what Arthur believed. He believed tribal land as it was demarcated should be as sacrosanct as freehold land in Britain. This was the thing that tore Arthur apart, being made to say things he did not want to.<sup>146</sup>

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<sup>145</sup> Leys to Harvey, No. 1, *ibid*.

<sup>146</sup> My thanks to Veronica Bellers for sharing family anecdotes. She said: "He was going to die anyway [of TB], but I think his deterioration was hastened by it" [ie, losing the post of DC Rumuruti and his feelings about the way the move was carried out]. Interview and written communication.

Judge Hamilton was also a confidante, and the magistrate at Nakuru had at Leys' request supplied information about the crisis on the Mau in autumn 1911. In May 1912, Leys told Harvey that "a new correspondent" had contacted him, "an officer now engaged in helping to move the Masai, begging me to get it stopped."<sup>147</sup> In his next letter, he said this brought to two the number of officers involved in the move who were his correspondents – "[they] warn me to look out for resistance and its consequences".<sup>148</sup> (It is unclear whether he included Collyer here, but he was no longer involved with the move.) To speculate, these men are very likely to have been Goldfinch, possibly also McClellan and/or Browne. George Hammond Goldfinch, an assistant game warden since 1907, was involved in helping the Maasai to return to Laikipia in the autumn of 1911, and became Officer in Charge Mau Camp during the resumed move. He reported the original deaths on the Mau in 1911 to MacDonald and Atkinson, as mentioned in Chapter 2. On the evidence of his letters to David Davies MP (the gist of which was communicated to Lewis Harcourt without their author being named), and his later correspondence with the Anti-Slavery Society, he also reported them to a wider circle.

Goldfinch had come to B.E.A. from South Africa in 1904, entered government service in 1906 as a stock inspector, and was an assistant game warden for Nakuru District from 1907 to 1923. In World War One, he was on the intelligence staff. He had been a Master of Foxhounds (MFH) in England, and on arrival in East Africa became second Master of the Masara Hunt from 1904-8. He owned a small pack of home-bred hounds, and also ran a stock farm near Nanyuki. However, it is evident that he ran with the hare and hunted with the hounds when it came to issues of African rights and welfare.

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<sup>147</sup> Leys to Harvey, No. 21, 19/5/12.

<sup>148</sup> Leys to Harvey, No. 22, 24/5/12.

First, to describe what Davies told Harcourt.<sup>149</sup> In September 1911, Davies had recently returned from a visit to the Protectorate. Writing on 28 September, he told Harcourt that he had during this trip “had an opportunity of seeing something of the Masai”. Since coming home, he had received “several very urgent letters from an Englishman whom I met at Nairobi”, on the subject of the Maasai move. He enclosed extracts, saying he believed they “afford genuine ground for an enquiry”. Davies’ informant wished to remain anonymous “on account of the acute feeling which exists in the Protectorate against those people who dare to criticise the native policy of the Government”. But he could vouch that the man had no axe to grind, was totally honest, and simply “cherishes a deep concern for the welfare of the natives”. The clues to Goldfinch’s identity are that the informant was described as “a good sportsman”, and Davies had “lived with him in the wilds for two months”.

The extracts themselves are puzzling. They refer to a third, unnamed party – “one of my very best friends who has helped me with my information ... one of the finest sportsmen who ever holloa’d to a hound”.<sup>150</sup> Either the letters were written by Goldfinch, covering himself by pretending to have got information from a fictitious friend, or they were written by someone else who had been informed by Goldfinch. The first letter said that land speculators had, about four years before, wanted to get hold of Laikipia and turn the Maasai out. An inspection of the Loita country by Bagge, other officials and Maasai elders had been unfavourable; despite this, the northern Maasai “are supposed to have asked to be allowed to move”. Having questioned them as to why they had asked to move, the writer was told “they never made any such request”. But they had been threatened that if they did not move, “their Chief would be locked up by the Government”. The ‘chief’ in question was Ole Gilishu. As a result of Pax Britannica, natives and their stock had increased “and these must be provided for

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<sup>149</sup> All letters cited are in Mss Harcourt Dep. 497 (Masai), Harcourt Papers, Bodleian Library.

now and in the future however distasteful this may be to those people who would see every acre of good grazing or agricultural land doled out to white settlers of any sort or nationality". The writer pointed out how law-abiding the Maasai had always been, and therefore undeserving of this harsh treatment. But he warned: "If their cattle die of starvation they can hardly be expected to do anything except rise."

Other letters, written on 13, 17 and 24 August, do not contain any major new revelations, but confirm what has already been alleged in this thesis. However, the writer described Ole Gilisho's appointment as regent to Seggi as a bribe he was now "most bitterly regretting". "The electing of Legelshu [sic] as Regent was a clever move on the part of the Government, as they apparently said to him 'Now we are going to do you a great honour and make you a Regent of Lenana's heir, paying you a good salary, but you will have to go and live in the Southern Reserve, and you will be a very big man there over the Masai.'"<sup>151</sup> Also, the writer reported that Girouard, on being told of the crisis on Mau by the DC Naivasha, wired back: "Move them to Tsavo". His comment: "This was a most dreadful thing to say", because of its distance from Mau and the quality of Tsavo country: "It is a 'wait-a-bit' thorn desert, infected with all the known forms of Tsetse fly, except I believe one form. It is also a most poisonously malarial spot." Such an order amounted to a death sentence, the writer said.

I consider it is the most disgraceful thing that has occurred under the British flag during the last century, and I cannot tell you how sore and disgusted I feel about it ... It makes one feel absolutely ill to hear of such doings against a luckless native tribe and a law abiding tribe too.<sup>152</sup>

Whatever the uncertainties of who lay behind this correspondence, Goldfinch showed his hand openly in his later letters to the Anti-Slavery Society. He kept them informed,

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<sup>150</sup> 'Extracts from letters received by Mr David Davies MP', 1/8/11 (the first of the series), Harcourt Papers.

<sup>151</sup> Unnamed correspondent to Davies, 13/8/11, Harcourt Papers.

through the mid-1920s, on such hot subjects as the contested ‘Delamere exchange’ of land on Laikipia (enclosing copies of his protest letters to the *East African Standard*), forced labour on coffee plantations, outbreaks of plague in reserves, Samburu land claims north of Laikipia, the Maasai generally, the plight of the Dorobo (Ogiek) and the impending move of the Momonyot Maasai from the Loldaika Hills, east of Laikipia, to the Southern Reserve.<sup>153</sup>

In the Momonyot case, he took thumbprints and statements from a ‘Wanderobo’ and the so-called head of the Momonyot, Guaisain or Guaisaiu ol Legeshaur (sic, the writing is illegible and this is unlikely be the correct spelling of the man’s name). In remarks echoing those of Purko Maasai already in the south, Legeshaur feared they would lose most if not all of their stock to disease and starvation if forced to move, and begged to be allowed to stay put. Goldfinch agreed with his assessment, and in a cover note to the Society added: “This old man is rather fussed and comes and worries me and I have told him that I can do nothing for him here but that I will send his petition home to people who are really interested in people like himself.”<sup>154</sup> In other letters, there is a reference to Goldfinch having enclosed something from McGregor Ross, in another he refers to “my friend McGregor Ross”; clearly, he was part of the same Leys-Ross-Collyer circle.<sup>155</sup> He told the Society that the Native Affairs Department was “a disgrace”, Maxwell the Native Affairs Commissioner “a knave and a fool ... who has

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<sup>152</sup> Unnamed correspondent to Davies, 17/8/11, Harcourt Papers.

<sup>153</sup> G.H. Goldfinch Letters from December 1923, G137 in ASAPS Papers, RHO. The Momonyot were a ‘remnant’ of the Maasai, allegedly of Laikipiak descent, who managed to evade the 1911-13 move. For mentions of this later move, the Delamere exchange and an analysis of the Leroghi land dispute which ended in Samburu victory over white settlers, see C. J. Duder and G. L. Simpson, ‘Land and Murder in Colonial Kenya: The Leroghi Land Dispute and the Powys ‘Murder’ Case’, *Journal of Imperial and Commonwealth History*, 25, No. 3 (1997).

<sup>154</sup> Statement of 22/2/23 enc. in Goldfinch Letters, ASAPS Papers, RHO. The man’s first name is spelled variously what looks like Guaisaiu and Guisaiu, though the last letter may be ‘n.’ Legeshaur (or Legeshaun?) told Goldfinch the Momonyot Maasai were once numerous and always inhabited the territory where they now lived, but they had become fewer and scattered among the Meru, Kikuyu and Dorobo peoples after rinderpest, smallpox and raids by stronger ‘tribes’, mostly ‘southern’ Maasai. They had been “collected and protected by the late Mr Newman the Elephant Hunter who established them in their original country the Lololdika [sic] Hills”. Presumably this is the same A. Neumann who wrote *Elephant Hunting in East Equatorial Africa*, London, 1898.

persistently robbed and persecuted the natives”.<sup>156</sup> He said he was not anti-settler (he referred elsewhere to both Cole brothers as friends) but simply thought “that the native should have a fair deal”.<sup>157</sup> Finally, an eight-page handwritten statement headed ‘The Masai Scandal’ makes totally plain where his sympathies lay: “...no tribe of savages have ever had to put up with what they have in the last few years”.<sup>158</sup>

Goldfinch and McClellan were the two officers who had handed Ole Gilisho legal papers from Morrison about granting power of attorney to a London firm, in the summer of 1912 while Ole Gilisho was moving – not assistance that British officials were obliged to give.<sup>159</sup> Goldfinch was commended by DC Talbot-Smith for his extreme care in assisting Maasai to return to Laikipia, in words that convey his conscientiousness and concern.<sup>160</sup> As for McClellan, he was a confidante of Collyer’s, and a man with African sympathies – while Acting Secretary for Native Affairs in 1908, he had argued for the sympathetic treatment of ‘natives’, support for chiefs, and railed against unnecessary jail sentences and pass laws. He had also denounced the suggestion that Africans should be given the smallest possible reserves to force them out to work as “wholly wrong and indefensible”.<sup>161</sup> Goldfinch later told Travers Buxton of his 35-year friendship with McClellan, who was by 1924 also corresponding with

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<sup>155</sup> S.V. Cooke, ADC Embu, to Goldfinch, 20/10/21; Goldfinch to Travers Buxton, 29/9/25, Goldfinch Letters, RHO. In another letter to Buxton on 6/11/25 he refers to an enclosed press cutting which includes remarks by Leys about Cooke, with which he agrees.

<sup>156</sup> ‘Goldfinch’s Notes on Native Administration’, written in what appears to be another hand on the back of ASAPS-headed notepaper, no date, Goldfinch Letters, RHO.

<sup>157</sup> Undated paper, ‘Kenya as a White Colony’, Goldfinch Letters, RHO.

<sup>158</sup> Undated paper, which appears to have been written in 1923 since it refers to “the [Maasai] rebellion of last year”, and the Society noted on it their reply of July 1923, Goldfinch Letters, RHO.

<sup>159</sup> See Conf. No. 80 in Desp. 51, 8/8/12, CO 879/112. Alternatively, maybe they were both doing no more than “behaving quite correctly” as Cashmore describes Crewe-Read and McClellan doing when the former obtained and witnessed ‘signatures’ from the four Maasai plaintiffs on papers prepared by Morrison, after the latter went down with fever. Cashmore, ‘Obedient’, p379.

<sup>160</sup> “...the success of the removal of the Masai back to their old Reserve from around Nakuru is due to the trouble and care Mr. Goldfinch took, in explaining the road to the natives, and assisting them in every way in his power.” Talbot-Smith to PC Naivasha, 25/9/11, PC/RVP/6E/1/1, KNA.

<sup>161</sup> Cashmore, ‘Obedient’, Vol. 1, pp129-130. He gives no source for the quote. McClellan acted up for Hollis when he went on leave. His earlier appointments in EAP included Assistant Collector from 1895, Collector Masailand (Ukamba Province) from 1900, and Collector Naivasha, 1903.

the Anti-Slavery Society. He told Buxton: "... you could not possibly have a better authority on the Masai and their troubles".<sup>162</sup> One might also speculate about E.D. Browne, ADC Laikipia. His 'move reports' were fairly sympathetic to the Maasai, and he went on to become the first British administrator of Tanganyika Maasailand, where he and his close relationship with the Maasai became legendary. Tidrick mentions that he "came down to Tanganyika convinced that the Kenya Masai had had a rotten deal [over the move] and determined to see that the Tanganyika Masai got a better one".<sup>163</sup>

Either way, the indications are that middle-ranking officials closely involved with the events were speaking with firsthand knowledge through Leys. And after all his doubts about the alleged human deaths incurred on the 1911 move, and his shillyshallying with Harvey over this, one of his sources finally reassured him of the truth of this central claim: "I have just learned from a trustworthy source that the story of loss of life on the Masai move was true".<sup>164</sup>

### **The finger points to Goldfinch**

Without further corroboration and names, we can only take his word for it. But the evidence points strongly to Goldfinch being Leys' main informant all along. He was on the Mau at the crucial time in the autumn of 1911, may have taken the photographs of Maasai skeletons that were sent anonymously to the Anti-Slavery Society, and may have written the letter that accompanied them. He escorted Maasai back north and was again involved in taking them south the following year. His work as a game ranger brought him into intimate contact with Maasai and Dorobo (Ogiek) in reserves that to some extent overlapped with the northern and southern game reserves. He thoroughly knew and understood these two environments and

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<sup>162</sup> Goldfinch to Buxton, 24/11/24, Goldfinch Letters, RHO.

<sup>163</sup> K. Tidrick, *Empire and the English Character*, I.B. Tauris, 1990, pp177-9, 188.

<sup>164</sup> Leys to Harvey, No. 15, 4/312, Harvey Letters.

the fine balance between humans, domestic stock and wild game, which could be upset so easily and disastrously. His observations on this subject will be covered in a later chapter. Meanwhile, it is worth noting his remarks in a paper on 'Natives and Game': "...as a general rule preservation of the fauna of Africa and the preservation of its natives amount to one and the same thing, though this generally seems to be forgotten". This was, he said, especially true of pastoralists: "There would not have been a hope of keeping the game reserves unless they had also been native ones".<sup>165</sup> From the later Anti-Slavery correspondence it is clear he had a particular interest in questions of disease and resistance of both stock and humans moved into alien environments, and he made his attitudes to the alienation of African land transparently clear here. He may also, in supplying S.V. Cooke and the Society with information, have been instrumental in helping the Samburu to retain the Leroghi plateau, and certainly tried to stop the Momonyot removal through the Society and its political contacts.<sup>166</sup> He also took up with Travers Buxton the case of Olonana's half-brother Senteu, who had been condemned to internal 'exile' in the Meru area in 1919 for his alleged complicity in the Purko-Loita. raids of 1918-19. Having befriended Senteu, now sick, penniless and reduced to hanging out with Dorobo (Ogiek) in the forests, Goldfinch believed it a scandal that the old man could not at least be allowed to return to his own 'country' to die in dignity. He was in fact allowed to return by 1925, which suggests that the Society had intervened with the government on his behalf, thanks to Goldfinch.<sup>167</sup>

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<sup>165</sup> 'Natives and Game', undated paper by Goldfinch for the ASAPS, pp1-2, Goldfinch Letters, RHO.

<sup>166</sup> References to questions in the Commons about the Momonyot are for example in Goldfinch to Buxton, 13/7/24, Goldfinch Letters, RHO. Re-the Samburu, in a footnote Duder and Simpson say they failed to find in the PRO letters that Cooke allegedly wrote to 'London' in 1921-2 about the Samburu (fn 20, p462, 'Land and Murder', *ibid.*) But if the ADC was writing through the ASAPS, neither his nor Goldfinch's names would appear in any mail forwarded to the CO. The clues lie in RHO.

<sup>167</sup> 'Senteu, Masai laibon', undated paper by Goldfinch, likely to be August 1925 from available evidence; also letters to Buxton, 29/9/25 and 6/11/25, Goldfinch Letters, RHO. Senteu's return from 'exile' is mentioned in the Narok Annual Report 1924-5. He died on 2 June 1933.

Incidentally, from the Goldfinch letters comes another indication of what relatively educated young Maasai were doing to assist their people a few years later, and also their continuing mobility despite reserves and all kinds of new restrictions (see Chapter 6 on patterns of Maasai return to the north). In 1923, in a cover note to the statement collected from a 'Wanderobo' called Rono ol Kiparu, he said he had met one of Masikonde's sons who was visiting the Loldaika Hills from the Southern Reserve. He did not name him, but he was possibly Oimeru Ole Masikonde, mentioned many times in the Narok District Records for his later assistance, as a headman, to British administrators.<sup>168</sup> Legeshaur, the Momonyot Maasai mentioned earlier, had sent a message to Masikonde asking for help in dealing with their threatened eviction. The son had been sent north to see what was happening. Wrote Goldfinch of the son: "This man is quite intelligent and can read and write and has apparently travelled about a bit to Mombasa etc. and I am personally quite satisfied that what he told me is probably perfectly true." This young man was bringing an important message to the Momonyot: "First he said that the Masai in the Southern Reserve strongly objected to any more people being shoved into their country and he said they were short of water, grass and full of disease".<sup>169</sup>

The only other information I have been able to discover about Goldfinch is that he was lamed for life in 1906 while hunting lion on horseback with game ranger Blayney Percival and a settler called Lucas. Goldfinch was mauled and bitten on the thigh, while Lucas died from his injuries a week later.<sup>170</sup> Percival's brother Philip described him as "a dear old gentleman of

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<sup>168</sup> For example, Clarence Buxton mentioned his criticism of the prophet Kimuruai and what Oimeru considered the unwise British decision to allow him into the district, in papers on the Rotian riot. Buxton Papers, Mss. Brit. Emp. s 390, Box 1A/1, report of 16/7/35, RHO.

<sup>169</sup> Cover note dated 5/3/23 with statement of Rono ol Kiparu, Goldfinch Letters. Two of Masikonde's sons were educated by AIM missionaries but never joined the mission, according to Waller in Spear and Kimambo, *Expressions*, pp89-90.

<sup>170</sup> My thanks to Peter J. Ayre, Bookseller, for finding this information in antiquarian sources that include: Anthony Dyer, *Men for All Seasons: The Hunters and pioneers*, Trophy Room Books, Agoura, California, 1996;

independent means". Elsewhere, there is a mention in Trzebinski of an incident involving Goldfinch at the Norfolk Hotel, Nairobi. He was sitting quietly having a beer, by a window overlooking the veranda, when a group of "cowboys" (settlers on ponies) lassoed him right out of his chair as a prank.<sup>171</sup> To conclude, Goldfinch seems to have run with the hare and hunted with the hounds when it suited him, maintaining friendships across a wide social and racial spectrum. This gave him insights, and empathy with Africans, that many other Europeans in B.E.A. lacked. Many of his settler friends probably had no idea of his clandestine pro-African activities, apart from Berkeley Cole whom he describes as sharing his views on the Maasai.<sup>172</sup>

### **Partying, while others suffered**

Some of Goldfinch's colleagues among officers and other whites employed on the Maasai move saw it in very different terms to himself, as a happy and profitable time. Anglo-Irish immigrant Richard Gethin, employed as a junior stock inspector under Popplewell, wrote: "The Masai Move was a very well run show ... To everyone's regret [it] came to an end early in 1913". When it was all over, Hemsted threw a party at Narok for all those (presumably Europeans only) who had been involved. They were presented with letters of thanks from the Governor for doing such a good job in difficult circumstances. "It was a most successful party and went on till daylight."<sup>173</sup>

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W.R. Foran, *Kill: Or be killed*, Hutchinson, 1933; Dennis Holman, *Inside Safari Hunting with Eric Rundgren*, W.H. Allen, 1969; A. Blayney Percival, *A Game Ranger's Notebook*, Nisbet & Co., 1924; Philip Percival, *Seasons*, (no publisher given), 1905; Somerset Playne, *East Africa 1908-9*, The Foreign and Colonial Compiling and Publishing Co., London, 1909. Apart from Dyer, these sources are not included in the bibliography since I did not consult them directly.

<sup>171</sup> Trzebinski, *Kenya Pioneers*, p139. The source is given as Gethin's unpublished memoirs, p20.

<sup>172</sup> Mentioned in Goldfinch's undated paper on Senteu, *ibid*.

<sup>173</sup> 'An Old Settler Remembers Kenya', Richard Gethin Papers, Mss. Afr. 1277(1), RHO, pp25, 27. These were serialised in the *Kenya Weekly News* in 1955. The papers are disorganised and uncatalogued; some are in duplicate. Gethin arrived in B.E.A. with £10 in his pocket in 1908, aged 23, to work for Powys Cobb.

Why was it profitable? “The Masai Move was a most pleasant period, the staff had plenty of big game shooting, everyone being well mounted, owning anything from three to four ponies each.” To a poor young man like Gethin, who had previously managed settler Powys Cobb’s sheep farm at Loydien, Naivasha, and recently returned to B.E.A. without a job, the chance offer of work supervising these safaris was very welcome. The salary was 300 rupees a month, but there was extra money to be made through selling Somali ponies and the skins of animals shot en route. By spring 1913, “I was now well in funds from sales of Ponies, Lion and Leopard skins, and my pay, I had saved about £500 which in those days went quite a long way”.

The pony-selling scam went like this: all Somali ponies, mules and donkeys coming from Abyssinia had to be quarantined for a month at Rumuruti before proceeding to Nairobi. Captain Charles Neave and Bill Kennedy, respectively chief stock inspector and a veterinary officer employed on the move, vetted the ponies before letting them go. Officers with the move took their pick of the bunch, handed them over to their “Syces” (grooms)<sup>174</sup> for smartening up, and left Rumuruti with up to 20 ponies per safari. “On arriving at Gilgil a wire would be sent to Nairobi giving the date of arrival at Naivasha, and people would come up by train and take their pick, paying about double the price we had paid for them. The ponies had by now been groomed, clipped, well fed and looked quite a different animal to what he or she was on arrival at Rumuruti.”<sup>175</sup>

Unlike Goldfinch – whom he crossly described elsewhere, ticking him off for ivory trading<sup>176</sup> – Gethin defended the necessity of the move, and rebuked the “chairborn Politicians

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<sup>174</sup> Origin given as India, 1653, from Hindustani and Arabic, *Shorter Oxford English Dictionary*.

<sup>175</sup> Gethin Papers (1), p24.

<sup>176</sup> This episode took place soon time before the move. While on safari, Gethin had traded four tusks for 20 yards of Americani cloth with some Africans. He then handed them over to Goldfinch, described as game warden at Nakuru, who “read me a lecture on trading in ivory with the natives saying it only encouraged them to kill more

at home [who] thought we were being very hard on the Masai". He described each safari as consisting of an unspecified number of Maasai families, around 10,000 head of cattle and 5,000 sheep and goats, and covering about ten miles per day. "There were permanent bomas for the stock but the Masai had to make their own arrangements for sleeping accommodation." He was employed on the route that took in Gilgil, Elmenteita, Mau and the Lemek valley. Interestingly, he noted that there were no warriors in the parties of Maasai he escorted. "To make things more difficult, the Masai Moran refused to have anything to do with the Move, clearing off to the Southern Reserve on their own, leaving old men and boys to herd the stock during the move."<sup>177</sup>

In a surprising postscript to the move, Gethin hinted at the good relations that had been forged between official escorts and Maasai. The day after the party, Popplewell suggested that they should "ride over to where chiefs Masacondi and Legulesha were camped to say goodbye to them, as they had both been a great help to us in getting the safaris together at Rumuruti".<sup>178</sup> They ran into some trouble with a lion, however, and he did not describe any final goodbyes. Later, he referred to meeting "a number of old friends who I had brought down from Rumuruti" while on safari in the Southern Reserve.<sup>179</sup> They included Masikonde. The Maasai he met then were hungry, he said, and only too pleased to buy flour from him.

The last word goes to some of those who were on the receiving end of the 1911-13 move. "We never wanted to come, we were chased," cried the late Karanja Ole Koisikir, born in Entorror, who took part in the move as a boy. "We were moved from one camp to another,

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Elephants. I failed to see his point of view, if I had not taken the tusks, someone else would not have missed the opportunity." Gethin Papers (1), p18.

<sup>177</sup> Gethin Papers (1), p23. Of the 10,064 Maasai moved south in this second stage of the second move, 462 were warriors, 1,820 other males, 4,031 women and 3,751 children. Harcourt quoted in Hansard, Vol. 56, 12/8/13, col. 2416.

<sup>178</sup> Gethin Papers (1), p30.

<sup>179</sup> Gethin Papers (1), p7 of a separate, undated and untitled draft of the manuscript.

so we were moving like people who were being chased."<sup>180</sup> A much younger man, Tarayia Ololoigero, whose family took the Naivasha-Melili-Lemek route south, said: "What happened was, the *mzungus* [whites] were kicking the people, forcing them out of the place. And if a mother gave birth, she would deliver when they were just on the move. And if the *mzungus* met a family that was performing the initiation rites of their children, they were forced to move without initiating them. And if they met a homestead at night, they pushed them out even at night. So it didn't matter what the activities of the family were at that time. The evicters didn't care."<sup>181</sup>

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<sup>180</sup> Purko elder (Narok 4) living at Ole Polos, near Ololulunga, right-hand circumcision (Il-Kitoip) of Il-Tareto. He was allegedly 109, and very close to death when interviewed in 1997.

<sup>181</sup> Ololoigero, Narok 9.

## Chapter 4: The court case and legal questions

“It must be admitted that it often seems unreasonable to apply civilised law to simple savage life.”

Sir Charles Eliot, Commissioner of British East Africa<sup>1</sup>

This chapter will describe the 1913 Maasai Case and appeal, critiques of the judgement both at the time and since, and other issues arising from it and scrutiny of the 1911 Agreement, notably the activities of the Magadi Soda Company in the Southern Reserve. It ends by considering the legal position today, and Maasai leaders’ plans to mark the hundredth anniversary of the 1904 Agreement and first move by launching another legal action against the British government. It will begin by looking at the original plaint, and how Ole Gilisho’s son-in-law, Ole Nchoko, took his place as first plaintiff in court.

Murket Ole Nchoko, whose name the British misspelled Ol le Njogo, became first plaintiff in Civil Case No. 91 of 1912, which begat the Maasai Case. He was described in the plaint as a leading *moran* of the Purko section. His seven fellow plaintiffs were Purko and Keekonyokie.<sup>2</sup> What had become of Ole Gilisho? As a signatory of the 1911 Agreement, who according to the plaint stood accused with 17 other Maasai of having no authority to enter into such an agreement, he could not be both plaintiff and defendant in the case. I have assumed that this was the main reason why he did not, having initiated the action, take the case to court. In addition, Ole Gilisho may have tired of the action after being subjected to sustained threats and character assassination by British officials. Morrison may have advised him to stand down, and play a background role, if there was any danger that the British were likely to put him on trial as a troublemaker or person unrepresentative of the Maasai. In the event, he made

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<sup>1</sup> Eliot, *East Africa Protectorate*, p197.

<sup>2</sup> Pleadings and Plaint are in Conf. 11, 16/1/13, CO 533/116, printed as African No. 1001. The Concise Statement is in ‘Record of the ‘Masai Case’, Sandford, *Administrative history*, Appendix 3, pp186-7. His appendix only has a record of the December 1913 appeal, not the judgement in the May 1913 case.

way for a younger man – his son-in-law. One informant’s interpretation was this: “Ole Gilisho did not go to court because he had already realised that he was defeated – the court judges were whites. Ole Nchoko went to court because of his stupidity”.<sup>3</sup> Another said: “The lawyer saw that Ole Gilisho was defeated, and Ole Gilisho never proceeded with the case. Ole Gilisho was very clever; he never wanted to proceed with the case because he saw that he was just fighting a losing battle. So he saw there was no need [to go to court].”<sup>4</sup> Several informants recounted Olonana’s warnings ‘from beyond the grave’ that Ole Gilisho would be in dire trouble if he pressed ahead. One of his sons, Shoriba, claimed: “Ole Gilisho dropped the case because he was told by the *ol-oiboni* [Olonana] to leave it”. But Olonana had died two years earlier, long before the action was launched. This statement must be viewed with double scepticism since Shoriba went on to say that Ole Gilisho paid no attention to prophets. One can interpret these stories in at least two ways. Firstly, Olonana may have issued an earlier warning not to mess with the white men; he had prophesied that they would go away and the land they had temporarily occupied would be returned. He may have warned Ole Gilisho in particular, since he threatened to jeopardise Olonana’s position and authority by resisting the move. Secondly, it may be wishful thinking to reinvent Olonana the collaborator as Olonana the protector, defending Maasai interests and saving the skin of the much-loved Ole Gilisho.

The plaintiffs claimed as individuals and also on behalf of the Maasai of Laikipia and the Maasai generally that the 1904 treaty was still in force and effect. The first defendant was the Attorney-General of B.E.A., sued as representative of the Government. Defendants 2-19, all Maasai signatories to the 1911 Agreement, were said to have no authority to enter into such an agreement, and it was therefore void except with regard to them. They claimed that the Maasai (with the exception of defendants 2-19) were still entitled to Laikipia and an

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<sup>3</sup> Lemek 17.

“easement” of the connecting road between the reserves. They demanded £5,000 damages for failing to provide the road as agreed in 1904, and unspecified damages for loss of stock that had died while moving, and for depreciation of stock wrongfully removed from Laikipia. The full text of the plaint stated that, to the best of the plaintiffs’ belief, defendants 11-19 were in favour of their legal action.<sup>5</sup> Defendants 20 and 21 were J.W.T. McClellan, Provincial Commissioner for Naivasha, and Rupert Hemsted, Officer in Charge of the Southern Reserve.

The plaintiffs claimed that the 1911 Agreement was void for five reasons:

- the plaintiffs and other Maasai had never consented to it or authorised the Maasai defendants or anyone to agree to it on their behalf;
- the defendants had no authority to alienate the interests of minors and unborn children of the Laikipia Maasai in Laikipia district;
- it was not for the benefit of the Maasai generally nor of the Maasai of Laikipia. The government was also in a fiduciary position to the Maasai (that is, they were trustees, as a result of the 1904 Agreement and later declarations of the Secretary of State) and had thereby gained financially;
- the Maasai, particularly the signatories, had had no independent legal advice before signing it;
- defendants 11-19 had not signed it voluntarily.<sup>6</sup>

Most significantly, before spelling out all these reasons, the warrior plaintiffs threw down a gauntlet to the older generation. They said that the Maasai defendants, unless expressly authorised by members of the tribe, had no authority to deal with Maasai land and

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<sup>4</sup> Lemek 18.

<sup>5</sup> These defendants were Ole Yele, Gilisho, Turere, Malit, Nakota, Batiel, Lingiri, Geeshen and Kotikall (sic, several are likely misspellings). That left Seggi, Ngaroya, Marmaroi, Saburi, Ayale, Ole Matipe, Ole Naigisa, Ole Tanyai and Masikonde opposing the action. Sandford, *Administrative history*, pp188, 186.

<sup>6</sup> Sandford, *Administrative history*, p191.

no authority in this case because “according to the ancient tribal custom of the Masai elders such as defendants Nos. 2 to 19 can give the advice only, but the actual decision in any particular case rests with a council of the Moran or warriors”.<sup>7</sup>

Ole Nchoko’s original affidavit detailed his personal stock losses and claimed that many people had died during the move due to cold on the Mau, the lack of food and water for cattle, and food, water and milk for humans.<sup>8</sup> He stated that he and other warriors on Laikipia had refused to move south when first ordered to do so, “knowing well” that the reserve was “utterly unsuited to our needs” on account of five problems: “the total absence of water in most parts; the insufficiency of the water holes where there is water; the permanent presence of fell disease<sup>9</sup> – noxious to both men and beast; the presence of the sleeping sickness and the tsetse fly in great numbers; the unsuitability of the ground, over the whole area, for pasturing sheep; the presence of the Southern Masai who require the whole of the area for their cattle leaving no ground available for our people”. But they were told that if they did not move, the government “would use the utmost force to compel us” and duly “inundated the district with their armed askaries [sic] in charge of white officers”. Significantly, although the orders were issued through Collyer, the plaintiffs exempted him from blame. “Throughout the whole of these proceedings Mr Collyer treated us very kindly and considerately and told us that it was not his order but the order of the Government and as such must be obeyed.”

Ole Nchoko claimed in this affidavit to have personally lost a quarter of his cattle (50 out of 200) and half his sheep (100 out of 200) while on the move, to sickness that did not exist on Laikipia as well as lack of food and water. Speaking of the ‘northern’ Maasai as a whole, he claimed that “our cattle have died in hundreds and our sheep in thousands during

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<sup>7</sup> Sandford, *Administrative history*, pp190-1.

<sup>8</sup> In the High Court of British East Africa at Mombasa, Civil Case No. 91 of 1912, *Ol le Njogo and others v The Attorney-General and others*. Plaint affirmed 25/2/13 before E.R. Logan, Town Magistrate, Nairobi. Copies in CO 533/116, in the ASAPS Papers, G131, RHO, and printed as African No. 1001.

such movement”. While moving many cattle had contracted pleuro-pneumonia and rinderpest, and were shot dead by government officers. No numbers were given. Finally, he complained about anthrax in the Mosuru and Mara areas of the Southern Reserve, fatal to both humans and cows; 79 Maasai had recently died of anthrax in these areas.<sup>10</sup> However, in the plaint that went before the court Ole Nchoko’s losses were considerably less: ten cattle and 50 sheep. The second plaintiff, Ole Musuni, claimed to have lost 100 cattle and 300 sheep, and the third plaintiff, Ole Masik, 30 cattle and 350 sheep. The total herds allegedly lost as a result of all causes cited were 97,910 cows and 298,829 sheep, total value not less than £200,000. Total depreciation of stock was set at approximately £100,000. Laikipia was valued at £1 million.

Before turning to the case, I want to look briefly at Ole Nchoko. The written literature is unhelpful – he only appears in passing. I traced three of his sons, now living at Ololulunga near Narok, and also asked other informants about Ole Nchoko’s involvement in the case. One son, Salaton Ole Nchoko, said: “My father was acting as a mediator between the Maasai and the white people, because he understood a little Kiswahili and English, so when the white people gave a message, he took it and delivered it to the Maasai. In other words, he was a translator.”<sup>11</sup> He never went to school, and could not write English. He was described as a government-appointed “chief”, not an *ol-aiguenani* for the age-set.<sup>12</sup> He was also an assistant “chief” to Ole Gilisho, and they were “good friends”. Ole Gilisho apparently admired the younger man’s greater knowledge of languages. He belonged to the Il-Meiruturut or right-

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<sup>9</sup> It is not clear what this was.

<sup>10</sup> Harvey raised this specific point in the Commons on 19/3/13, Hansard, Vol. 50, col. 1021. Harcourt replied that he knew nothing about such complaints, but would enquire.

<sup>11</sup> Lemek 29. Purko, left-hand circumcision, Il-Terekeyiani age-set. His mother was Sinore, one of Ole Nchoko’s five Purko wives. He named the others as Nemardadi, Nemolel, Nampaiyio and Napelesh.

<sup>12</sup> See Chapter 7 for an explanation of the various types of age-set spokesmen.

hand circumcision group of the Il-Tareto age-set, of whom a great deal more will be said in my final chapter on the clash with British forces at Ololulunga.

Salaton did not know why his father had gone to court instead of Ole Gilisho, or anything more about the case. His two older brothers, Seponyori and Olmengo Ole Nchoko,<sup>13</sup> also said they were not told much about the case. Said Seponyori: “My father was actually a little bit informed, so that is why he himself went to court in order to defend the land of the Maasai, simply because he knew a lot of people, especially whites. He had a white friend who was actually telling him how to go about it. He tried to go to court, but all in vain. He was finally defeated because the government was for the whites.”

His work as a mediator and translator appears to have begun in Laikipia, where he forged links with friendly whites. “My father tried to get a legal action because, first of all, he was a person who was together with the white people before they were evicted from Enterror,” said Olmengo. “So now, when people were forced to come, those friends of his were actually advising him on what to do. So that is why he was the one who tried to go ahead [with the case] because he was being told how to go about it. My father was somehow teaching the Maasai how to take this legal action.” This infers that white officials and/or missionaries he had known from Laikipia were advising him. By the time he moved south, Ole Nchoko was a young unmarried man. He must have married his first wife sometime between 1911 and 1913.

Neither of them had heard about lawyers being involved, or even about the two agreements. “All I know,” said Olmengo of the post-1913 period, “is that the white people were always going with my father, telling him the words he was to tell the Maasai, also telling him things he was going to tell Ole Gilisho, who was the superior leader. White people were

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<sup>13</sup> Lemek 41 and 42, interviewed together. Both Il-Nyankusi age-set, living at Masaantare near Ololulunga.

coming almost every day to his place, talking to him every day and taking him to bigger towns, and he stayed there for several days at government offices.”

Asked whether they felt any bitterness about the court case, Olmengo said: “We are not bitter. We are even happy about it because my father acquired wealth as a chief for the colonial government and that is why we are what we are now. After the case, he continued to work for the white people. Even when we were bigger, he was still looking for the government.” He presumably meant looking out for them, and collecting taxes.

### **Injunction granted too late**

Shortly before the Maasai Case came to court, the Maasai won an injunction (sought in the High Court as part of Civil Case No. 91) restraining the Crown from moving or continuing to move them from Laikipia. However, this was something of a pyrrhic victory: it came through on 10 April, a fortnight after the last Maasai had vacated Laikipia. The *Manchester Guardian* had this to say:

#### **The Masai Movement Stopped**

The subject of the great hardships inflicted on the Masai tribe in the East Africa Protectorate by forcing them to leave the Laikipia reserve has been more than once referred to in the House of Commons. I now learn that the High Court of the Protectorate has granted an injunction restraining the Crown from moving or continuing to move the tribe and their cattle ... In their affidavits the leading chiefs deposed to the facts of the Masai having been forced by the Government to leave the reserve much against their will, that in consequence they have lost an enormous number of cattle and sheep, estimated at 97,000 head of cattle and 300,000 sheep; that the southern reserve ... is unhealthy both for man and beast on account of tsetse fly, sleeping sickness and anthrax ..., that the Laikipia district from which they have been forced to move is healthy, and that apart from the requirements of the southern Masai already located in the new reserve there is no ground or water left available for the newcomers. None of the affidavits filed by the Crown attempted to controvert the main facts deposed to by the chiefs. The Crown was therefore forced to rely upon the plea that to stop the removal of the tribe at the present stage would entail the gravest inconvenience to the officials in their dealings with the natives.<sup>14</sup>

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<sup>14</sup> *Manchester Guardian*, 17/5/13, no byline.

The court, it said, was guided by the decision of South Africa's Chief Justice in the Sican case when Lord de Villiers ruled “the Crown will always welcome and will invite raw natives to approach the Court with their grievances against the local administration upon their troubles with the authorities, and of substituting a respectful appeal to one of Her Majesty’s judges”. For all these reasons, the injunction was granted. The story ended: “This action has placed the Government in a very awkward dilemma. Large numbers of the Masai, led by British officers, have already trekked south.”

### **The 1913 case**

The Maasai Case was dismissed in the High Court at Mombasa on 26 May 1913, on the grounds that the plaintiffs’ claims were not cognizable in municipal courts.<sup>15</sup> The Maasai Agreements were ruled to be not agreements but treaties, which were Acts of State. They could not, therefore, be challenged in a local court. It was impossible for the appellants to seek to enforce the provisions of a treaty – “the paramount chief himself could not bring such an action, still less can his people” (citing *Feather v Queen*, 35 L.J.K.B. 208, and *Buron v Denman*, 6 State Trials N.S. 525).<sup>16</sup> The plaintiffs’ specific pleas were similarly ruled to be uncognizable in the courts of the Protectorate. Claims for damages against the first, twentieth and twenty-first defendants (the Attorney General and administrative officers J.W.T. McClellan and Rupert Hemsted) were also thrown out, for their actions in carrying out the terms of a treaty were ruled to be as much Acts of State as the treaty itself. The plaintiffs’ arguments were not fully aired. The case was effectively dismissed on a technicality, a preliminary point of law.

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<sup>15</sup> ‘Judgement of the High Court in the Case brought by the Masai Tribe against the Attorney-General of the East Africa Protectorate and Others; dated 26<sup>th</sup> May, 1913’, HMSO, Cd. 6939, 1913.

<sup>16</sup> Judgment, *ibid.*, p6.

Judge Hamilton ended his judgement by quoting Lord Kingsdowne in the Privy Council case of the *Secretary of State for India v K.B. Sahaba*: “It may have been just or unjust, politic or impolitic, beneficial or injurious, taken as a whole, to those whose interests are affected. These are considerations into which their Lordships cannot enter. It is sufficient to say that even if a wrong has been done, it is a wrong for which no Municipal Court of Justice can afford a remedy”.<sup>17</sup>

The judgement centred on the status of a Protectorate, in which the King was said to exercise powers by virtue of the Foreign Jurisdiction Act of 1890. The Crown claimed that British East Africa was not actually British territory, and therefore the Maasai were not British subjects with any attendant rights of recourse to British law.

But East Africa being a Protectorate in which the Crown has jurisdiction is in relation to the Crown a foreign country under its protection, and its native inhabitants are not subjects owing allegiance to the Crown but protected foreigners, who, in return for that protection, owe obedience.<sup>18</sup>

One of the plaintiffs’ central contentions was that the Maasai who signed the second agreement did not represent them or the Maasai a whole. But the Crown viewed the signatories as “persons whom the Commissioner and Governor, acting on behalf of the Crown, chose as representatives of the Masai tribe with whom the Crown could enter into such agreements” [my italics]. Morrison elaborated on this crucial point in a letter to Harvey in June. “Sir Robert Finlay’s opinion differs from that of the learned Judge. He has advised us that the Action lies in the Ordinary Court and that the question for decision is one of fact depending on the authority of the Chiefs to bind the tribe according to Masai custom. I accordingly advised my Clients to appeal but I have not yet been able to see them.”<sup>19</sup>

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<sup>17</sup> Judgement, *ibid.*, p7.

<sup>18</sup> Judgement, *ibid.*, p5.

<sup>19</sup> Morrison to Harvey, No. 44, 18/6/13, Harvey Letters.

On 21 June, the *Nation* newspaper published an anonymous article by Ted Harvey. (The Harvey Letters reveal its authorship.)<sup>20</sup> Headlined ‘A Naboth’s Vineyard – The Sequel’, it was the follow-up to a feature Harvey had written two years earlier, which told the Maasai story to date.<sup>21</sup> Harvey used heavy sarcasm and an appeal to Christian conscience. It began and ended:

When the day comes for the historian to have access to all the records which are now out of reach even of the eyes of a Colonial Secretary, it will be possible for a remarkable story to be written of the way in which, beneath the shelter of a British Protectorate, the hands of Sir Having Greedy have been stretched out to seize the possessions of a savage tribe, unhappy in their too great wealth ... Will the Masai appeal from this decision to the Privy Council, and what will the outcome be? The imperfect story of our dealings with this people is not pleasant reading, but at least we can be glad that under British rule it should be possible for a subject tribe to impugn the justice of the action even of the highest of the King’s officials, and to appeal ... to the law behind them all, and the great tribunal which embodies it.<sup>22</sup>

Harvey reminded readers that the possibility of a reserve in the south had, “strangely enough”, been discussed by Eliot in 1903. In the White Paper on the Maasai, Deputy Commissioner Jackson had said of this proposal: “Let those who advocate the Kedong Valley and to the south of it visit the country in the dry weather. No sane European would accept a free gift of 500,000 acres in such a place. Why, then, try to force such a place on the Masai? Higher ground, and a considerable area of it, is absolutely necessary, and it is impossible to deny that the Masai are entitled to it.”<sup>23</sup> Harvey stressed that tsetse and “other dangerous fly” had been noted on rivers near the reserve. (In fact, they had been seen within it.) As for how the Maasai felt, “the desire of these uneducated folk to keep what was once their own had taken an unconscionable time in dying”.<sup>24</sup>

<sup>20</sup> Leys to Harvey, No. 45, 25/6/13, Harvey Letters.

<sup>21</sup> The original ‘Naboth’s Vineyard’ was published in the *Nation* on 8/7/11.

<sup>22</sup> *The Nation*, 21/6/13, pp447-8. Copy in the Harvey Letters.

<sup>23</sup> ‘Correspondence relating to the Masai’, Cd. 5584, HMSO, June 1911.

<sup>24</sup> *The Nation*, *ibid.*, p448.

Leys told Harvey that he hoped it would “prepare the public for what is coming”. He feared the worst, saying of an appeal:

If it fails it means that all I have done is to prove that though in Protectorates the inhabitants owe the Government an obedience which can be enforced, as foreign subjects they have no access to the courts. Though ‘protected’ they have less protection than British subjects since no act of the executive is subject to review. Constitutionally that is an impossible situation but being both *de facto* and *de jure* it will be long before strong enough forces are marshalled to change it. I can do nothing more now...<sup>25</sup>

Leys supplied information to an anonymous “learned friend” who wrote an article for the *Glasgow Herald* on 26 July 1913 on the implications of the Maasai decision for the status of protectorates.<sup>26</sup> Sending Harvey the cutting, Leys said he was “arranging for the subject to be treated more extensively in the legal press” and commented that, as things stood, “the Crown has no conceivable limits to its sovereignty but the subject *de facto* has no shred of rights ... The law lays upon [the Maasai] the duty of obedience but denies them the name and the privilege of subjects”.<sup>27</sup> The *Herald* article focused on the nature of sovereignty, which was to be central to the Maasai appeal. It pointed out that “a Colonial protectorate has been described as a form of control, falling short of full sovereignty, assumed by a civilised State over the territory of an uncivilised or semi-civilised community”. But, the writer contended, Britain was in fact exercising full sovereignty in B.E.A. as demonstrated by its Crown appointees, its legislation and penal code which conformed to that in force in India and Britain, the fact that it raised revenue through taxation, ran the Uganda Railway as a state undertaking and maintained troops and police. All these were clear “manifestations of sovereignty”. The writer concluded that, as the law stood, the term “protectorate” connoted foreign territory, to which the powers were exercised by Britain in East Africa were

<sup>25</sup> Leys to Harvey, No. 45, 25/6/13, Harvey Letters.

<sup>26</sup> ‘British East Africa – Its Legal Status’, *Glasgow Herald*, 26/7/13, no byline, copy in the Harvey Letters.

<sup>27</sup> Leys to Harvey, No. 47, 30/7/13, Harvey Letters.

inapplicable. Furthermore, he gave more details of the decision referred to by the Crown (*Rex v Earl of Crewe*) which cast a different light on things. It referred to Bechuanaland, which at the material dates had been a protectorate. But Lord Justice Vaughan Williams had gone on to say in that case:

I recognise that a country which originally was a foreign country outside the territorial dominions of the Crown might in course of time become a part of the territorial dominions of the Crown, and this by the Acts of the Crown without any formal act of annexation, especially in the case where the land in question had ceased to be a land in which British subjects were [only temporarily resident] but had become a British settlement by virtue of the extent to which British subjects had permanently settled there with the assent of the Crown.

He anticipated that the Maasai plaintiffs would pursue this line of argument before the Privy Council, and that it would clarify these points. The case never reached it. As for Colonial Office reaction, Permanent Under-Secretary Sir John Anderson said: "I do not like the decision at all ... to call the Agreement a Treaty is an abuse of language". He could not imagine the Privy Council supporting the judgement if the case was referred to it. Harcourt agreed. Legal advisor Tennyson thought it "an ingenious way of evading a decision on its merits".<sup>28</sup> Earlier, Tennyson had expressed pessimism about winning the case at all,<sup>29</sup> while Harcourt had been advised by a predecessor, Alfred Lyttelton, now a Privy Councillor, that if the case went against them they should settle with the Maasai in cash.<sup>30</sup> Significantly, the CO

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<sup>28</sup> R. M. Maxon, *Struggle for Kenya: The loss and reassertion of imperial initiative 1912-1923*, Associated University Presses, 1993, p65. Original source is 22/7/13, CO 533/119.

<sup>29</sup> Minute by C. Tennyson on 'Masai claim to Laikipia: Pleadings in the High Court of B.E.A.', 23/1/13, despatch not numbered, CO 533/129. Maxon, *Struggle*, p64, describes Tennyson as a CO legal assistant.

<sup>30</sup> Maxon, *Struggle*, pp64-5. In his memoirs, Jackson wrote: "There is one thing about that Masai move that is not known, or only by very few, and that is that Mr. Alfred Lyttelton was fully cognizant of all the facts and details of it, when he arrived in Uganda and stayed with us. He told me that he might be placed in an unpleasant position on his return home, as he would have to say what he knew, as a Privy Councillor, and not as an ex-Colonial Secretary", *Early Days* pp330-1.

clearly anticipated as early as January 1913 that the government would lose the case, and began laying plans then to take it to the Privy Council if necessary.<sup>31</sup>

The case went to appeal, before C.J. Morris Carter (who went on to chair the Kenya Land Commission in the 1930s), Bonham Carter and J. J. King Farlow in the Court of Appeal for Eastern Africa, in December 1913.<sup>32</sup> The earlier decision was upheld and the action dismissed. The Crown restated its claim that the two agreements did not constitute legal contracts between the Protectorate and the Maasai signatories. The second treaty was termed no more than a “modification” of the first. Morrison, for the Maasai, argued that the existing facts differed from those of 30 years previously. British rule and courts had been established, and the Maasai were not foreigners in the courts but equal to British subjects in every way.

A treaty can only be entered into with an independent Sovereign State, the chief of which is not subject to the jurisdiction of the Courts as is the Chief of the Masai ... If the Masai took up arms against the Government they would be rebels, liable to penalties for treason, that is to say they have the liabilities and equally the privileges of subjects.<sup>33</sup>

The Maasai could, said Morrison, sue the Government under the Petitions of Right Ordinance 1910 which extended such rights to every private person, at home or abroad. A protected foreigner was equally entitled to full protection of his rights in English law. And to take the Crown point about Acts of State to its logical conclusion, he argued that a squatter refusing to leave the land reserved for the Maasai under the agreements could only be ejected by an Act of State.<sup>34</sup>

Attorney General R.M. Combe, for the Crown, admitted that if the Maasai were British subjects the plea of Act of State would not have stood up. He argued that the Crown recognised “a concurrent jurisdiction with that of our courts in some of the native chiefs”. This

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<sup>31</sup> Minute by Harcourt and others on ‘Masai claim’, CO 533/129, *ibid.* He wrote: “I suppose if the case went against us in EAP we could take it to the Privy Council.”

<sup>32</sup> Sandford, *Administrative history*, Appendix 3. Also in E.A.L.R. 5, 1913, pp70-114.

<sup>33</sup> Masai Case, Court of Appeal, E.A.L.R. 5, pp80-81.

indicated that there was a “material difference between the position of a British subject and of a native of the Protectorate”. Combe summarily dismissed the appellants’ claim that they were not subject to Crown-appointed chiefs and that the signatories had no business making a treaty with the Crown: “A native member of a tribe is a subject of the head of the tribe, whether the ‘head’ be an individual or more persons than one, and it is for the Crown alone to say with whom it will make a treaty”.<sup>35</sup>

British perceptions of native leadership were, therefore, ruled to be the same as *de facto* leadership – even when the “tribe” in question was acephalous. Morrison made other points, including: Maasai sovereignty had never been recognised and did not exist now; the exercise of jurisdiction by chiefs was only by consent of the people and did not imply sovereignty; the Crown had assumed ownership of minerals and granted rights in land, and annexation now would merely be a formal recognition of the existing state of affairs; the Crown was claiming in this case to do by prerogative powers that which it had power to do by legislative act; and full British constitutional rule had been established under the East Africa Order in Council 1902.<sup>36</sup>

In his part of the judgement, Morris Carter maintained that a protecting state could permit some vestige of sovereignty to remain in the ‘native’ authority, and it must be taken to have permitted this, unless it had assumed full sovereignty by formal annexation. The latter had not happened, and no one could force the Crown to take territory it did not want to take. In his view, B.E.A. was still a foreign country. The granting of a system of laws did not necessarily imply the introduction of a constitution, and the Order in Council 1906 had not provided East Africa with one. In asking whether the Maasai were a people with whom a

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<sup>34</sup> Appeal judgement, *ibid.*, p81.

<sup>35</sup> *Ibid.*, pp82, 83.

<sup>36</sup> *Ibid.*, p84.

treaty could be made, he turned to considering their status. He concluded that they were not British subjects but “subjects of their chiefs or their local government, whatever form that government may in fact take”. They were still a tribal entity with whom the Government could make a treaty if it so wished, and there were other precedents in East Africa (the Ankole Agreement of 1901 in Uganda) for the making of a treaty with a “tribe ... under the active administration of the government of a Protectorate”. There was “a remnant of sovereignty still remaining in the Masai”, as evidenced by official recognition of the power of tribal chiefs to try legal cases.<sup>37</sup> He rejected the suggestion that the treaties were merely contracts, and said the court could not go into the question of whether the government had selected the right persons with whom to make treaties. Investigating whether or not a treaty had been obtained through duress was also, in his view, beyond the remit of the court; anyhow, duress was a common feature of making a treaty. Furthermore, the Maasai had no rights to claim against tortious acts committed in the name of the Crown, as harsh as that may sound. Quoting Vaughan-Williams in the case of *Rex v Earl of Crewe*, Morris Carter said:

The idea that there may be an established system of law to which a man owes obedience, and that at any moment he may be deprived of the protection of that law, is an idea not easily accepted by English lawyers. It is made less difficult if one remembers that the Protectorate is over a country in which a few dominant civilised men have to control a great multitude of the semi-barbarous.<sup>38</sup>

The Crown had at last laid bare its race and class supremacism, justification for any action it chose to take. Morrison might have queried the self-compellant nature of “having to control”. He might also have pursued the question of whether the protection of ‘natives’ was the first concern of a protectorate, if not its *raison d’être*. King Farlow’s later remarks contradict this.

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<sup>37</sup> Ibid., pp89, 90, 93.

<sup>38</sup> Ibid., p97.

It was obvious that the Masai, with their roving habits and warlike traditions, were not desirable neighbours for white settlers, and that their presence along the recently constructed railway was hardly consistent with the public interest ... Lord Justice Farwell, in ... his judgement in *Rex v Earl of Crewe*, points out that when the State takes over the responsibility of a Protectorate over a territory inhabited by native tribes who largely outnumber the white population, its first duty is to secure the safety of the latter. I am of the opinion that the Government in discharge of this duty was compelled to enter into this agreement as an act of high policy or necessity.<sup>39</sup>

Who was being protected from whom? As Ghai and McAuslan comment in an appraisal of the case: "...a British protected person is protected against everyone except the British".<sup>40</sup> Most importantly, the Crown contradicted itself yet again on the central question of who wielded political power in Maasai society. Morrison failed to pick up on this. On the one hand, the Crown stated that the treaties arose out of conferences between "certain of their chiefs" and the government, and were entered into by "the Chief, (his regents) and certain representatives of the Masai tribe", implying that the supreme chiefs were prophets. On the other hand, it declared in two separate passages that power lay with the warrior class, and some of the tribal representatives with whom the government dealt were warriors.

... owing to the nomad and truculent nature of the race the central authority had not a very great power; the main power rested with the warriors, who gave utterance to their wishes through their elected chiefs. There was also an individual called Laibon ... [who] ruled more as a spiritual than a temporal chief.<sup>41</sup>

... The ruling authority among the Masai is represented by their warrior class, with elected chiefs and a chief medicine man or Lybon acting as an advisory and semi-controlling force.<sup>42</sup>

The pertinent questions could have been: if power admittedly lay with the warriors, why had the government not signed treaties exclusively with them? Why had it struck deals of a political nature with spiritual leaders who had no political authority? Does an "advisory and semi-controlling force" constitute a ruling authority, or is it by definition supplementary to

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<sup>39</sup> Ibid., pp110-111.

<sup>40</sup> Y.P Ghai and J.P.W.B. McAuslan, *Public Law and Political Change in Kenya*, OUP, 1970, p24.

<sup>41</sup> J. Bonham-Carter, *ibid.*, p99.

<sup>42</sup> J. King Farlow, *ibid.*, p109.

that? As for the status of B.E.A. and hence the position of the Maasai within it, Morrison could also have followed up on Morris Carter's statement: "It has not been argued before us that East Africa has been acquired by settlement, nor has the Court been asked to take any evidence on this point".<sup>43</sup> Since British settlers were clearly not temporary visitors, evidence of permanent settlement might have gone some way to proving that B.E.A. was *de facto* annexed territory and the Maasai were British subjects. This point was later made by Buell (see *Critiques of the case*, below).

Curiously, the Crown ruled that the whole subject was beyond law, declaring that the treaties were a moral matter: "The obligations imposed here on both parties were moral, not legal".<sup>44</sup> The Maasai were given conditional leave to appeal to the Privy Council, but this lapsed when they failed to give security for costs. But, if one is to believe the stories, there was another major reason for Maasai failure to pursue the case at the Privy Council – Ole Gilisho gave up after being threatened with drowning at sea if he set sail for Britain. This is how Ole Mootian described it:

Ole Gilisho was told that his appeal was overseas and on a certain date. So he went with a train to Mombasa. There he was told by an old man called Marianye [sic] Ole Kirtela: 'If you go, when you reach the middle of the sea they will drop you into the water. Then your case will be finished. So you, Maasai, don't go!' It was a white man who was telling the other one [Ole Kirtela] to tell Old Gilisho that.

Ole Kirtela was allegedly paid to pass this message on. If true, this is devastating news, and explains a great deal about Maasai failure to pursue the issue. It also fits with a long-term pattern of intimidation of Ole Gilisho by government officials. The story was repeated without prompting by two other informants, Joseph Ole Karia – who said that Ole Gilisho was leading a delegation to London – and Nkaburra Ole Njapit. But as with many

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<sup>43</sup> Ibid., p89.

<sup>44</sup> Ibid., p83.

stories of this nature, it could also stand for social metaphor (Ole Gilisho's sense of insecurity outside his own territory) and wishful thinking by Maasai today (the delegation would have succeeded if only it had not been hampered at the outset).

Morrison wrote the following postscript to Harvey on 1 June 1914, adding a curious denunciation of his clients' reliability:

I regret to say that the Masai appeal home has come to an end owing to the Masai failing to find security for the costs of the appeal. On the whole I am inclined to believe that this is the result of the long delay and constant statements of the Government officials that they had no chance of success. Some of them tell me that they are very dissatisfied and would like to go to the expense of a special order of the Privy Council giving leave to appeal out of time but I doubt very much if they have the necessary energy to arrange for this ... I doubt very much if it is worth while pressing for a commission at this stage because of all the unreliable native evidence, Masai evidence is the most unreliable. Of course had the case gone on to be heard on the merits the technical points could have been established by Hollis's book among others, and then it would have been for the Government to prove that individual Masai had agreed to the move.<sup>45</sup>

Leys, now in Nyasaland, wrote a few days later to Harvey: "I hear privately from East Africa that the Masai will go no further in their case. They have spent large sums and are no nearer the opportunity they seek for getting their case heard ... I don't know what Mr Morrison is doing but it is clear to me that there can be no safeguard to justice in 'Protectorates' until courts are given power to hear cases brought by natives in every kind of matter – that in fact, just as Governments in these countries have full powers, so the Courts should be in the position they have in a British Colony." Morrison later sued the Maasai plaintiffs for unpaid costs, but lost in the High Court.<sup>46</sup>

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<sup>45</sup> Morrison to Leys, No. 50, 1/6/14, Harvey Letters.

<sup>46</sup> Morrison was owed 26,400 rupees. Ole Gilisho reportedly pledged his ring as a guarantee and Morrison refused to give it back until the fees were paid. He sued in August 1917 and lost in the High Court in January 1918. Cashmore, 'Obedient', pp384.

### Critiques of the case

In his book *Kenya*, Leys commented: “It is scarcely necessary to remark that Masai sovereignty is a legal fiction to which there is nothing whatever in fact to correspond. Masai taxes are paid to, Masai murderers hanged by, the British Government. The legal status of a protected tribe, in fact, gave to the Government the power to do exactly as it pleased, power greater than any Government over British subjects can acquire, while it debarred the tribe from acquiring any rights in land of which a British Court could take cognisance.”<sup>47</sup>

Twenty years later, the Kenya Land Commission (KLC) heard evidence about the Maasai Case, in a memo submitted by Mr P.D. Master.<sup>48</sup> He quoted Professor Raymond Buell’s criticism of the judgement, calling it “instructive.” It is worth quoting in full.

Had the British authorities made a contract in 1904 with a European settler granting him certain land, the contract would have been enforceable in the British courts. But according to this decision, an agreement made between the British authorities and the representatives of some forty thousand natives was not enforceable by the courts. If the Masai nation really had an international status as a state, no objection to this decision might legally be taken. But in the case of East Africa, the British had extended a judicial system throughout the country and it had erected a Legislative Council, the acts of which the Masai were obliged to obey. Their consent to these acts was as tacit and as fictitious as the consent which Rousseau’s happy savage gives upon entering the social compact. A few years later, the Privy Council decided that despite the fact that Southern Rhodesia had never been actually annexed, it was in effect annexed to the Crown, because of the permanent occupation which has been established throughout the country. If the same argument had been followed in the Masai case, the court would have held that in view of the permanent European settlement in East Africa, it had become in effect part of the Crown’s dominion, and that the Masai were therefore entitled to the guarantees of British subjects. If the rights of the Crown were as limited as this judgement implied, it would appear that both the Crown Lands Ordinance of 1902 and that of 1915 authorizing the alienation of land were *ultra vires*. In the protectorate of Sierra Leone, it had even been held that, for the purpose of taking an oath of allegiance to the Legislative Council and of joining the army, a resident of the protectorate is a British subject. Thus the Masai judgement appears to be inconsistent with the opinion of the Privy Council in the Rhodesian case. It is a curious fact that both decisions conform to the interests of the European instead of the native population.<sup>49</sup>

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<sup>47</sup> Leys, *Kenya*, pp114-5.

<sup>48</sup> *KLC Evidence and Memoranda* Vol. 1, HMSO, 1934, from p3266.

<sup>49</sup> *KLC Evidence*, pp3267-8. Masters was quoting Raymond Leslie Buell, *The Native Problem in Africa*, Vol. 1, Macmillan, 1928, p314.

The memorandum went on to cite a comment in *The New Statesman and Nation* on the decision in “the Kikuyu case of 1921” (*Gathomo v Indangara*), which held that natives were tenants at will of the Crown since native areas were Crown lands.<sup>50</sup> “It admits the right of the trustee Government, by an act of State, to confiscate the interests of the ward without compensation and without right of appeal to the courts. Such a right, masquerading under the forms of law, is worse than the right of the robber-barons, for it gives the right (and the right has been used by the Kenya Government) to the guardian to rob the ward.”<sup>51</sup> Since the British declared in a 1923 White Paper that the principle of trusteeship for the natives was “unassailable” in Kenya Colony, and the Permanent Mandates Committee had expressed the opinion that mandatory powers did not possess any right over any part of a mandated territory other than that which resulted from their being entrusted with the administration of the said territory, the *New Statesman* suggested that the British Government had a straight choice:

...either it can elect to enjoy the rights of free plunder given it by decision of its High Court in Kenya, and from time to time run up the ‘Jolly Roger’ in place of the Union Jack, or stand by its solemn professions and deny both now and retrospectively that it has or had any rights over any part of the territory of Kenya, other than those arising from its assumption of the administration of the territory.<sup>52</sup>

The memorandum concluded that land policy in Kenya “has been and is fundamentally wrong and suicidal, both for the Government and the governed. Moreover, a proper inquiry into the land policy pursued in Kenya would reveal that native lands have been appropriated by the Government, ignoring all considerations of the natives”. It referred readers who might want to know more to the works of Leys and McGregor Ross. Morally and legally, it said, the lands still belonged to the natives, and if justice were to be done, all lands wrongfully appropriated by Government and given to settlers should be returned to Africans “with full

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<sup>50</sup> The so-called Barth Judgement, E.A.L.R. 102, 1921.

<sup>51</sup> *The New Statesman and Nation* (London), 21/5/32, in *KLC Evidence*, p3268.

compensation for their use". This compensation should consist of "all possible facilities" for their modern development.<sup>53</sup>

McGregor Ross also gave evidence, both in person and in a memorandum. In the latter, he drew the Commission's attention to quotations from a legal treatise and from Lord Lugard. The treatise stated that the establishment of a Protectorate did not entitle the protecting power to deal with private rights to land in the protected territory. Any such power must be granted by the local government. Second, "the native inhabitants of a Protectorate have not become the nationals of the protecting State, and that State cannot validly compel them in any particular way or deal with their property, unless the right to do so flows from one of the transferred powers".<sup>54</sup> Ross commented that no one would contend that either the British or Protectorate governments enjoyed any "transferred powers" authorising them to deal with African-owned land over the heads of the Africans concerned. He had discussed the issue with Frederick Jackson on several occasions. Jackson had explicitly said that "none of the treaties concluded with African chiefs, councils or tribes by the Imperial British East Africa Company contained anything that was intended to mark, or could be construed as marking, any transfer of control over land in African ownership or occupation out of African hands". On the contrary, the IBEA Company's charter spelled out that it must show "careful regard" to the lands and goods of the native inhabitants. Ross then quoted Lugard as saying that, in countries acquired by conquest or cession, "it has been laid down as a principle from which no civilized Government would think of departing ... private property, whether of individuals or communities, existing at the time of cession or conquest is respected".<sup>55</sup> Ross commented:

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<sup>52</sup> Ibid., p3268.

<sup>53</sup> Ibid., pp3268-9.

<sup>54</sup> M.T. Lindley, *The Acquisition and Government of Backward Territory in International Law*, (no publisher given), 1926, pp321, 323, cited p3378 of *KLC Evidence*.

I am unable, as a layman, to express an opinion as to whether any tribe, in concluding a treaty – *and supposing such treaty to be a valid one, concluded by a party properly empowered so to act* – placing the tribe under the protection of the Imperial Company or H.M. Government, did thereby execute an act of cession. If not, it was all the more “uncivilised” (under the terms of this dictum) that private property of African individuals or communities was not treated with “respect”. [His italics.]<sup>56</sup>

Ross believed that the government of the time had been well aware that the validity of its actions over African land was “to say the least, dubious”. He had referred, he said, in *Kenya from Within* to a proposal by Lord Crewe, when Secretary of State for the Colonies in the Liberal Government of 1907-8, that the B.E.A. administration should make treaties with every “tribe” in the Protectorate, acknowledging their “absolute possession” of land in tribal use or possession. Jackson had written to Ross about this in April 1925, lamenting that no action had been taken; he urged Ross to “whip up all your MP friends to take up the matter ... and urge the present Government to adopt the suggestion”. Crewe also proposed that all native reserves should be demarcated by a committee made up of government officials and representative Africans, and that once the said treaties or agreements had been approved by the home government, all steps should be taken “to render it impossible for the local Government to in any way alter a clause without the consent of Parliament”. (If this measure had been taken, it would have prevented the loss of Laikipia and the second Maasai move.) Jackson could not remember the date of the despatch, but urged Ross to get hold of it. Ross suggested that the time lapse had not rendered the proposal utterly useless, despite the damage that had already been done to African interests; he hoped the Commission would act on it and (quoting Jackson) restore “our reputation for fair dealing”. It did nothing of the sort.

Ross believed that the legality of the Government’s actions would have been reviewed by the Privy Council, if only the Maasai had taken their case to Britain. They gave up this plan

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<sup>55</sup> *KLC Evidence*, p3379.

<sup>56</sup> *KLC Evidence*, p3379.

“under heavy pressure”. Finally, he dismissed the idea that the annexation of the country in 1920, when it became a colony, had “regularized” the early land transactions, legal or otherwise. He cited an undated ruling of the Judicial Committee in a case concerning Maoris versus the Government of New Zealand. This “establishes the fact that the assumption of Colony status is of no effect in justifying past or future actions which would have been invalid if done prior to the enjoyment of that status”.

A more recent appraisal of the case has been made by David V. Williams.<sup>57</sup> He commented that “the judgements in this case are noteworthy for the adeptness of judges in arriving at appropriate legal doctrines to legitimate the spoliations of a colonial Government ... The reasoning of the judges was remarkable for ingenuity in ensuring that the plaintiffs obtained no remedy”.<sup>58</sup> He noted that Hamilton had relied upon the Privy Council decision *Secretary of State for India v Kamachee Boye Sahaba* (quoted above) in ruling that local courts could not judge whether or not the Crown had violated a treaty. Counsel for the Maasai had sought to distinguish this case from the Sahaba case by arguing that the 1904 Agreement was an enforceable contract rather than an unenforceable treaty. The Court of Appeal held that there was no legal provision whereby certain members of a tribe were authorised to enter into a civil contract binding all its members, unless those members formed a “central authority in the nature of a government”. Williams noted: “Hence the Masai leaders lacked the legal capacity to enter into a binding contract with regard to their land. On the other hand, however, it was held that they did have the capacity to engage in treaty negotiations and to sign treaties.” There was a basic contradiction here. In conclusion, Williams wrote:

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<sup>57</sup> David V. Williams, ‘Unique Relationship between Crown and Tangata Whenua’, in I.H. Hawharu (ed.), *Waitangi-Maori and Pakeha Perspectives of the Treaty of Waitangi*, OUP, Auckland, 1989, pp68-70.

<sup>58</sup> Williams, ‘Unique Relationship’, p69.

In my view the Masai lands case was a classic instance of how colonial law was moulded to suit the exigencies of colonial policy. The *practices* [his italics] of British imperialism on entering into treaties determined the Court's finding on the sufficiency of a degree of 'sovereignty' necessary to legitimate those treaty-making practices whereby land was obtained for settlers. Yet, if the Crown violated the terms of such treaties, no remedy was available to vindicate the rights of the indigenous peoples who could be dealt with as foreigners for some purposes but as subjects for other purposes.<sup>59</sup>

Unfortunately, presentday Maasai elders' knowledge of the case is scanty. The generation that would have known the most has passed away. But the case does not appear to have been widely discussed at the time or subsequently, except in leadership and legal circles. "What was said [in court] was not successful, so we never knew what happened," said one informant. "It was not talked so much about by the community." Ole Yelle, son of a contemporary of Ole Gilisho's who came south at the same time, replied when asked what happened in court: "Nothing, but we guessed that they were defeated because when they came back they did not mention anything to us." Another person believed: "Ole Gilisho's case was not heard, the reason being that the white man wanted to take that land by all means." Another said: "Ole Gilisho was told to withdraw the case by the white people. The court he was using was for the white people, and Ole Gilisho was fighting with them." Joseph Ole Karia said it was strange that the case was not more widely discussed: "It just faded away." The general perception was that this was a white men's court, therefore it was no surprise that the decision went against the Maasai.

### **Magadi Soda Company v Maasai**

There is also a long-standing grievance in the Kenyan Maasai community over the activities of the Magadi Soda Company at Lake Magadi, Kajiado District, from 1911 to the present day. Its very presence in what was the Southern Reserve is closely and suspiciously

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<sup>59</sup> Williams, 'Unique Relationship', p70.

connected to the second agreement and all that it implies. Therefore, it ought to be examined in tandem with outstanding legal issues arising from the Maasai Case 1913. This separate but related issue has never come to court, so far as I am aware.

Hill, the Company's official historian, fails to mention the crucial clause in the 1911 Agreement which allowed the Company into the reserve in the first place.<sup>60</sup> Instead, he starts by stressing that "no fair-minded critic [of empire] can fail to be impressed by the extent to which the Government of Kenya protected the interests of the Masai, frequently to the disadvantage and to the considerable inconvenience of the Magadi Soda Company". Echoing the language of the Protectorate's earliest land legislation, he claims to tell the story of "a prosaic industrial enterprise set in unusual and harsh surroundings, in the midst of a *waste* of raw Africa" [my italics].

Behind the original Company were our old friends the East Africa Syndicate, which claimed in 1904 to have discovered deposits of carbonate of soda at the lake. In fact, an earlier stake had been claimed by two prospectors called Thomas Deacon (from Southern Rhodesia) and John Walsh (Hill does not give his origin), who signed their rights away to the Company in 1902. On 9 August 1904, just one day before the 1904 Maasai Agreement was signed by Sir Donald Stewart, his administration granted a 20-year lease to the Syndicate allowing them to work the deposits in an area of approximately 89 square miles.<sup>61</sup> This included all the lake and sufficient land on its shores as was deemed necessary to work the deposits.<sup>62</sup> It was granted "in consideration of the exploring and development work done" by the Syndicate, the same argument it had used to cheaply secure 500 square miles in the Rift Valley. The lease gave the

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<sup>60</sup> M. F. Hill, *Magadi: The story of the Magadi Soda Company*, The Kynoch Press for the Magadi Soda Co., 1964. All references to the early history are taken either from Hill or Sandford.

<sup>61</sup> The Agreement is dated 10 August, but was signed by the Maasai on 15 August 1904.

<sup>62</sup> The lease is in CO 533/93, no number given, under Crown Agents.

lessees the “full free and uninterrupted right ... to dig get win and carry away all soda and other deposits minerals or precious stones there found”.<sup>63</sup>

However, the Syndicate’s main interest was not in minerals but land, and its directors soon realised that it was not best placed to develop Magadi. A sub-syndicate, F.A. Syndicate Ltd., was formed in 1905, not to develop it but to determine just how valuable an asset Magadi was.<sup>64</sup> It wound up in 1910 without appearing to have done anything but create yet another company, the East Africa Soda and Railway Co. Ltd. Both these new companies had members of the EAS on their boards. Hill does not say whether the second company did anything more to develop Magadi, simply that “the task” reverted to the EAS. In 1907, the EAS approached London merchants Marcus Samuel and Company (which later merged with a Dutch company to become the oil giant Royal Dutch-Shell) which had major interests in the Far East. Bulk samples of soda were supplied, and the EAS – now running short of cash – said it wanted to make M. Samuel & Co. the sole selling agents for Magadi soda in Far Eastern markets. It authorised Samuels to do some prospecting at the lake. In 1908 the company approached Crewe, then Secretary of State for the Colonies, to say it proposed building a branch line between Magadi and the Uganda Railway to carry soda ash to Mombasa for export; Crewe said he would think about it.

The economic benefits that exploitation of Magadi could bring to the Protectorate were spelled out by EAS secretary J. Coltman to J.E.B. Seely, Under-Secretary of State for the Colonies. “The development of this industry cannot fail to benefit the East Africa Protectorate to a very great extent, as an outlet for native labour, and in the large additional freight which will be provided for the Uganda Railway.”<sup>65</sup> Soda ash is used to make glass, soap, paper,

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<sup>63</sup> Sandford, *Administrative history*, Chapter 10, ‘The Magadi Soda Company Limited’, from p158.

<sup>64</sup> This is according to Hill, *Magadi*, pp20-21.

<sup>65</sup> Coltman to Seely, 6/3/08, in the papers of the Central Mining and Investment Corporation Ltd., Mss. Brit. Emp. s. 412, Box 9, RHO.

rayon, and has other uses in the textile, dyeing and bleaching industries. Profits seemed guaranteed for whoever exploited it successfully. World consumption of soda was then put at upwards of two million tons per year and rising rapidly. Moreover, an East African source of soda and soda ash products was better placed geographically for eastern trade than a European one.

On 20 September 1909, an agreement was signed between the Crown Agents for the colonies (described by Hill as acting on behalf of the EAS) and M. Samuel & Co. (“the Concessionaires”). It seems curious that the EAS was not required to find any of the working capital of the new company, yet stood to gain from an agreed “substantial participation in the profits”.<sup>66</sup> The EAS agreed to surrender its 1904 lease to the Crown Agents, who issued a new 99-year lease to the newly created Magadi Soda Company Ltd on 12 April 1911. Its value was set at £1.3 million, and its first chairman was Samuel Samuel, who was to become an MP a few years later. It was given permission to build the railway link, and construction began in October 1911. The size of the concession at Lake Magadi had swelled to 306 square miles, plus another 18 at the north end of Lake Natron. Also pertinent to local pastoralists, who of course knew nothing about it, was the granting of access to the ‘Guaso Nyero’ (South Uaso Nyiro) river and permission to “obtain and lead” water away from it, as needed for commercial operations. Other clauses gave the lessees carte blanche to do whatever was necessary in order to work the deposits – including building reservoirs, roads, tramways, railways, canals, etc. However, the lessees were forbidden to infringe or interfere with native rights to hunt, fish, take water, timber, firewood or collect soda from the area for their own purposes. (The Maasai chewed soda with tobacco, and there was an early trade in soda

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<sup>66</sup> From an item in *The South African Mining Journal*, 30/10/09. My thanks to Ian Phimister for drawing this to my attention.

between Maasai, Kikuyu and Kamba.)<sup>67</sup> They were also forbidden to provide any “natives” with arms, ammunition or liquor. Royalties were to go to the government.

Hill claims that there were “prolonged consultations and negotiations which preceded the grant of the Company’s leases in Maasailand”.<sup>68</sup> But Maasai leaders only appear to have been consulted twice, after the initial contracts were signed. First, over the Company’s application for another 102.36 acres near Mile 28 on the new railway, so that it could build a settlement for European staff who could not stand the Magadi heat. Second, over Company plans to take water from springs near the Magadi railway. The first application was referred to Ngaroya (Nkaroyia, a signatory of the 1911 Agreement) and his elders, who said they were agreeable so long as the Maasai were not prevented from grazing and “building” in the vicinity. The Attorney General’s comments on this proposal are instructive: “[He] remarked that the right of the Government to lease the land required for settlement was governed by the Masai Treaty of 1904, but he considered that the leasing of this area would not constitute a breach of the Treaty, inasmuch as it was clear that *Sir Donald Stewart did not consider or intend that the Treaty should preclude the Government from granting leases of land within the Masai Reserve for mining and similar purposes*” [my italics]. There was, in fact, no such provision in the first treaty, and it expressly forbade European or other settlement in the reserves. The Secretary of State ordered that the Maasai must be given at least 103 acres, tacked onto the reserve, by way of compensation.<sup>69</sup> Whether this actually happened, I do not know. But the Company soon found the settlement area too small, and was granted another 1,000 acres.<sup>70</sup> As for its demands for water, there were lengthy negotiations which need not concern us here. Maasai access was taken into account, and special troughs were built, but

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<sup>67</sup> Hill, *Magadi*, p5, citing the traveller Von Höhnel. Today, Maasai still like to chew salt with tobacco.

<sup>68</sup> Hill, *Magadi*, pvi.

<sup>69</sup> Sandford, *Administrative history*, p163.

<sup>70</sup> Extension of settlement area made March 1915, rental to be paid into Maasai funds. Sandford, *ibid*.

they were later accused of tampering with water supplies by opening air-valves on a pipeline in order to water their cattle.<sup>71</sup>

These events appear to be intimately connected with the second Maasai agreement. No mention was made of this by the Maasai's lawyers at the time, but doubts have arisen about the possible addition by Girouard of a paragraph to the 1911 Agreement *after* the Maasai had signed it. The Agreement was 'signed' on four separate days – thirteen Maasai set their marks to it on 4 April 1911 at Nairobi; two Maasai added their marks on 13 April at Rumuruti; it was witnessed by Collyer and three other Maasai on 19 April at Rumuruti; while Girouard added his signature on 26 April. Girouard's statement and signature sequentially followed the statements and marks of the Maasai, and those of witnesses who certified that the document had been "correctly interpreted" to the Maasai concerned. But today, some Maasai and their sympathisers question whether the entire document was in fact shown and explained to the Maasai signatories. What Girouard wrote was significant. The area demarcated was to be reserved "for the exclusive use of the Masai tribe", the British government pledging not to lease or grant any land within the reserve without the sanction of the Paramount Chief and Maasai representatives "*except such land as may be required for mining purposes or for any public purpose*" [my italics].<sup>72</sup> I shall subsequently refer to this as "the clause".

There are parallels to this in colonial Zimbabwe, when Lobengula – king of the Ndebele – was cheated through 'misinterpretation' of the Rudd Concession. Confusion arose around its two constituent parts: a verbal agreement that Lobengula believed was paramount, and which was advantageous to him, and a written part whereby the king signed away control over all the resources of his kingdom to British concessionaires. The verbal agreement was not written into the final text, and was therefore not recognised in European contractual law. This

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<sup>71</sup> Sandford, *Administrative history*, pp164-172.

story has echoes of the blood brotherhood (see Chapter 5). Lobengula, who had earlier signed the 'Moffat treaty' of 1888 with associates of Cecil Rhodes, tried to repudiate the concession by publishing a notice in the press in February 1889. He appealed to Queen Victoria, and sent a delegation to London in January that year. He was unsuccessful; Rhodes got his royal charter to colonise the territory.<sup>73</sup>

On 12 April, in the midst of the signings of the 1911 Maasai Agreement, the new lease had been signed with the Magadi Soda Company. Shares in it appear to have sold fast between January and March 1911, snapped up by firms including Anglo-Continental Mines, Colonial Rubber and Produce Investment Co. Ltd., Deutsche Bank, and individuals such as Otto Beit and others in the City.<sup>74</sup> They were clearly buying in anticipation of gaining access to Magadi once the Maasai had been dealt with. Hill does not mention this, but a few days appear to have elapsed between this signing and the final execution of the lease. This was no coincidence, as the record of a meeting in February 1954 to discuss the relationship between land held by the Maasai and the Company's concession makes clear. It was chaired by the Member for Health, Lands and Local Government, and attended by the Provincial Commissioner (Southern Province), the Solicitor General, the Special Commissioner of Lands and several assistant secretaries. All but one person (Mr Hume, Assistant Financial Secretary) were unnamed in the minutes.<sup>75</sup>

The PC began by saying he presumed that the 1904 Agreement still stood, leaving aside the question of the effect of the Kenya (Annexation) Order in Council through which Kenya was officially annexed by the Crown in 1920. He claimed that the 1911 clause which

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<sup>72</sup> All quotes from 1911 Agreement are taken from Sandford, *Administrative history*, appendix, pp184-5.

<sup>73</sup> Boahen (ed.), *General History of Africa*, Vol. VII, Abridged, p100.

<sup>74</sup> Shareholders are listed in the Central Mining Corp. papers, RHO.

<sup>75</sup> 'Note of a meeting held at 10am on 1<sup>st</sup> February 1954 in the office of the Member for Health, Lands and Local Government to discuss the Masai native land unit in relation to the Magadi Soda Co.'s concession', five pages marked 'Draft, confidential', in LND 30/3/4/5, KNA.

gave authority to grant leases of land for mining could *only* refer to the areas added to the reserve by the 1911 Agreement, and not to the original area allocated in 1904. But the Solicitor General said the second agreement “merely modified” the first and referred to the areas mentioned in 1904 together with the two new extensions granted in exchange for the Northern Reserve. “The area of the Magadi Soda concession was, no doubt, in mind when the clause allowing for leases for mining purposes was inserted in the 1911 Agreement.” The choice of the word “inserted” is interesting.

The Solicitor General went on to say that the area in question (Magadi) was excluded from the reserve under the Outlying District Ordinance of July 1912, and again in 1920, 1926 and by the first Schedule to the Native Lands Trust Ordinance of 1938. “This was a consistent sequence of facts and events which supported the construction intended to be placed upon this reservation ... The fact that the lease to the Magadi Soda Co. was executed only a few days after the date of the 1911 Agreement also strongly supported this argument.”

The PC disagreed and made a crucial point, of wider significance to the current legal position. His opinion was that the 1904 Agreement was not “extinguished” by the 1911 one, and was still completely valid in relation to the original area; that is, the boundaries of the original Southern Maasai Reserve as defined in 1904, and comprising a rectangle due south of Nairobi, bounded in the west by Mount Suswa and the southern Uaso Nyiro River, and in the east by a line running due south of Athi River township to the border with German East Africa (see Sandford’s maps, reproduced here). “To support this argument he pointed out that nowhere in the 1911 Agreement were the complete boundaries of the Masai Reserve defined, but only the extensions. Also that authority to grant mining leases ‘in the said areas’ could only refer to the new areas which were the sole subject of the 1911 Agreement.” In other words, Lake Magadi was in the original Southern Reserve and therefore exempt from all

provisions of the 1911 Agreement which did not deal with the original reserve. (It simply spelled out what land the 'northern' Maasai were to move to – west of the original reserve boundary, as defined in a Proclamation of 18 June 1906.)<sup>76</sup> By this reckoning, the exemption clause was and is worthless with regard to Magadi Soda Company, or any other industry operating without Maasai consent in the original reserve, which has no rights to the concession.

The MP claimed that the Maasai must have known about the negotiations between the government and Magadi Soda Company between 1904 and 1911 because of the presence of the Company's agents on the ground, so they could not now deny all knowledge. They had only raised the matter now, despite having had several opportunities to do so, particularly when the Carter Commission (KLC) was sitting in 1932-3. The PC contested this: "The Masai could do nothing until the 1911 Agreement was signed and even then their leaders had no idea of what was happening either then or later ... Furthermore, there was no such thing as an educated Masai until approximately ten years ago." The MP dismissed this as a difference of opinion; the government would certainly accept the advice of its own legal advisor. Undeterred, the PC quoted the clause at them and asked who received the rent for land required for mining purposes in the reserve?

The exchange became more and more bizarre. The Crown received the rental, replied the Solicitor General, reminding everyone that "these were Agreements, not Treaties" – the exact opposite of what the Crown claimed in the 1913 courtroom. They did not affect the status of the land as Crown land and did not confer land title on the Maasai, but were only "articles of faith". A government notice in 1920 gave the Maasai six years in which to object, and they had been given another chance before the KLC. The PC said he accepted the legal

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<sup>76</sup> See p1 of the 1911 Agreement, or p183 of Sandford, *Administrative history*.

view but believed that the government of the day “had taken advantage of the Masai and that this had not been put right as it might have been when the Native Lands Trust Ordinance was drafted. Otherwise, why were the Masai denied the right to draw royalties, as have other tribes, since the enactment of this Ordinance?”

The Solicitor General was not prepared to accept this argument without positive proof of the alleged improper action of the then government. If the PC’s view was to be accepted, said the MP, there could be no half-measures – it meant that all the royalties received by the Crown would have to be paid to the Maasai. He asked what sum this amounted to since the Magadi contract was signed. The figure for 1940-1952 alone was £135,000. On hearing this, the MP told the PC that it was important not to discuss this subject with the Maasai. The PC replied that he had not done so and would not do so, but he would welcome a compromise. He was still not convinced that the 1911 clause was just. The MP said “the government ... was not prepared to admit that injustice had been done”. The Solicitor General agreed – it was not the case that the Maasai had been “tricked” out of the Magadi concession royalties. But the pertinent phrase is: “not prepared to admit”.

There is another crucial point, acknowledged in a confidential memo of 23 October 1953 by the same minister.<sup>77</sup> The PC Southern Reserve had pointed out to the writer that the 1911 Agreement did not affect Maasai living in the original Southern Reserve, nor was it signed by them or on their behalf. (The only exceptions to this may be Ngaroya (Nkaroyia), Seggi’s regent, and Saburi, described in the Agreement as prime minister of the late Olonana and principal elder of the Southern Reserve, both of whom presumably lived relatively near Olonana at Ngong just inside the old reserve boundary.) It was signed only by members of the

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<sup>77</sup> ‘Masai native land unit in relation to the Magadi Soda Company’s concession’, by M.H.L.L.G. (Minister for Health, Lands and Local Government) to M.F., M.C.I., M.I.A., PC Southern Province, S.C.L., marked Confidential, 23/10/53, LND 30/3/4/5/19, KNA.

Purko section. (He was not quite right: one signatory, Agali, was Loitai. Marmaroi's and Nkaroyia's sections were not given.) It followed that non-Purko Maasai living in the original Southern Reserve were not contractually bound by it, and Girouard's exemption clause about mining did not apply there. The minister was "prepared to concede that there is justification" for this claim. But he thought that the then Governor must have believed he had a legal right to grant the lease because the 1911 Agreement had been signed on 4 April and the Magadi lease on 11 April. Wrong again: only the majority of the Maasai signatories had signed the Agreement on the fourth, with Girouard adding his signature on the 26<sup>th</sup>. So the reverse was surely more likely: Girouard knew that the lease was in the bag and could safely proceed with the Agreement. Conspiracy theorists may like to suggest that he then added an exemption clause to the Agreement at this later date. The minister ended by saying that the Maasai were now "working up a claim" for payment of royalties collected annually from the Magadi Soda Company. These have never been paid.

To this day, the company behind soda extraction at Magadi is British-owned. It has at various times been owned by Brunner, Mond & Co., a chemical giant founded by Ludwig Mond near Northwich which took over in 1924 after the original company was compulsorily wound up, and by ICI who sold it in the early 1990s to a Canadian company, the Penrice Group.<sup>78</sup> It then reverted to its present owners, Brunner, Mond. Maasai agitation for financial returns from the company has not gone away, although they also recognise the advantages that have flowed from it over the years, such as employment, schools and medical facilities. For years it was the biggest employer in the Southern Reserve, and allegedly provided superior housing and other services for its African workers. In recent years, the Maasai have successfully pushed for a higher quota of Maasai employees.

Incidentally, Lake Magadi does not exist on some of Sandford's maps of the Southern Reserve. It should appear north-east of Lake Natron, which lies just over the border in Tanganyika.<sup>79</sup> Was it deliberately excluded, as not forming part of reserved Maasai territory?

### **The legal position today**

To return to the 1913 judgement, it can be challenged at several levels. At the most basic level, the very legality of a Protectorate, and the British "assumption" of the administration of the territory and ownership of all native lands within it, may be challenged. The validity of the treaties/agreements is questionable, particularly the second, and their status as contracts. Equally questionable is the power of the Maasai to enter into a treaty, and the representativeness of the Maasai signatories, particularly to the 1911 Agreement.

Were the latter in any position to allow Maasai land to be alienated? An interesting precedent in Nyasaland is *Supervisor of Native Affairs v Blantyre and East Africa Company*. In this 1903 judgement, Judge John Joseph Numan (a European) decided that local chiefs as a class had illegally "sold" their land to whites. "Chiefs were not, he said, custodians of their tribal lands."<sup>80</sup> In Maasai society, no individuals are customarily custodians of land or any other resource besides livestock, though this has of course changed in recent years. And the Maasai signatories were not chiefs in any 'traditional' sense, since this was an acephalous society before the British appointed chiefs – although some of these men (like Ole Gilisho) also happened to be customary spokesmen. It comes back to the question of where authority lay – with councils of elders, age-set spokesmen, warriors or prophets? The Crown, in its appeal court judgement, acknowledged that although there was a central authority "the main

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<sup>78</sup> Incidentally, questions were raised in parliament in 1913 about Brunner, Mond and Levers' alleged trampling of native rights in West Africa. Hansard, Vol. 56, from col. 2401.

<sup>79</sup> Maps facing p18, Sandford, *Administrative history*, and reproduced in this thesis.

<sup>80</sup> Judgement dated 28/4/03, Zomba Archives, cited in Mwase, *Strike a blow and die*, 1967, p xv.

power rested with the warriors, who gave utterance to their wishes through their elected chiefs”,<sup>81</sup> which can be read as a reference to age-set spokesmen. However, even they had no authority to give the land away.

At another level, one could use United Nations protocols to argue for the return of lands acquired without the consent of an indigenous people. The UN Draft Declaration on the Rights of Indigenous Peoples states:

Indigenous peoples have the right to the restitution of the lands, territories and resources which they had traditionally owned or otherwise occupied or used, and which have been confiscated, occupied, used or damaged without their free and informed consent. Where this is not possible, they have the right to just and fair compensation. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands and territories at least equal in quality, size and legal status.<sup>82</sup>

This course of action would only require the Maasai to prove that the territories concerned had been owned, occupied or used by them, and that they had not given their free and informed consent to their alienation, bypassing all other arguments. Furthermore, Article 14 of the International Labour Organisation (ILO) Convention 169 states:

The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators ... Adequate procedures shall be established within the national legal system to resolve land claims by the peoples concerned.<sup>83</sup>

Such procedures have been established in Kenya with the setting up of a Land Commission, which is currently taking evidence nationwide. However, all the indications are that this governmental review body will not and cannot resolve this kind of land claim, any more than the KLC did in the 1930s.

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<sup>81</sup> Maasai Case, Court of Appeal, J. Bonham-Carter, p99.

<sup>82</sup> Draft Declaration on the Rights of Indigenous Peoples, Part VI, Operative Paragraph 25, available at [www.cwis.org/fwdp/International/draft9329.txt](http://www.cwis.org/fwdp/International/draft9329.txt)

A leading Kenyan Maasai lawyer, who is also a member of the Kenya Land Commission, gave the following opinion of the overall position. “You need to be able to categorise the treaties so that you can know the forums and the remedies. If they are treaties, then they are agreements between two sovereign peoples and are not justiciable in domestic courts. Did the Maasai retain some residual sovereignty together with their capacity to enter into a treaty? In my view, that may be the safer approach now, particularly with regard to the 1904 treaty. I would say that that was a valid treaty, entered into by the Maasai sovereign state and the Crown. It can be varied and validly amended by another treaty.

“But were the signatories to the second treaty the same people? No. Olonana was dead and Seggi was a minor. Therefore, the second treaty was not valid because it had not been signed by those who had signed the first, and it could not be signed by a minor – a boy between the ages of 13 and 15 who had not even been circumcised ... In my view, the Maasai can only be compensated if the ‘agreements’ are accepted as treaties which were violated. A remedy would have to be sought in an international forum because a local court cannot decide this.”<sup>84</sup> It is important to note that, at the Lancaster House talks which preceded Kenyan independence in 1963, the validity of the treaties was still recognised. This contradicted claims (for example, by the KLC in 1934) that the Kenya (Annexation) Order in Council 1920 rendered both treaties null and void because Kenya was no longer a foreign country and the Maasai no longer protected foreigners.

Interestingly, if the Maasai were to challenge the 1913 judgement today they may argue the opposite of what Morrison argued with regard to Maasai sovereignty. He tried to demonstrate that the Maasai were not a sovereign nation, and could not therefore enter into a

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<sup>83</sup> ILO Convention 169 (1989), Convention Concerning Indigenous and Tribal Peoples in Independent Countries. Available at [www.cwis.org/fwdp/International/ilo\\_169.txt](http://www.cwis.org/fwdp/International/ilo_169.txt)

<sup>84</sup> Personal communication. The informant wishes to remain anonymous.

treaty with another, while the Crown held that the Maasai were sovereign and had dominion. Today, the indications are that Maasai advocates would try another tack, arguing that the Maasai were indeed a sovereign nation (in the sense that they had a sovereign domain territory which they controlled, and control of the territory was vested in the leadership). The treaties themselves acknowledge Maasai sovereignty, an argument used by other indigenous peoples in recent years to confirm their sovereign rights. Whether Maasai leaders will attempt to claim that the 1904 treaty was valid, but the second not, remains to be seen. By that logic, the Maasai have no legal claim to the Rift, only to Laikipia.

At another level, one could seek to demonstrate that British administration of the Maasai did not amount to protection; therefore it cannot be squared with the ostensible aim of a Protectorate to safeguard the 'native' inhabitants of a Crown-protected territory. For example, see early Foreign Office directives such as instructions to Sir Donald Stewart in July 1904 on his appointment as Commissioner. After telling Stewart that "the Masai question is of the most urgent importance" it went on:

...it is only by the most careful insistence on the protection of native rights that His Majesty's Government can justify their presence in East Africa ... the primary duty of Great Britain in East Africa is the welfare of the native races.<sup>85</sup>

Furthermore, though these amounted to no more than policy recommendations, one might remind the British government of its early promises to keep 'native reserves' inviolable, if one was going to have them at all. Remarks by Churchill have been cited earlier. Here is what the Land Committee had to say in 1905:

...everyone is of one opinion in agreeing that when once the Government has given its word to the native in fixing a reserve that the reserve so fixed should be absolutely inviolable. It therefore becomes of all the more importance that the greatest care and

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<sup>85</sup> 'Foreign Office Instructions to Sir Donald Stewart', 8/704, in Mungeam, *Select Documents*.

forethought should be taken to prevent any subsequent interference with an area which has once been fixed by the Government as a reserve.<sup>86</sup>

George Goldfinch summed up informed ‘liberal’ opinion in a letter to the Anti-Slavery Society some years later. “I think it was at the time rather generally considered that if the case had ever been allowed to be heard that the Masai would have won hands down because that agreement [1904] had been drafted by the very people who would have heard the case and was intended to be unbreakable.”<sup>87</sup>

At least three groups of Maasai activists, including the unnamed lawyer quoted above, plan to mark the hundredth anniversary of the first agreement by bringing an action against the British government in 2004 to challenge the legality of the treaties and moves. At the time of writing, it is not clear how or where they plan to proceed, though there has been talk of going to the High Court, London. But they must make a straight choice: either to argue that the agreements (especially the first) are valid as treaties, in which case the Maasai may push for recognition of their rights as enshrined therein, or they are invalid and they lose such rights. They cannot have it both ways. And if they argue for the validity of the 1904 Agreement, they would in effect sign away any claim to the Rift Valley.

If they go down the route to claiming Maasai sovereignty, which is fundamental to the first course of action outlined, they must also beware of the implications for Kenyan national unity and their own marginalisation as an indigenous people. More than anyone, they would antagonise fellow Kenyans who would see this action (as they have seen previous calls by Ole Ntimama for the return of Maasai land) as an incitement to violence and racial hatred. In challenging current holders of land, they would primarily be challenging other African ethnic groups, not the descendants of white settlers.

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<sup>86</sup> ‘Extracts from Report of the Land Committee’, Nairobi, 1905, in Mungeam, *Select Documents*.

Though some of the key facts differ (sovereignty passed from Maori to Britain under the Treaty of Waitangi, and they were recognised as British subjects, while in the Maasai case the treaties implied that Maasai sovereignty existed) there are lessons to be learned from New Zealand. To quote Sir Douglas Graham, Minister in Charge of Treaty of Waitangi Negotiations, from an article which rejects Maori claims to sovereignty on legal grounds:

But what actually is the 'sovereignty' being claimed by the Maori Council? Is it that Maori should have the sole right to pass laws binding on all New Zealanders or just on Maori? The first is simply fanciful and the second would depend on Maori support. Where is that support? Do all Maori wish to be subject somehow to Maori-generated laws but no others? How would it work? Would Maori living in Auckland be subject to laws that are different to those applying to the non-Maori living next door? ... from a practical point of view, any 'Maori sovereignty' is totally inconsistent with today's world ... The Maori Council's assertion of Maori sovereignty has no legal basis. It would, if accepted, be a rejection of the Treaty itself. It is unlikely to be contemplated by the vast majority of New Zealanders, including many Maori.<sup>88</sup>

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<sup>87</sup> Goldfinch to Travers Buxton, 19 August (no year given, but likely to be 1925), Goldfinch file in the ASAPS Papers, RHO.

<sup>88</sup> Rt Hon Sir Douglas Graham, 'Maori claims for sovereignty lack credibility', 23/299, [www.publicaccessnewzealand.org/files/treaty\\_articles\\_1999.html](http://www.publicaccessnewzealand.org/files/treaty_articles_1999.html)

## Chapter 5: Blood oaths, boundaries and brothers

“I know about the oath, with its agreement ‘please don’t swallow me because I can’t resist you’. Ole Gilisho decided [to do] this, because he did not want the battle.”

Oloju Ole Kariankei, grandson of Parsaloi Ole Gilisho<sup>1</sup>

When Lord Delamere went to Ololulunga to mediate between the British and the Maasai after the fatal 1918 clash (see Chapter 9), he met Ole Gilisho and reported his reaction to events. Huxley writes, quoting Delamere: “Legalishu [sic] himself is anxious that the *moran* should come into line but he is very upset about the accident – the shooting of women and cattle. He says he made blood brotherhood with the Government years ago, and that meant that you and he were of one blood and would not spill each other’s, but that this accident has upset that...”<sup>2</sup>

This is one of very few mentions in the written literature of an alleged blood oath or blood brotherhood, reportedly made between Maasai representatives and leading white settlers, in which both parties agreed not to fight one another. Hanley also briefly mentioned an oath, suggesting that the Maasai and British administrators took one after the Kedong massacre.<sup>3</sup> This was corroborated by one informant, who claimed: “There was a fight and that was the time Mr Dickie was killed, and the issue of the blood oath was raised. That was the time when the Maasai realised such a thing was necessary”.<sup>4</sup> Given the Mau Mau connotations of oathing in modern Kenya, it is perhaps more helpful to think of this pact as a form of peace

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<sup>1</sup> Ole Kariankei, Lemek 6, see Appendix 1. Informants’ background will not be given in every case.

<sup>2</sup> Huxley, *White Man’s Country*, Vol. 2, p45. Quoting Delamere’s report, presumably to government, of a meeting on 24/9/18, no source given. I could not find this report in the 1918 or 1919 CO registers.

<sup>3</sup> “And oaths were taken on both sides swearing that neither side would look for revenge and that they would live peacefully,” Hanley, *Warriors and Strangers*, p302, quoting Ole Kirtela, interpreter to Collyer at Rumuruti. The form of blood-letting described was by pricking the flesh of a finger under the nail.

<sup>4</sup> Mure Ole Kamaamia, Lemek 48. He confused the Kedong clash and the move, saying: “Dickie was killed by an age-set called Il-Dwati; they were warriors at that time. He was killed over that issue of the move. He was among the people who was moving the Maasai”.

treaty. The simplest description was given by one of my informants, Olokimolol: “The oath took place to stop the violence between the two groups – the whites and the Maasai. So the whites became our brothers and we became their brothers”.<sup>5</sup> In contrast to the dearth of coverage in the literature, the subject was raised constantly and often spontaneously in oral testimony. Forty-eight out of 64 interviewees said they knew about a Maasai-British blood oath, and many were able to describe it. There was only one outright denial that such a thing had taken place (and that was later modified), and four were uncertain.<sup>6</sup>

The subject was initially raised by my first interviewee, Daudi Ole Teka.<sup>7</sup> Until then, I had not considered asking any questions about an oath since I had never heard of it. The questionnaire was subsequently modified, and questions about an oath incorporated. However, some respondents continued to mention it spontaneously at an early stage of interview, before the ‘oath questions’ were posed. It was immediately apparent from oral responses, and their impassioned tone, that the alleged oath was a significant feature of the colonial relationship and informants’ understanding of it, and that elders set more store by it than any formal agreement with the British. Indeed, many respondents had not heard about the formal agreements of 1904 and 1911, or did not know what they contained. The oath was often spoken about in the same breath as the boundaries which demarcated British and Maasai territory, particularly “Olonana’s boundary” which will be explained shortly; the two subjects were verbally juxtaposed. Daudi Ole Teka’s testimony is one example, though he differed

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<sup>5</sup> Olokimolol, Lemek 12.

<sup>6</sup> The question was not put to eleven interviewees, either because they were answering questionnaires formulated for prophets or women, which focused on other subjects, or because in one instance the informant was so senile that a formal questionnaire had to be abandoned. Therefore there were affirmative responses from 48 out of 53 persons to whom the question was put, or who introduced the subject themselves.

<sup>7</sup> Ole Teka, Narok 1, Keekonyokie section, Il-Terito age-set, aged late 90s when interviewed near Narok in the summer of 1997.

from all informants bar one (Ole Koisikir) in his insistence that Olonana's father Mbatian (Mpatiany), not Olonana, made the oath.

When the British came they saw that the Maasai were not good, so they wanted to cut the Maasai so that they can share that blood [he indicated cutting a wrist]. They wanted to cut the Maasais [sic] to drink the blood so that they could put the boundary where it is now, and that is how we, the Maasai, were brought on the other side of the boundary, because of Ole Mbatian's agreement with the white men.

The oath itself appears to have represented a form of boundary to the Maasai, both in time and physically, in so far as it is spoken about today as a significant marker or watershed in their colonial experience. This chapter will examine its form, significance and meaning, and look at other mentions in the literature of oaths and blood brotherhood in this region. The next chapter will go on to explore aspects of the relationship between Maasai and leading white settlers who allegedly took part in the oath, a relationship rich in irony.

What exactly happened? The majority of informants said that Ole Gilisho represented the Maasai, and four believed that Olonana had been involved, too. (Significantly, however, Olonana's own grandson, Olkisonkoi Mako, said he did not know anything about a blood oath.)<sup>8</sup> A majority claimed that the white participants included Lord Delamere (Hugh Cholmondeley, the third Baron) and his friend Gilbert Colvile, known to the Maasai as Nesore.<sup>9</sup> A few informants suggested that other leading settlers in their coterie also took part, including Cole (it was not clear which brother, Galbraith or Berkeley), and settlers known by

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<sup>8</sup> Olkisonkoi Mako, also known as Oloruma, Lemek 7. Purko *ol-oiboni*, Il-Kitoip age-set, aged 43, living near Aitong.

<sup>9</sup> My informants could not say what this means, though one suggested "rich in cows". Huxley, who spelled it Nyasore, said it meant "the lean man", *Out in the Midday Sun*, Pimlico, 2000, p106. The current Lord Delamere knew of two other translations: "the impotent man" and "the man who sees everything."

the nicknames Swara and Kakaangi.<sup>10</sup> Ole Mootian had everyone on the stage: Leys, Hollis, settler Ewart Grogan, his former employer Captain Wood, who took him to work in South Africa as a young man, and the Provincial Commissioner Naivasha. A female informant (one of very few who said they knew of this event) said that Ole Mooke, Ole Nchoe, Ole Kotikay and Masikonde also represented the Maasai.<sup>11</sup> Another informant claimed that Namantile and Ole Oyie were there.<sup>12</sup> One of Ole Gilisho's sons said that Kuyioni and Leposo were involved.<sup>13</sup> Mure Ole Kamaamia also said Leposo was present.<sup>14</sup> Another interviewee claimed that Ole Gilisho and over 100 other people were present.<sup>15</sup> Only one informant, another son of Ole Gilisho, claimed that the oath was made by four communities – the Maasai, Kikuyu, Kipsigis and the whites.<sup>16</sup>

Informants were not sure about the location. Some said it took place on Delamere's land; I was later shown the alleged site on the Delamere ranch at Soysambu, above Lake Elmenteita in the Rift. Others variously claimed that it happened at Ntapipi near Naivasha, Endoinyo Erara (now Karen, Nairobi), Nyahururu, or simply in Enterror. One person confused the 1913 court case and the oath, claiming: "It is the court which actually administered the oath". He also believed that the court had simultaneously "set the boundary" between the Maasai and white communities.<sup>17</sup> Ole Mootian claimed that four oaths were taken in four different locations – two in Nairobi, two in Enterror. He may well have been confusing an alleged oath with the signings of the 1911 Agreement, which took place on different days in

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<sup>10</sup> I asked Arthur Cole, son of Galbraith, whether his father or uncle had ever mentioned taking part in an oath, since they were Delamere's brothers-in-law and close associates of Colvile. His response was short: "Wouldn't demean himself [sic]. Masai despised blood oaths." Written communication.

<sup>11</sup> Nashilu Enole Liaram, Lemek 11.

<sup>12</sup> Lendani Ole Sialala, Lemek 51.

<sup>13</sup> Shoriba Ole Gilisho, Lemek 21.

<sup>14</sup> Mure Ole Kamaamia, Lemek 48.

<sup>15</sup> Olkitojo Ole Sananka, Lemek 13.

<sup>16</sup> Mapelu Ole Gilisho, Lemek 13.

Nairobi and Rumuruti. However, when asked about the difference between the oath and the agreement, he could clearly differentiate: “With the oath, it was only done with the mouth, and for the agreement, it was a sign. It was a thumb [print] for the signature, to represent the sign. So you just used to put your thumb and go. And the other one was blood, so that was the difference.”

Respondents had little idea when it had taken place, but indicated that it was sometime between the arrival of Lord Delamere in B.E.A. (he first visited in 1897 and settled in 1903) and the second move. The majority of informants said the Maasai were still living in Entorrer. One said it coincided with the warriorhood of the Il-Peles age-set, another name for Il-Aimer, who retired as warriors in 1886. Others said it coincided with the making of Olonana’s boundary, which is believed to run along the eastern Rift Valley escarpment above the town of Mai Mahiu. There are many stories of how Olonana magically created a boundary between the white and Maasai communities by waving a stick to demarcate the land. It is believed that this can still be seen today, because no vegetation has grown along the boundary line.

That was the day the blood oath was taken. The Maasai were told, if you come beyond this boundary it will be a different case. The whites should not cross the boundary and the blacks also. During that time of the boundary, the black and the white, each was cut on the tip of the finger for the blood, and the *ol-aiguenani* of the Maasai and the white person, one of them also sucked the blood. Delamere was among the people who was making the boundary.<sup>18</sup>

Most respondents said the oath-making took the following form: the Maasai and British participants all made an incision on the wrist or forearm, and each sucked the blood of the other. However, Olkitojo Ole Sananka said: “They pierced the index finger, under the nail, and then they gave it to the white man to suck”, a version also suggested above by Ole

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<sup>17</sup> Tarayia Ololoigero, Narok 9.

Kamaamia. A few informants also described a meat feast which marked the occasion.

Olochani Ole Karbolo said this took place on the Delamere farm at Soysambu.

A big oxen was slaughtered, the meat was roasted, and then on that particular day people were not given anything to drink but fresh water ... mixed with milk.<sup>19</sup> And with the warriors, we greatly enjoyed that water mixed with milk, and also the roasted meat. And then the blood was taken by both parties, the whites and the Maasai, signifying that there was no quarrel between both communities. Those who drank the blood were Ole Gilisho and one of the leaders of the whites. Ole Gilisho was actually on good terms with the whites.<sup>20</sup>

Ole Karbolo also said that Delamere was so close to the Maasai that he shared *en-kiyieu* with Ole Gilisho, a ceremonial “sharing of the brisket” which establishes deep friendship between people.<sup>21</sup> It was not clear whether this ceremony and the oath were one and the same, but Ole Karbolo added:

That [*en-kiyieu*] means we only stop our quarrel between the whites and the Maasai if we share that one, that thing called *en-kiyieu*, and Delamere accepted that also ... So this kind of oath taken was a trick used by the Maasai [when] they saw that they could not face the whites because of the [superior] weapons. Because no one can face the white man’s firearms, the Maasai said: ‘Let us be in peace’. So the Maasai were very happy that they were at peace with the whites.

Aspects of this version of the story were corroborated by Lendani Ole Sialala, retired livestock headman to the current Lord Delamere, who worked for the Delameres from 1964 until his retirement in 2000. His family was among those that returned from the Southern Reserve to find work on white farms, after they lost their cattle to diseases in Ngatet. He gave a second reason for the oath, which sounds highly plausible in the context of the settler-

<sup>18</sup> Ole Kamaamia, Lemek 48.

<sup>19</sup> This mixture is called *inkariak pusi*, or blue waters. It is also drunk at the ceremony of the Ox of the Wounds “which makes an elder an important person having laid off the things of childhood”, Mol, *Maasai language*, pp201-2. The elder and another man also eat roasted brisket of ox on this occasion.

<sup>20</sup> Ole Karbolo, Lemek 47. Il-Tieki (Tiyieki) or right-hand circumcision group of the Il-Terito age-set, interviewed shortly before his death at his home in Enaiborr-ajijik, near Ntapipi.

<sup>21</sup> From *ol-kiyieu*, brisket. “The sharing of the brisket ... establishes a relationship of deep friendship between people, expressed by saying: ‘m-e-ta-ngar-a en-kiyieu: let them share the brisket’, and by this sharing show their

squatter/worker relationship, and adds weight to the argument that Delamere took part in the ceremony.

The meaning of the blood oath was to make a relationship between the whites and the Purko Maasai, and the other meaning was so that the Purko would not steal Delamere's livestock, because he had decided now to come and stay with them, and so they were making that relationship. Delamere was playing a trick so that the Maasai wouldn't steal from him ... The oath took place within Delamere's farm, under a tree called *oreteti*,<sup>22</sup> next to a place called Lanet, that is just within the farm. At that time they slaughtered an ox, and then they removed the heart of the ox and brisket. And then Lord Delamere had to bite the brisket four times and the heart four times, and then hand it over to the other Maasai elders. There was one called Namantile and another one called Lemorinke Ole Oyie, and the *ol-aiguenani* Ole Gilisho was also there.

Tuarari Ole Sialala, another retired livestock worker, who still lived on the farm, did not know the details but believed that "maybe an ox was slaughtered and the meat was roasted, and then the meat was eaten by both parties, just the way they do in the ceremony of the ox. I don't know exactly the name of the people who shared, but I can remember people who were together with Delamere, like Nesore and [sounded like] Cole".<sup>23</sup> Ntomoilel Ole Meitaya remembered: "Nesore was always eating meat in the bush together with the Maasai warriors, and also Lord Delamere was always with the Maasai elders. They were the ones who came with Ole Gilisho; they came and took a blood oath ... that united them to be brothers. So when the blood oath took place, there was peace between the whites and the Maasai. Then they came and divided the land and Ole Gilisho and Olonana were the ones who were dividing [it]."<sup>24</sup>

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bond of friendship; a person with whom this relationship has been established is called en-kiuieu ai: my brisket, my close friend". Mol, *Maasai language*, p208.

<sup>22</sup> Fig tree (*Ficus natalensis*): *o-reteti*, pl. *il-retet*, one of four holy trees for the Maasai, Mol, *Maasai language*, p344. The tree at the alleged oath-taking site was identified as a fig (*Ficus Hochsetteri*).

<sup>23</sup> Tuarari Ole Sialala, (Lemek 53), originally Laikipiak but absorbed by the Purko, he described himself as belonging to the Emutata section, meaning the ones who were finished. Il-Gecherei or left-hand circumcision group of Il-Terito, likely to have been in his 90s when interviewed, since deceased.

<sup>24</sup> Ntomoilel Ole Meitaya, (Lemek 44), Purko, left-hand circumcision of Il-Seuri age-set, aged about 60, Ololulunga.

The only outright denial came from Swahili Musungui, former gunman and interpreter to Gilbert Colvile.<sup>25</sup> When asked if he knew anything about an alleged oath, he replied: “Don’t listen, nothing like that. Nothing completely! Let nobody cheat you that there was something of that sort. I know very well because it was Delamere who was said to have shared the blood oath, but there was nothing”. However, he immediately qualified this statement, suggesting that a pact was agreed over boundaries: “There are many places in Kenya where the Maasai are not living now, but they have Maasai names. For example, Ongatapus, Lariak, Gilgil, Ormuteta. *So that was the oath.* The Maasai told Delamere: ‘You have taken a very big land, so please don’t follow us to this place [Ngatet].’ So they came to an agreement – ‘this is the boundary’, and there was not any argument any more”. It is possible that Swahili denounced the oath because he believed that only he, not the Maasai as a whole, forged a special relationship with Colvile and, by association, with Delamere. This relationship will be elaborated in the following chapter. He may also see himself as a moderniser, who has no truck with archaic practices. He denounced prophets, too, saying: “*Laibons* are liars, we don’t believe in them. Personally, I don’t need anything to do with *laibons*. If they come I tell them: ‘Fuck off!’” (He lapsed into English here.)

The reasons for making a peace agreement of this kind, at this particular point in the relationship between British and Maasai, are understandable. The Maasai could have made it largely for the same reason as they agreed to move – “so that they did not get finished” by

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<sup>25</sup> Swahili Musungui (Lemek 38) claimed to be Il-Damat but other Maasai said he was of Dorobo (Ogiek) origin. Right-hand circumcision of Il-Nyankusi age-set, living near Ntapipi on land given to him by Colvile. Huxley’s informant Paddy Grattan called him Colvile’s “headman cum ADC”, Huxley Papers, RHO. His surname is derived from *ol-musunkui*, a loanword from the Swahili *mzungu*, broadly meaning white person or European, also a restless person or wanderer, who will not stay in one place. He said it was his father’s name, and that “the overall name” of the family was Mebarne, of the Laiser clan. He said he was given his first name by local people who believed he was fathered by a “Swahili” worker on Colvile’s Ntapipi farm.

superior weaponry.<sup>26</sup> Informants said they also feared that the British might turn their guns on the warriors to stop them from raiding. Sondo Ole Sadera said: “They took the oath because the white man was telling them not to go raiding [*enjore*]. And then Ole Gilisho told them: ‘Let’s take an oath so that you can’t fight me, because I can’t fight you.’”<sup>27</sup> He is also believed to have said: “Let’s take this blood oath so from henceforth everyone will be on his side of the boundary”.<sup>28</sup>

Tragically for them, however, if indeed an oath took place they chose unrepresentative whites with whom to strike such a deal. One can well imagine how they mistook settlers for government officials. For one thing, mutual confusion would have arisen around translation of the word *ol-aiguenani*. In explaining his lordly position, Delamere may well have described himself as an age-set spokesman or chief of the Europeans. Other titled settlers with some knowledge of Maasai may have done the same. Informants clearly believed that Delamere led the white community; typical is Mure Ole Kamaamia’s description: “Delamere was the overall leader of the whites”. He was an unofficial member of the Legislative Council from its inauguration in 1907, later an elected one, and remained a member on and off all his life.<sup>29</sup> But much more visibly to Africans, he appeared alongside government officials at important meetings with the Maasai. For example, he was present at the key meeting on 24 February 1910 at Kiserian, near Olonana’s homestead, attended by Governor Girouard and District Commissioners McClure and Collyer, at which Olonana, Masikonde and Ole Gililisho reportedly agreed to move south.<sup>30</sup> In 1918 he represented the government at the Ololulunga mediation (see final chapter). On such occasions, leading settlers perhaps saw themselves as

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<sup>26</sup> Rev. Peter Kuyoni Ole Kasura, Narok 3.

<sup>27</sup> Sondo Ole Sadera, Narok 5.

<sup>28</sup> Tarayia Ololoigero, Narok 9.

<sup>29</sup> Unofficial members were unelected, nominated to that position by the Governor. Delamere was initially one of two unofficial members representing the settler community; the other was Arthur Baillie.

giving legitimacy to meetings and agreements. His brother-in-law Galbraith Cole accompanied him on this latter expedition, according to Cole's wife Eleanor. As she grandly described it: "Galbraith and Delamere were asked by the Government to go into Masai land and explain some Government policy to them".<sup>31</sup>

Key meetings aside, the seat of government was a million miles away to most Maasai; their white settler neighbours were the immediate face of colonialism. Ole Gilisho's son Mapelu said: "That white man [Delamere] came to Narok, and he was a great friend of Ole Gilisho, so when the Maasai saw him they thought that he was also a government representative. When they saw a white person they did not differentiate between an official and the settlers. So Lord Delamere has taken that advantage of acquiring a lot of land the other side of Mau, cheating the Maasai, using Ole Gilisho, also posing as a government official." Retired headmaster Joseph Ole Karia added: "The Maasai were not reaching the official people like Charles Eliot. The people they were reaching were the settlers who were living around the Maasai, settlers like Lord Delamere who interacted mostly with the Maasai ... So the people who might have done that kind of thing [make an oath] would have been settlers. But being white, they [the Maasai] never knew the difference. Being white, you are always the government. It must have been a very special thing, because the Maasai have never made a blood oath with anybody else."<sup>32</sup> This was confirmed by other informants.

Gilbert Colvile's closest surviving relative, his adopted daughter Deborah, has no information about his alleged involvement in an oath and believes it to be unlikely.<sup>33</sup> The

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<sup>30</sup> Laikipia A/R 1910/11, p12, DC/LKA/1/1, KNA. Also Enc. 3 in Conf. Desp. 14, CO 533/116.

<sup>31</sup> Eleanor Cole, *Random Recollections of a Pioneer Kenya Settler*, Baron Publishing, Suffolk, 1975, p44.

<sup>32</sup> Joseph Ole Karia, (Lemek 28), retired primary school headmaster, former chairman of the UN's African Indigenous Peoples' Forum and its current representative for East Africa, living near Ololulunga.

<sup>33</sup> Personal communication. She pointed out that she was only 18 when her father died, and therefore has "minimal knowledge of his relationship with the Maasai". He never mentioned an oath, and she believes it

current Lord Delamere, who worked for Colvile as a young man and described him as an “amiable pirate”, said he had heard of the blood brotherhood, but could not remember where or when. “Maybe from Huxley, or by talking to my father or his farm manager ‘Boy Long’. I think effectively speaking they made him one of their clan or tribe or whatever.” Hypothetically, if he had made blood brotherhood, would he have done this in all seriousness or as a joke? He replied: “Oh no, seriously. He didn’t get horribly drunk or do stupid things. He wasn’t like that. If he was offered blood brotherhood with the Maasai, which I think he was and probably quite early on when he got here, I should think before 1910, he would have taken it quite seriously.”

Why would Delamere have chosen to do this? He is likely to have read Lord Lugard’s account of his early years of empire making in the region, in which he described making blood brotherhood with a succession of East African chiefs on behalf of the IBEAC.<sup>34</sup> The treaty he agreed with Musoga chief Mbekirwa, for example, on the day they became blood brothers, specifically declared that neither side would allow their followers to steal from or molest the other.<sup>35</sup> Good news for cattle-keepers; Delamere may well have thought it advisable to take out similar insurance, given the Maasai reputation for cattle snatching, not that this was preventative as things turned out. Secondly, he was drawn from a social class that had parallel rites of passage and ceremonies associated with ‘age-set’ affirmation – the ritual ‘bleeding’ of youngsters on their first fox hunt, the initiation rituals for new boys at Eton and other leading public schools, and archaic all-male practices and slang peculiar to Eton.<sup>36</sup> Therefore a

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unlikely that he took one with the “first” Lord Delamere because of their age difference – Colvile was born in 1887 and Delamere in 1870.

<sup>34</sup> F.D. Lugard, *The Rise of our East African Empire*, William Blackwood and Sons, 1893. Huxley describes how Delamere read avidly about African travel in the six months he spent flat on his back after a hunting accident, prior to first visiting East Africa, *White Man’s Country*, Vol. 1, p25.

<sup>35</sup> Reproduced in M. Perham, (ed.), *The Diaries of Lord Lugard*, Vol. 1, Faber and Faber, 1959, p421.

<sup>36</sup> Trzebinski describes some of these in her portrait of Denys Finch Hatton, *Silence Will Speak*, Chapter 3.

ceremony of this sort, involving men only and a measure of secrecy, would not have appeared alien to him. Thirdly, both Delamere and Colvile were only sons, Colvile an only child. Their fathers were aloof and remote, despatching them to public school at an early age, and Colvile was only a young man when he lost his father. Ritual brotherhood may have been especially appealing to them in their familial isolation. Finally, as I shall elaborate in the next chapter, they may well have been flattered that the notoriously hostile but noble Maasai had chosen to bond with them and not others.

As for the Maasai, they also had good reason to make peace with their new neighbours and clarify the boundaries between the two communities. They were particularly anxious, on having agreed to go to Ngatet, that the British should not “follow them” there. The fact that they did so, and that British administration intensified if anything after the second move, came as a complete shock to them, according to my informants. Those who signed the agreements, and may also have made an oath, are said to have assumed that each community would keep to its own agreed territory without interference from the other. They believed that that *was* the agreement. For example, in the testimony of Reverend Ole Kasura: “[They thought] the oath represented the agreement that we are not going to refuse to give you this land. And if we give it to the British, we take the oath that you are not going to follow us to where we shall go, and you will stay there” [that is, stay put].<sup>37</sup> Likewise, Ole Kimiri said: “The oath itself signified that we the Maasai, we shall go and never come back again to Entorror, and the white people will never go back to Ngatet to go and disturb the Maasai”.<sup>38</sup> Maybe Delamere had told them so himself. Hill writes: “He advised [the government] that the Masai be told that the British had come to stay and that they would be assured of a tract of country in which they would not

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<sup>37</sup> Narok 3.

be disturbed”.<sup>39</sup> Swahili Musungui, Colvile’s right-hand man, believes that Colvile was responsible for preventing white settlement in Ngatet, and thus stopped whites from “following” them south (see next chapter). These are old and often repeated refrains. Furthermore, echoing what some of my informants said, the evidence given by Maasai to the Kenya Land Commission in 1932 suggests that the Maasai believed the European visitors were temporary, as was their occupation of Maasai land. “They [the Europeans] said ‘Give us a place to dwell in your country’, and we said ‘Very good’. According to our customs and knowledge people who came into a country only stayed three or four years then went away,” witness Arthur Christopher Tameno told the KLC. “They made an agreement with us for one part of the country.”<sup>40</sup>

Maasai working on the Delameres’ Soysambu ranch guided me and a Maasai research assistant to the alleged site of the oath-making ceremony. It lies next to an orange grove planted by Tom Cholmondeley, son and heir to the current title-holder. An enormous, ancient fig tree dominates the site, and forms with other younger trees a small and secluded natural conference area bounded by a stream on one side. As previously mentioned, fig trees have sacred significance in Maasailand, as they also have among the Kikuyu.<sup>41</sup> Mol describes how “various rituals and sacrifices, particularly those dealing with fertility and nourishment, have always been offered” under fig trees. A similar grove of trees with a giant fig at its centre marks a particularly sacred site in the Loita Highlands called Eneeni Inkujit, “the place where

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<sup>38</sup> Kireko Ole Kimiri, (Lemek 24), aka Lenjir, his Purko name after he was assimilated from the Laikipiak. Right-hand circumcision of Il-Nyankusi age-set, living at Rumuruti.

<sup>39</sup> M.F. Hill, *Permanent Way: the story of the Kenya and Uganda Railway*, East African Railways and Harbours, Nairobi, 1950, p273.

<sup>40</sup> Evidence before the Commission at Narok, 19/10/32, *KLC Evidence and Memoranda* Vol. II, p1198. Tameno’s section is not given, or other information about him, but he refers to “we” as if he were Maasai.

<sup>41</sup> Fig tree is *mugumo* in Kikuyu. Lonsdale describes how Mau Mau can be read as a “symbolic war of the trees”, and the importance of *mugumo* in Kikuyu thought and opposition to the British. Berman and Lonsdale, *Unhappy Valley* (II), pp332-3. However, Leakey says another type of fig, *mukuyu* (*Ficus Capensis* or *F. Sycomorus*) was

the grass is tied” to symbolise close union between people.<sup>42</sup> Maasai living on Soysambu described this site as the place where Delamere held regular *barazas* with elders. However, the current Delamere had never heard about the site and its significance. That is understandable, given the distance that existed between him, his father and grandfather, who died in 1931. By his own admission, this was not a close family. (His father and grandfather had not got on either, and when the old man died, his son Tom “flung everything out”.)<sup>43</sup>

As for whether the Maasai now believe that the oath has been broken, one younger worker on the Delamere farm recited a list of grievances and accused his current employer of breaking the pact. “What has actually made this farm to be a very bad place for the Maasai is just because those people who are there at the moment are not the first Delameres, who really liked the Maasai ... Maasai are not respected in this place as they were before. So they [the Delameres] broke the agreement. Delamere used to feed his workers, given them flour, sugar, even clothing, but these days – nothing.”<sup>44</sup> Older informants, however, believe that the Maasai warriors also broke the terms of the oath, in so far as they continued to raid and spill blood: “So it was the Maasai who broke the oath and fought the white man, because the white man never fought the Maasai again”.<sup>45</sup> However, the majority consensus is that the oath is intact and white people and the Maasai are still blood brothers: “We have become one with the British. Right up till now, we are still one with the same people”.<sup>46</sup>

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preferred as a sacred tree, and points out that Gikuyu itself means “the big fig tree”, L.S.B. Leakey, *The Southern Kikuyu before 1903*, Vol. 1, Academic Press, 1977, p48.

<sup>42</sup> “The ritual of tying grass attains its deepest significance at Eneeni Inkujit ... Popular belief has it that at this spot disaster was averted when intra-tribal wars practically exterminated various sections, *il-oshon*, of the tribe in the last century”, Mol, *Maasai language*, p62.

<sup>43</sup> Testimony of current Lord Delamere, Hugh Cholmondeley, interviewed at his home at Soysambu.

<sup>44</sup> Reure Ole Sadera, (Lemek 52), Purko, right-hand circumcision of Il-Kitoip age-set, aged 42, livestock herder who has lived on the Delamere ranch at Soysambu for 20 years.

<sup>45</sup> Kurao Ole Sadera, (Lemek 6), Purko, older brother of Sondo, Il-Tieki circumcision of Il-Terito age-set, age unknown, living at Ndapupu Olobai.

<sup>46</sup> Ololoigero, (Lemek 9). He agreed with Kurao, above: “It is only the warriors who have erred and brought some trouble, because the elders did not want them to fight ... more so when they have taken the oath.”

### Oaths and blood brotherhood in the literature

Contrary to modernday claims, descriptions exist of Maasai oath-making and blood brotherhood with other peoples in the past. Hollis described the latter: “A Masai elder would sit down with one of the elders of the savages [people of another tribe]; each of them would then cut his left arm, and after dipping in the blood some meat of a bullock which was killed on the spot, would eat it”.<sup>47</sup> However, he differentiated this kind of ceremony from that held to make “solemn peace”; after making blood brotherhood, he claimed, the Maasai did not keep the peace. When they wanted to make peace, they exchanged cattle with the enemy and “the enemy’s child is suckled at the breast of the Masai woman” and vice versa. He claimed that the Maasai made peace in this way in 1883 with the Lumbwa Maasai (Kipsigis) at the Ford of Sangaruna, on the Pangani river, and referred to descriptions in Hopley and Johnston of a similar ceremony after a war between the two parties.<sup>48</sup>

McClure described three different forms of oath that he claimed the Maasai considered binding. One was the “cementing of a treaty by the formation of a blood-brotherhood”, but “this is of Swahili origin and rarely used”. Another oath cemented a treaty “by the suckling of the children of the opposing tribe at the breasts of Masai women and vice versa”. The third involved the killing of a bullock, sheep or goat and the eating of portions of the breast and other parts of the animal. Later, the participants in this ceremony wore a piece of the animal’s hide on their wrists, like a bracelet. The breaking of this oath was supposed to bring sickness

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<sup>47</sup> Hollis, *The Masai*, p322.

<sup>48</sup> Hopley, *Eastern Uganda*, p42; Johnston, *The Uganda Protectorate*, p884; Hollis, *The Masai*, p322. Eliot also mentioned the peace-making ceremony at Sangaruna, saying this was made between the agricultural and pastoral sections of the Maasai, *Protectorate*, p142.

or even death on the offender.<sup>49</sup> Macdonald briefly mentioned that the Maasai and the Kamba “have made a sort of treaty [which] ... is on the whole wonderfully binding on the Masai”.<sup>50</sup> Francis Hall described a peace-making ceremony between Kikuyu and Maasai who had sought shelter at Fort Smith in 1894, which echoes McClure’s account. In his diary, he noted on 31 January: “All the friendly Wakikuyu assembled to eat a sheep with the Masai and generally perform the ceremony of making friends. The Masai then each wear a piece of the skin round their wrists as a token and are now free to walk about in the immediate vicinity though I have warned them not to go far”.<sup>51</sup>

Tegnaeus gave an overview of the literature on Maasai blood brotherhood, claiming that “the Masai have rites of blood-brotherhood as an expression of friendship between both tribes and individuals. They should not, however, says Merker, be taken seriously, at least not in the latter case.”<sup>52</sup> Tegnaeus cited references in Hollis, Merker, Neumann and Weiss, all of whom wrote pre-1910. Incidentally, Joseph Thomson does not appear to have made blood brotherhood with the Maasai but did do so by proxy with the Henge and Hehe.<sup>53</sup> Merker’s opinion was that the custom was not native to the Maasai. Hollis’s reference to the Maasai only making blood brotherhood when they did not seek “solemn peace” suggested that it was a borrowed ritual, wrote Tegnaeus, and Merker said the same. Some Maa-speakers only made it when it was politically expedient. “The Masai (settled among the Djaga), have no blood-brotherhood, for which reason they are held in bad repute among the Djaga as violators of the

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<sup>49</sup> H.R. McClure, *District Records for the Guidance of the Officer Adminstrating the Masai Southern Reserve*, p12. Undated copy in the British Institute in Eastern Africa library, Nairobi, which appears to have been written before February 1910.

<sup>50</sup> J.R.L. Macdonald, *Soldiering and surveying in British East Africa 1891-1894*, London, 1897, p35.

<sup>51</sup> Diaries of Francis Hall, Hall Papers, RHO, p25 of the 1894 diary.

<sup>52</sup> Harry Tegnaeus, *Blood-brothers: An ethno-sociological study of the institutions of blood-brotherhood with special reference to Africa*, Kegan Paul, Trench, Trubner & Co., 1952, p70.

<sup>53</sup> Tegnaeus, *Blood-brothers*, p73.

blood-brotherhood. The ceremony itself was of no consequence to them, when, for political reasons, they submitted to it.”<sup>54</sup>

Blood brotherhood between the Maasai and another “tribe” did not always take place between two chiefs, said Tegnaeus, “though this is of course the most usual procedure”. Since the Maasai are acephalous this cannot be true, and Merker did not use the word chief to describe the Maasai participants. It is best to quote Merker directly on this.<sup>55</sup> He described two varieties of blood brotherhood, which he called *ol-momai*<sup>56</sup> – both were peace-making ceremonies, one forged between men and the other made by women. Preceding the first ceremony, some old men would visit the “tribe” with whom they had been at war, carrying a bunch of grass and taking with them a sheep wearing a necklace of blue or green beads (*en-gononoi*). These were peace tokens (*intokitin osotua*). The following ceremony took place between elders.

Both parties sit down under a shady tree near the village, surrounded by the warriors, a strange elder opposite to each of the delegates. Then each man makes a small cut in the left forearm of the man opposite him, wipes off the blood that oozes from it several times on a piece of half-roasted meat, when he then eats. During this ceremony the parties concerned swear eternal peace. The meat used comes from a newly-slaughtered animal, usually an ox, less often a goat or sheep.<sup>57</sup>

Merker claimed that the Maasai had deceived Europeans several times with this ceremony, as well as fellow Africans. He called it “the false use of blood brotherhood”.

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<sup>54</sup> This is an apparent reference to the Arusha of Tanzania, living alongside the Chagga. Tegnaeus, *Blood-brothers*, pp61-2.

<sup>55</sup> These quotes are taken from an English translation of Merker in the Spiritan Library, Arusha, Tanzania. The translator and date are not given. My thanks to Dorothy Hodgson for sharing this particular translation. Merker, *Die Māsai*, Dietrich Reimer, Berlin, 1910, pp70-2.

<sup>56</sup> Mol spells this *ol-mumai*, pl. *il-muma*, simply meaning oath, *Maasai language*, p263.

<sup>57</sup> Merker, *Die Māsai*, p71 of Spiritan translation.

The author believes that there can be no possibility of concluding a lasting friendship between Masai and Europeans, both as a result of eight years' experience, and from information given him by a large number of Masai who, after a long personal acquaintance, trusted him enough to speak openly on this point. In their opinion, such a friendship ... merely has the result that individuals in the service of the European concerned are hospitably received in Masai villages. It cannot be called a lasting peace, any more than it is an inducement to the Masai to observe European law and order.

He went on to describe the entirely different strategy that was used when the Maasai were "in earnest about a peace" because the people they had fallen out with were neighbours, from whom they needed to buy vegetable foods. He gave an example of the Kahe, and called this ceremony *ertana etabashage* or "the nursing of the exchanged children".

It is agreed at a meeting that the Kahe chief, a Kahe woman, and an unweaned child, with a certain number of witnesses, shall come to a specially indicated place on the plains between Kahe and the Masai villages. At the appointed time a Masai woman (though not a true Masai, but a woman of another tribe captured in a previous war) with an unweaned child are there also ... The two women then exchange children, and each puts the other's child to her breast for a moment. They then take the children on their backs in the skin garments and conclude a blood-brotherhood. One of the witnesses makes a few cuts in the skin of each woman's abdomen and gives her a piece of the heart of a newly slain ox. When each woman has wiped the blood from her cuts with this heart, she puts it into the other's mouth. While these ceremonies are being performed, the speaker and the Kahe chief vow eternal friendship in the name of their people.<sup>58</sup>

To return to Tegnaeus, he said that Weiss gave a very similar account of Maasai blood brotherhood, and followed Merker in emphasising the comparative seriousness of the suckling ceremony.<sup>59</sup> Neumann, traveling in the 1890s, made blood brotherhood with the "Kwafi", described as a branch of the Maasai.<sup>60</sup> Tegnaeus quoted Hollis' claim that the Nandi did not formerly use blood brotherhood, and that this was a custom introduced by coastal traders.<sup>61</sup>

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<sup>58</sup> Merker, *Die Mäsaï*.

<sup>59</sup> Tegnaeus, *Blood-brothers*, p70, quoting M. Weiss, *Die Völkerstämme im Norden Deutsch-Ostafrika*, Berlin, 1910, p364.

<sup>60</sup> A. Neumann, *Elephant-Hunting in East Equatorial Africa*, London, 1898, p128.

<sup>61</sup> In the same passage on blood brotherhood, Hollis also described a "ceremony common amongst the Masai" which had been introduced into Nandi in the last eight or ten years (he was writing in 1908). It was called

They never considered it binding, hence Peter West's fate (see next section on treaty making). Huntingford, however, claimed that the Nandi had two borrowed forms of the ritual – one taken from the Maasai, the other introduced by “Swahili” traders.

Tegnaeus listed some 42 ethnic groups in East Africa and the lacustrine region that practised some form of blood brotherhood. They comprised both Nilo-Hamitic and Bantu groups, but the vast majority were Bantu. One difference between the practices of the two groups was the Bantu use of coffee berries.<sup>62</sup> He also described the practice in other parts of Africa, and devoted a first chapter to its incidence in other continents. Briefly, there are early classical references (Herodotus, Tacitus), as well as references in early Norse myths, old Irish and English traditions, medieval France, Hungary, among the southern Slavs, Turks, Arabs, Syrians, Mongols, Chinese, the Karen of Burma, on the Pacific Islands, among Australian Aborigines and European Gypsies. Though there are many variations in detail, there are also basic similarities on opposite sides of the globe – for example, the ritual practised by the Dusuns [sic] of Borneo mirrors that attributed to the Maasai: “...each made a cut in his wrist and the other drank a little of the blood from the cut”.<sup>63</sup>

As for the Kikuyu, according to Routledge their blood brotherhood ceremony differed in essential details from that ascribed to the Maasai by Hollis, Merker and my own informants. Again, it is preferable to refer directly to Routledge because Tegnaeus' précis is confusing. Incisions were not made in the participants' forearms but at the end of the sternum and on the forehead. A sheep was killed, the heart removed and roasted, and the human blood placed in

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*Patureshin*, or the ceremony of the red bead. “When two friends wish to regard one another as brothers or sisters they exchange a red bead, and ever afterwards call one another *Patureshi*...” C. Hollis, *The Nandi: Their language and folk-lore*, Clarendon Press, 1969 reprint, pp84-5.

<sup>62</sup> For example, among the Ganda, Lucy Mair described how coffee beans from a berry were dipped in the blood of a cut on both participants' bodies, one eaten and the other given to one's partner to eat. Tegnaeus, p86, taken from L. Mair, *An African People in the Twentieth Century*, Routledge, 1934, from p70.

<sup>63</sup> Tegnaeus, *Blood-brothers*, p36.

the sheep's heart. This was then cut in two, and each participant ate one half. Routledge also described a second ceremony, involving an exchange of animal blood, to mark "the reception of a [Kikuyu] stranger" into a new district. This involved mingling the blood of two slaughtered animals; both participants would then wear a leather bracelet made from the hide of the other's sheep or ox.<sup>64</sup> Arkell-Hardwick also described making blood brotherhood with a Kikuyu chief. It was called *muma*, which is the plural of the Maasai term, *ol-mumai*. (There is no indication in Mol that this is a loanword from Kikuyu, which suggests the opposite.) His description differed from that of Routledge. Cuts were made in the chests of both participants, a roasted sheep's liver was cut into small pieces, dipped in the human blood, exchanged and eaten. This was repeated three times.<sup>65</sup> Von Höhnel, traveling with Teleki among the Emba "in the Kikuyu region", also called it *muma* and said it took place almost every day.<sup>66</sup>

Leakey dismissed Von Höhnel's description of blood brotherhood as totally foreign to the Kikuyu. This was not the ceremony according to "pure Kikuyu custom ... in fact, it would not rank with the Kikuyu as 'blood brotherhood' at all, and the idea of cutting out the liver and eating it was not theirs, but a custom brought in and insisted upon by the Arab".<sup>67</sup> Since the Kikuyu did not consider these oaths binding, they did not keep them. He suggested the early travellers would have had less trouble if they had either made use of the ceremony of mutual adoption practised by the Kikuyu and the Dorobo (Ogiek), or a peace-making ceremony used by the Kikuyu and the Maasai.<sup>68</sup> The first was used to bind two families after a Dorobo had sold land to a Kikuyu. Wrists were bound with rawhide straps, in a description that echoes that

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<sup>64</sup> W.S. and K. Routledge, *With a prehistoric people: The Akikuyu of British East Africa*, Edward Arnold, 1910, pp176-7.

<sup>65</sup> Tegnaeus, *Blood-brothers*, p501.

<sup>66</sup> Tegnaeus, *Blood-brothers*, p52; L.R. Von Höhnel, *Discovery of Lakes Rudolf and Stefanie: A narrative of Count Samuel Teleki's exploring and hunting expedition in East Equatorial Africa in 1887 and 1888*, Longmans, Green, 1894, from p314.

<sup>67</sup> Leakey, *Southern Kikuyu*, Vol. 1, p60.

of Routledge, and the sons of both men ate roasted breast of ram before taking the same oaths as their fathers. An ox was also slaughtered and eaten by the two families. This was followed by a “ceremony of showing the boundaries”, when the Dorobo showed the Kikuyu the key landmarks on the boundary of the land concerned – such as large trees, old game pits, rocks and streams. Many of these were anointed with the stomach contents of a ram.<sup>69</sup> The peace-making ceremony with the Maasai was always initiated by the Maasai, and no blood letting was involved. The Maasai participants simply had to bring tokens of peace that consisted of some butterfat, an arrow for bleeding animals, a branding iron, a pair of sandals, a bunch of grass and a gourd of milk. They also brought a young girl covered in butterfat and red ochre, accompanied by her mother, who were themselves a sign of peace. The Kikuyu would produce similar tokens. The fat of a ram was sprinkled over the Maasai objects, the Maasai chewed some grass and spat it over the Kikuyu elders and their objects, and both parties then ate the meat of the ram together.<sup>70</sup>

Elsewhere, Hall described a peace ritual performed by the Kikuyu and the “Chamvu” people at Fort Smith.<sup>71</sup> It involved the grisly torture of a goat, by breaking each leg and “smashing it to a pulp between two stones”. Short sticks were placed around the goat to represent the contracting parties, and the batterer would issue curses to ensure that misfortune struck the first party to break the peace. Finally, the goat’s head was bashed in and cut off. “It is a beastly cruel operation and typical of the nature of the Wakikuyu,” wrote Hall. He described the ceremony as “their usual one”.<sup>72</sup> Finally, Waller describes a “unique” peace

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<sup>68</sup> Leakey, *Southern Kikuyu*, Vol. 1, pp59-60, 90-94, 491-6.

<sup>69</sup> Leakey, *Southern Kikuyu*, Vol. 1, pp90-105.

<sup>70</sup> Leakey, *Southern Kikuyu*, Vol.1, pp491-5.

<sup>71</sup> The word is illegible. Possibly a reference to Chamon or Chamere, which appears in the typewritten letters for February 1894, Hall Papers, RHO. John Lonsdale, in a personal communication, suggests Hall may have been referring to Kiambu.

<sup>72</sup> Diary entry for 13 February 1894, Hall Papers, RHO, pp42-3.

ceremony that ended the Iloikop Wars with the surrender of Senteu to his half-brother Olonana in 1902. A deputation (*ol-amal*) came bearing peace tokens (*intokitin osotua*) including axes, headless arrows, and necklaces made of black cowrie shells. There appears to have been no exchange of blood.<sup>73</sup>

Whatever the specific practices, which varied from one ethnic group to another, it is clear that an exchange of blood was generally seen in this region as signifying formal peace-making. Whether or not the ceremony was binding, and whatever its origin, there were cross-cutting similarities in ceremonial practice.

### **The use of blood brotherhood in treaty making**

European treaty making with African chiefs in the nineteenth century often included a blood brotherhood ceremony, according to contemporary accounts. In early East Africa these were largely executed on behalf of the IBEAC, and were the basis upon which the Company's claims to territory rested. Henry Morton Stanley made blood brotherhood as part of his treaty making with various chiefs while on his way to the coast with the Emin Pasha Relief Expedition. The most eminent was Ntale, king of Ankole, in 1889; Stanley actually underwent the ceremony with Ntale through his 'son' Buchunku or Uchunku, though Gray claims he was not the son but simply a member of the royal clan.<sup>74</sup> Ntale went on to make a treaty with Lugard in 1891 (through his son Birinzi) and again in 1894 with Major Cunningham, acting on behalf of the British government. The first of these definitely included blood brotherhood. Jack Foaker, government representative at Guasa Masa, made blood brotherhood with the

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<sup>73</sup> Waller, 'Lords of East Africa', p124. His sources are oral texts gathered by J. Gallagher.

<sup>74</sup> See Sir John Milner Gray, 'Early treaties in Uganda, 1888-91', *Uganda Journal*, Vol. 12 (March 1948), p29, 31; H.M. Stanley, *In Darkest Africa*, Sampson Low, Marston, Searle and Rivington, 1890. References to blood brotherhood include Vol. 1, pp358-361; Vol. 2, pp348-350. Expedition surgeon T.H. Parke wrote his own

Nandi in 1896. Matson describes it as a “routine practice” in Nandi country.<sup>75</sup> Frederick Jackson made it with the Lumbwa (Kipsigis) and others, but took a different tack with the Maasai; though he met unnamed Maasai prophets on Kinangop and at Naivasha, including members of Mbatian’s family, he gave them blank treaty forms as ‘medicine’ but did not make blood brotherhood.<sup>76</sup> Officials aside, freelance European travellers and traders also used blood brotherhood to cement new friendships. One local example was Peter West, trading partner of the infamous Andrew Dick who was killed by the Maasai after the Kedong massacre. Ternan mentioned that West made blood brotherhood with Nandi chiefs. It did not save his neck; in July 1895 he was killed by the Nandi in revenge for Dick’s murder of two Nandi.<sup>77</sup>

The fullest description comes from Lugard. He made blood brotherhood on at least six occasions between 1890 and 1891 on behalf of the IBEAC: with Birinzi (or Bireri), son of king Ntale of Ankole (1891); with Wakoli, chief of Usoga or Musoga (1890); with chief Mbekirwa or Mubikirwa, chief of Buyende (1890); with several Kamba chiefs (date unclear); with Waiyaki and other Kikuyu leaders (1890); and with chiefs Katonzi and Mugenyi, respectively near the Kavalli plateau and Semliki (1891).<sup>78</sup> When he set out, he did not know that Stanley had already secured treaties with some of these leaders. On meeting Ntale’s people, “I greatly pleased them by consenting to go through the full ceremony according to

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account of these ceremonies in *My Personal Experiences in Equatorial Africa: as medical officer of the Emin Pasha Relief Expedition*, Sampson, Low, Marston & Co., 1891.

<sup>75</sup> Matson, *Nandi resistance*, p169.

<sup>76</sup> Matson, *Nandi resistance*, pp62, 66. In *Early Days*, Jackson described making blood brotherhood with chief Kaniri and two of his councillors near Athi Plains in 1889 (p170 of 1930 edition); with unnamed Lumbwa in 1889 (p211); and with Kimangichi, chief of a community of former cave-dwellers on Mount Elgon, 1890 (p248).

<sup>77</sup> T. Ternan, *Some Experiences of an Old Bromsgrovian: soldiering in Afghanistan, Egypt and Uganda*, Cornish Brothers, Birmingham, 1930, pp199-200; Matson, *Nandi resistance*, pp89-90. Matson says West had a Maasai ‘wife’.

<sup>78</sup> This last ceremony was on 19/9/1891, Perham, *Lugard Diaries*, Vol. 2, p297. Stanley’s claims to have made treaties with six chiefs are contested by Perham, *Lugard: The Years of Adventure 1858-1898*, Collins, 1956, p259, and Gray, ‘Early treaties’, from p32. Gray asserts that the dates and descriptions do not add up, and several so-called treaties were more likely to have consisted of blood brotherhood alone.

their own rites”.<sup>79</sup> The ceremony was different with Wakoli: “a coffee-berry is used, and we rub each other’s shoulders with the right-hand, and then shake hands vehemently...”<sup>80</sup> With Mbekirwa, he again made both blood brotherhood and a treaty, taking care to translate and explain the treaty “sentence by sentence”.<sup>81</sup> The Kamba “were most friendly and begged me to make blood brotherhood with several of the chiefs, who had not hitherto made alliance with the Company. I did so, and we parted on the best of terms”.<sup>82</sup> With the Kikuyu, “I made treaties with Eiyeki [Waiyaki] and several other chiefs, who came from considerable distances to perform the ceremony of blood brotherhood ... The fact is that, though I was provided with ‘treaty forms’, I did not see my way to using them”. He believed this to be dishonourable because he could not guarantee that the IBEAC could provide protection, while asking a chief to cede all rights of rule in his country was unfair. Also, “the nature of a written compact was wholly beyond the comprehension of these savage tribes”. Hence he resorted to the pre-existing “solemn form of compact for friendship” – blood brotherhood. It allowed him “to say just so much, and no more, as seemed a fair and honest bargain”. However, he still wrote down their “mutual undertakings” and chiefs set their marks on the resulting documents, which were sent to the Foreign Office for approval and registration.<sup>83</sup>

In this last passage, Lugard described the method of making brotherhood, which varied slightly from “tribe” to “tribe” but was the same in core essentials: “...each of us cuts our forearm till the blood flows; the arms are then rubbed together to mix the blood, and two small pieces of meat are supposed to be touched with the blood: he [the chief] eats the piece which has my blood on it off the palm of my right-hand, and I eat the piece which has his blood on it

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<sup>79</sup> Lugard, *The Rise*, Vol. 2, p160. Also Perham, *Lugard*, p262.

<sup>80</sup> Lugard, *The Rise*, Vol. 1, p369. Also Perham, *Lugard Diaries*, Vol. 1, p416.

<sup>81</sup> Lugard, *The Rise*, Vol. 1, p370.

<sup>82</sup> Lugard, *The Rise*, Vol. 1, p319.

<sup>83</sup> Lugard, *The Rise*, Vol. 1, pp329-30.

from his palm ... Sometimes salt or a coffee-berry (in Uganda and Unyoro) is substituted for the meat. Sometimes the incision for bleeding is made elsewhere than on the arm". Great speech-making would follow, and pledges were sworn on weapons. Lugard gave a paper on his travels in the Uganda region to the Royal Geographical Society in November 1892, in which he elaborated on the above and introduced his do-it-yourself guide to treaty making in Africa. This appeared in the first issue of *The Geographical Journal* the following January.<sup>84</sup> It included a graphic description of how a blood brotherhood ceremony should be conducted by representatives of Her Majesty's Government, and why it was necessary to use a pre-existing ritual.

We hold a written bond 'in black and white' to be a sacred thing, binding in a peculiar way on those who deliberately sign it. But this is a civilised idea, foreign to and in no way understood by a savage. There exists in Africa, however, a parallel institution, and when I learnt its significance it seemed to me that I had found the nearest equivalent possible to our idea of a contract. This is the ceremony of blood brotherhood...<sup>85</sup>

Lugard was "anxious to explain to geographers the proper procedure followed by responsible and duly-accredited diplomats", since so many possible varieties were being described in writings on African travel. First, one had to sit cross-legged on a mat opposite the chief: "...you should picture a savage chief in his best turn-out, which consists probably of his weapons of war, different chalk colourings on his face, a piece of the skin of a leopard, wild cat, sheep or ox – *et preterea nihil*; and facing him myself, in a costume which at times would make the fortune of a crossing sweeper". They began by swearing on the chief's weapons, then on Lugard's. He would hold his "pet rifle" over his head while his interpreter repeated his pledge of friendship, his promise not to let his men molest anyone, to make good the theft of

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<sup>84</sup> Captain F.D. Lugard, 'Treaty-making in Africa', *The Geographical Journal*, Vol. 1, No. 1, January 1893.

<sup>85</sup> Lugard, 'Treaty-making', p53.

crops or any other wrongdoing, and to go to his blood brother's aid if enemies attacked him near Lugard's camp. The blood brother "shall look on the British Company 'as his big brother' whom he has to obey, but who have not come to eat up his land, or oust him from his place".<sup>86</sup> These "treaties" were described again in the edited diaries of Lugard with, for example, details of the treaty offered to Mbekirwa. However noble the promises made, Lugard admitted that his primary motivation on this occasion was the need to guarantee supplies of food for his men.<sup>87</sup>

These accounts indicate many regional precedents for ceremonies from which the Maasai may have borrowed, and vice versa. Inter-ethnic borrowing was and is common, and includes language (loanwords), institutions, adornment, clothing, arms and shields, adoption of ritual leaders/prophets, elements of circumcision and warrior rituals, and inter-marriage. There is no reason, therefore, why this practice was not also borrowed from neighbours such as the Kikuyu, and adapted for use on select occasions. However, there are few similarities between the ceremonies allegedly practised by Maasai and Kikuyu. It is almost impossible to date these practices and determine which came first. The Maasai had reportedly sworn brotherhood with the Kikuyu from time to time, in order to open up trade.<sup>88</sup> Much later, the *East African Annual 1948-9* carried a two-page photo-spread showing the Maasai and Kikuyu "swearing the ancient peace oath". No date was given, but the ceremony appears to have taken place that year. It had been arranged by the Kenyan government, who called on both groups to send representatives, and was allegedly modelled on some traditional rite – "on the lines of those which used to take place before the Pax Britannica came to Kenya". The aim was to

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<sup>86</sup> Lugard, 'Treaty-making', p54.

<sup>87</sup> Perham, *Lugard Diaries*, Vol. 1, p422.

<sup>88</sup> Leakey, *Southern Kikuyu*, Vol. 1 pp491-6. No dates given; Leakey said the Maasai did this periodically, when facing famine and drought. Once initiated, peace could last for up to ten years or more.

stop “boundary bickerings” between the two ethnic groups, and make “real peace”. The copy described a marvellous concoction and media event, covered by the Kenya Information Office and the BBC, whose commentator was also pictured, “his microphone being hardly less charged with romantic wizardry for most of the crowd than the incantations of the witch-doctors”. No details were given of the oath-taking ceremony, and the photographs are too indistinct to determine this. Maasai *laibons*, described as witch-doctors, were simply shown kindling a “sacred fire” and roasting entrails in the blaze. One caption reads: “The wrinkled old witch-doctor mutters his curses on those who may have the temerity to break the oath they are taking”. Other participants were clearly taking matters less seriously: “Above is the scene as the ceremony ends and the oath-takers and their friends chatter amiably”. The ceremony was described as unique. It was certainly that – a piece of public relations spin, in which the Kikuyu and the Maasai were only too happy to collude if it meant a free meat feast and a gathering of the clans. Real? The government would not have known the difference.<sup>89</sup>

The Maasai-British pact may not have been dissimilar to this, except that it was not, by all accounts, orchestrated by government. As for its provenance, I suggest that the essential ceremonial ingredients were already there in *en-kiyieu*, the sharing of the brisket, although an assistant told me that this can never be shared with someone of another ethnic group because non-Maasai are believed to be unclean. Maasai leaders may have customised a ceremony in a one-off action to suit the new demands of rapprochement and survival. Likewise, the white participants may have grafted onto *en-kiyieu* pledges to suit themselves and the new circumstances of the day, in much the same way as Lugard did in order to make friends and

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<sup>89</sup> There are similarities between the stage management of this event and the doctoring of a photograph taken by Ernest Gedge on 11 August 1889 of treaty making by James Martin and Kikuyu chief Kamiri. It was recomposed for publication in H.O. A. Foster (ed.), *The Queen's Empire*, 1897. J. Ryan, *Picturing Empire: photography and the visualisation of the British Empire*, Reaktion Books, 1997, pp220-21.

influence people who posed a threat to British rule and settlement. It was politically expedient for both parties to invent a tradition to suit themselves, or at least come up with a new hybrid. Hence some of my informants' use of the word "trick" to describe what both parties were doing. The result was a grand pastiche drawn from disparate rituals known to British, Nilo-Hamitic and Bantu groups in this region – blood brotherhood, mutual adoption, the sharing of the brisket and peace making.

### **What can it mean?**

Whether or not the oath/brotherhood actually took place, the centrality of this story in the oral history of the moves and resistance to them is crucially important. Like the 'myth' of Entorror as a pastoral idyll, free of pestilence and problems (see Chapter 8), the blood brotherhood between the British and the Maasai may represent an immovable truth in a century of turbulence. Belief in it also helps to explain why the Maasai never violently resisted the British – because, say elders, in taking the oath the two parties had agreed not to fight, and to behave honourably towards one another. Although the British broke their side of the pact, by using force to move them from Laikipia, the Maasai reason that this did not warrant a violent response. Ole Gilisho had agreed not to fight the white man again, and the oath therefore over-rode the provocation of the second move. Lerionka Ole Ntutu said: "Because of the oath, they could not object to what they were told [to do]. They shared the blood oath with the white men, and then they agreed to move. They were cheated."<sup>90</sup> Ole Nchoko, first plaintiff in the Maasai Case, also reportedly believed himself bound by its terms: "Ole Nchoko never wanted to fight the British again because they had already shared the blood. So those are

the ones who, when they were already elders, because they were unable to do it with spears, they took the case to court because of that anger that they had before”.<sup>91</sup>

It may also partly explain why, having launched the legal action, Ole Gilisho never went to court. When asked about this, one informant said: “He refused because of the blood oath they had taken with the white people – that is one reason. As an elder would ask himself, ‘That issue I had already resolved, would I go back to it? How could I go against resolutions which I had made before? I had already resolved those issues with those brothers with whom I had taken the oath’. So Ole Gilisho therefore refused to go again to the case against the white people.”<sup>92</sup> In this, his behaviour was markedly different from that of Ole Nchoko – who clearly did not feel so bound by the oath that he could not go to court. Was it a generational difference? It is impossible to know, but tempting to speculate, whether the younger man was redefining for himself and his peers the moral economy of Maasai, while the older statesman stayed loyal to an earlier code.

Belief in the oath and the honourable behaviour of those Maasai who participated in it may allow contemporary Maasai to symbolically regain control of events which spiralled out of their control at the time, and to salvage something good about one element of a bad, bitterly disappointing experience – colonial dispossession. If it is a myth, that is its function. If it is true, it is a hidden and vital beacon in the Maasai-British discourse.

The centrality of meat feasting in the blood brotherhood ceremony fits a pattern in Maasai rites of passage, particularly for men. Meat feasting with age-set peers marks initiation, ritual emergence from seclusion, ritual removal from and return to the community,

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<sup>90</sup> Lerionka Ole Ntutu, (Lemek 20), Purko, Il-Kalikal or right-hand circumcision group of Il-Nyankusi age-set, aged about 85, Olchororua, Mara. Ole Ntutu, who died shortly after interview, was known as Paramount Chief of the Kenyan Maasai. I lived with one of his daughters while doing fieldwork in Lemek.

<sup>91</sup> Ole Ndonyo, Narok 8.

<sup>92</sup> Ololoigero, Narok 9.

induction into warriorhood, and other significant events in the life cycle, including death. All major ceremonies are versions of a sacrificial meat feast called ‘passing through the ox’ (*empolosata olkiteng*). The ultimate high point for elders is the feast of the Great Ox (*lool-ba*), their final renunciation of warriorhood. Consumption of the “upper innards” of the animal, particularly from the chest region, is reserved for men; according to Spencer, the chest has a special association with emotional power and fathers, and meat from the centre breast, as well as the tongue, is deemed to be very high status.<sup>93</sup> The brisket fat (*en-kiyieu*) is most important of all: “... there is a reverence about sharing the brisket-fat, as if it is the age-set itself and not just an age mate that is sharing”.<sup>94</sup> This maybe goes some way to answering whether the ceremony in question simply bound the participants, or the age-mates of the Maasai and the British as a whole. However, Olonana was not an age-mate of Ole Gilisho’s, and neither was Colvile, though Delamere was close (born 1870, while Ole Gilisho was born about 1875). The general consensus among my informants was that it bound the Maasai and white people in their entirety.

Spencer conjectures that the ritual opposition between the protective back of the ox and the soft underside (brisket and flank) is linked to the relative vulnerability of individuals in the course of ageing, the soft belly being the most vulnerable part of the animal/person. It is fat from this area that is traced down the front of the body in blessings; the soft underbelly of the ox is therefore matched to the corresponding part of the participant’s body. Warriors in particular are expected to expose themselves to danger full frontally, and this fat is believed to

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<sup>93</sup> See Spencer, *Maasai of Matapato*, pp252-269 for a full discussion of the significance of meat eating and particular cuts of meat. Cuts are ritually “paired”, and there is a deliberate emphasis on the opposition of human pairs in ceremonial – celebrants are linked to ritual partners, who are, for example, in turn “opposed” to a pair of patrons who bless them. “By pairing [people] with paired cuts of meat they remain opposed and yet are uniquely united”, p261. The pairing of Delamere and Colvile with Ole Gilisho and Olonana, which is central to most stories about the blood brotherhood, makes sense in this context.

<sup>94</sup> Spencer, *Matapato*, p264.

protect them. It is conferred on them as blessings by older men (to whom the brisket fat is seen to belong) in ceremonial upgradings. Spencer concedes that none of this is “woven into a coherent philosophy” by the Maasai themselves; it is his hypothesis. If there is any truth in it, one could apply it to the Maasai-British relationship: both parties were ceremonially exposing their vulnerability to each other by eating the brisket together, as well as paying the deepest respect.

Binary oppositions, and the balance between them, are central to Maasai ideology and helpful in explaining what was going on here. As Rigby has written of Ilparakuyu and Maasai acceptance of outsiders: “...the pastoral social formations of these peoples allowed the easy acceptance of strangers into their society, as pastoral and ideological praxis form a unity in which identity is expressed in a dialectical fashion, a balance of complementary oppositions which include non-Ilparakuyu/Maasai. Assimilation is related to adoption of this ‘unity in praxis’”.<sup>95</sup> He charts the binary oppositions within symbolic categories (eg, warriors: elders; bush: homestead; red: black; non-Ilparakuyo: Ilparakuyo). To this must be added the binary opposites of meat and milk. Meat is handled by men, milk by women. Meat is ritual food, milk ordinary or everyday. Meat must be publicly shared, while milk is consumed privately. One is red (the colour of anger, but also life), the other white. They cannot be consumed together, or on the same day. As for blood, Arhem adds: “Blood mediates the opposition between meat and milk in the sense that it is drawn from live as well as ritually slaughtered animals. As such, blood connotes both life and death.”<sup>96</sup> There is an obvious parallel between the male

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<sup>95</sup> Rigby, *Persistent Pastoralists*, pp105-6. He goes on to quote from the journal of Bishop James Hannington (1886, Seeley and Co., p189) a passage ending: “Whenever we meet we are to be brothers”, which suggests that he too may have become a blood brother of the Maasai.

<sup>96</sup> Kaj Arhem, *Ethnographic Puzzles: Essays on social organisation, symbolism and change*, Athlone Press, 2000, p196. He also describes binary oppositions in the food code, p177.

practice of sucking human blood in the brotherhood ceremony and the male practice of drawing and drinking blood direct from the jugular vein of a living animal.

### **The meaning of boundaries**

The concomitant concern with boundaries in oral testimony about blood brotherhood may reflect present anxieties, and an embarrassed anxiety of hindsight over past failure to demarcate Maasai land and claim title. Land demarcation is the current fixation in western Narok, both intra-Maasai, with other communities such as the Kipsigis, and in other parts of Kenya such as Laikipia and Ntapipi where Maasai also live uneasily alongside other peoples, and where my interviews were carried out. Hot contestation of boundaries is ongoing today. But there is little indication that the Maasai abided by sharply defined boundaries before the arrival of Europeans, bearing surveying instruments.<sup>97</sup> Transhumant boundaries have always cut across administrative boundaries in Maasailand. They have localities (*inkutot*) whose natural resources are set aside for the use of certain groups, but traditionally these did not have marked boundaries.<sup>98</sup> However, Joseph Thomson described passing through the “‘Mlango’ (door or gate) of a district” into Maasai-held territory, without saying how that was marked except by the natural features of the landscape.<sup>99</sup> Waller’s comment on Thomson’s claim is that “the notion of territoriality was an important aspect of Maasai social structure”, and later, “each section has a clearly defined boundary (*empaka*) within which its members graze their

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<sup>97</sup> For example, Routledge said of the Kikuyu and Maasai: “no sharply defined boundaries separated these neighbours” but there was a kind of buffer zone, “a neutral territory of irregular width, formed by country insufficiently watered and not particularly attractive to either party”, Routledge, *Prehistoric people*, pp12-13. Eliot said the same of the Maasai and Lumbwa, “hereditary enemies, who mutually agreed to leave a space between them in order to avoid collision”, Eliot, *Protectorate*, p85.

<sup>98</sup> *Enkutoto*, pl. *inkutot*. “Each such locality is usually a self-contained ecological unit with contiguous areas of wet season pasture, to which camps disperse in the rains...” Jacobs, ‘Traditional political organisation’, p173. Spencer also confirms they had no boundaries, *Matapato*, p15.

<sup>99</sup> Thomson, *Through Masai-land*, p354. He also wrote about the “door” of the Maasai being flanked by the “pillars” of Mount Meru and Kibo (p166) and named Chapter IV ‘Through the door of the Masai’.

stock”. The border between the Maasai and the Kikuyu was quite flexible and not demarcated, but generally followed the forest line. This only began to change as Kikuyuland became more intensively cultivated, and a semi-pastoral buffer zone was created by the end of the nineteenth century.<sup>100</sup> Hinde noted in 1899 that “the Maasai have made many requests that the boundary between their territory and the WaKikuyu should be definitely fixed” because, the Maasai complained, the Kikuyu were destroying forests in which they customarily grazed their cattle in the dry season.<sup>101</sup>

It took a little longer for their leaders to see the necessity of demarcation in the face of white encroachment, but once they grasped this, Maasai anxiety about boundaries began to grow. If they were confused by those made by the British, this was not surprising. Sandford was most unclear on this. He admitted that the boundary of the Southern Reserve had still not been demarcated in October 1918, five years after the ‘northern’ Maasai had moved there. Though it had been approved, it had not yet been gazetted owing to the difficulty of finding a surveyor to demarcate it. One of his maps shows three different boundaries for the Reserve from Mount Suswa north to Farm 1769 – labelled Approved Boundary, Treaty Boundary and Gazetted Boundary.<sup>102</sup> How were Maasai to know when they had overstepped it? Only when the police or an irate settler came after them. As is clear from evidence submitted to the KLC, the Maasai thought that the railway line was the boundary.<sup>103</sup> In the confusion, no wonder they

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<sup>100</sup> Waller, ‘Lords of East Africa’, pp35, 106, 340.

<sup>101</sup> S.L. Hinde, District Collector, Masailand, ‘Masai-land Report for the quarter ending 31<sup>st</sup> March 1899’, f64 of No. 32 in Machakos Annual Reports (DC/MKS; the cover of this file had fallen off, therefore it was incompletely labelled), KNA.

<sup>102</sup> Sandford, *Administrative history*, facing p38. Map is undated.

<sup>103</sup> Maasai evidence to the KLC at Narok on 19/10/32 opened with Matanda Ole Masikonde’s claim that “when the Government brought us down from Laikipia we were told that the Railway would be the boundary. Since then we have been pushed back from the Railway...” He and others asked the British to help them “get back our original boundary which is the Railway”, if they could not return to Laikipia. They were told that the reserve boundary was the one-mile railway zone and not the line itself. Witness Ole Nakorde replied that no *baraza* was ever held to show the people where the boundary ran, and Seggi Ole Lenana complained that there were very few markers. Other boundaries were also queried. *KLC Evidence* Vol. II, pp1198, 1218-1221.

fell back upon Olonana's magic, and the belief that it was they who had drawn the line in the first place.

### **Social metaphors**

Whatever the nature of any blood brotherhood ceremony between the two communities, it is not surprising that this should subsequently serve – for the Maasai – as a metaphor for relationships between British and Maasai. In the later colonial period and post-independence, talk of betrayal became rife and remains so today. My informants say that the Maasai believed they had loaned their land to the Europeans and it would be returned at independence; they did not understand why it was allowed to slip into the hands of Kikuyu, Kalenjin and others. Other ingredients of metaphor are embedded in stories of the blood brotherhood. These include the facts that the Maasai believe they initiated it, in contrast to the official agreements which were forced upon them; it was verbal and sealed in blood and meat, not written documents which were beyond their control and had no ritual significance; both parties were men of cattle, therefore admirable; both parties included age-set spokesmen, or their equivalent; they chose each other in preference to doing a deal with anyone else; this is believed to be unique, and therefore not sullied by repetition; it belongs to an age of 'chivalry' whose like will never be seen again. In addition, for those people who believe Olonana took part, it was ritually blessed by his presence, and his collusive role in the second move can be forgotten or at least obscured. Finally, in contrast to the stereotypical image of the warlike Maasai, a willingness to make peace is central to the collective memory of this act. The Maasai have been reinvented here as peace makers, demonstrating a generosity of spirit which the British ultimately abused.

It is not only the Maasai who may find comfort in such a belief today. When last interviewed, the current Lord Delamere was being besieged by pastoralist trespassers from Kajiado, desperate to find grass during the long drought of 2000. Simultaneously, there were calls from a Maasai cabinet minister for the Maasai to reclaim the land they had lost in the colonial period.<sup>104</sup> The Delameres were nervous, though he pretended otherwise. I suggested half jokingly that they could use the idea that blood brotherhood had been made by his ancestor, which constituted a ritual defence against attack and proof that a special relationship existed. The bond was reinforced when a Maasai assistant (not at my prompting) later sent Lord and Lady Delamere leather bracelets engraved with their names as a thank you for their hospitality. The rawhide bracelet ceremony had come home.

The story of blood brotherhood was nurtured and reinforced after World War One within the kinds of relationships between certain white settlers and Maasai employees which emerged on settler farms. This idea is developed in the next chapter. I am well aware that these particular settlers were by no means typical. Further research would be required to investigate wider employment patterns, and to set this narrow discourse within wider discourses of race, class, gender and empire. In non-aristocratic homesteads, for example, the arrival of settler wives (who worked on the farm rather than ‘played away’, and often tried to improve the welfare of farm workers’ families) may well have changed the dynamics of settler-worker relationships.

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<sup>104</sup> Several Maasai trespassers were prosecuted and convicted. Various people, both European and Maasai, expressed suspicion that this ‘invasion’ of Soysambu was a political act, which is not unlikely.

**Chapter 6: Settlers and workers: relationships on highland farms**

“Nesore [Colvile] was a very good man to the Maasai. He was told by Delamere: ‘If you want your cattle to increase, employ the Maasai to take care of your livestock.’ And the cattle of Nesore became ten million.”

Swahili Musungui, assistant to Gilbert Colvile

This chapter will explore in more depth the real and symbolic nature of the relationship between leading settlers and Maasai. Little serious research has been done on the personal interactions between settler and African in Kenya, over and above their economic relationship, let alone those specific to the Maasai. My evidence, drawing heavily on Maasai and settler oral testimony, suggests relationships of greater complexity and nuance than have been previously acknowledged. The alleged blood brotherhood pact may help to explain this. In exploring these relationships, one also finds more evidence of Maasai involvement in the labour market post-1913 than other studies have acknowledged, evidence that substantial numbers returned to the highlands from the Southern Reserve after the second move, and intriguing reports of criminal collusion by settlers and their favourite henchmen against the colonial state.

Lord Delamere, Gilbert Colvile and Ole Gilisho emerge as the odd threesome from the blood brotherhood narrative. These two settlers were among the first Europeans to effectively dispossess the Maasai from their grazing grounds in the Rift (Delamere settled in 1903, Colvile about 1908), and yet they appear to have forged a close relationship with Ole Gilisho and other Maasai, and are still spoken of today in the warmest terms by most elderly informants. Mapelu Ole Gilisho was one exception. Ole Mootian was another, which is understandable given his literacy, heightened political consciousness and experiences at the hands of the British, which included being detained during the Mau Mau emergency. He described Delamere as a snake, “because he is here and he is there. He was like a big rat. And

another one called Colvile, he was pretending to be a friend to the Maasai, but he was also a snake. Let me tell you one thing: these white people who liked the Maasai, it was not the Maasai they liked, it was their land that they wanted". Certainly, Delamere had had his eye on Laikipia as ideal sheep country from the moment he first arrived in the country from the north in 1897 with his friend Dr Atkinson. His first application for land there was turned down, but in the end he got prime cuts of the Rift and Laikipia, too – the best part of Entorror.<sup>1</sup>

Delamere needs no introduction. Huxley's two-volume biography is the authoritative text, though many would challenge her claim that he "made Kenya", and I do not intend to paraphrase his biographical details here. Much less is known about his friend Colvile, the beef baron. Born in 1887, he was the son of Major General Sir Henry Colvile of the Grenadier Guards, who fought in the South African War and took part in several key military campaigns in Egypt and the Sudan.<sup>2</sup> The family had a 3,000-acre estate at Lullington, Burton on Trent, and other English properties. Colvile senior was an intelligence officer on the Nile Expedition of 1884-5, which failed to rescue General Gordon at Khartoum. However, he won promotion and mentions in despatches for his intelligence work in the Sudan, and was decorated for leading the successful campaign against Kabarega, king of Unyoro, writing about these exploits in books that combined travelogue with military history.<sup>3</sup> He was Acting Commissioner of Uganda from 1893-95. But his later actions during the South African war

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<sup>1</sup> See Huxley, *White Man's Country*, Vol.1, pp53-5. Her description of Laikipia, as shown through Delamere's eyes, is mouth-watering: "Here, indeed, he must have thought, was a promised land, the realisation of a Rider Haggard dream of a rich and fertile country hidden beyond impenetrable deserts and mountains. Here was a modern Eldorado, waiting only for recognition ... There was no sign of human life. The whole of Laikipia had been unoccupied since 1891", pp54/5.

<sup>2</sup> *Who was Who*, Vol. 1, 1897-1916, Adam & Charles Black, London.

<sup>3</sup> Henry Colvile published six books, including *History of the Sudan Campaign*, HMSO, 1887, which the War Office commissioned; *The Land of the Nile Springs: being chiefly an account of how we fought Kabarega*, Edward Arnold, 1895. In the latter, incidentally, he mentions Ntale's unsuccessful efforts to make blood brotherhood with his envoy, calling it "that rather disgusting ceremony", p293.

ruined his military career.<sup>4</sup> In 1907, just six years after his early retirement to the softer climes of Bagshot, Surrey, he died when his motorbike collided with a car.<sup>5</sup>

Gilbert's mother was Sir Henry's French second wife, born Zélie Isabelle de Preville. According to settler Richard Gethin, who had first met Gilbert in England in 1906, Lady Colville and her son initially came out to B.E.A. on a shooting safari, to help him get over his rejection by the Grenadier Guards. He had been offered a commission by the Guards, but then lost some toes in an accident while shooting rabbits, a few days after Gethin met him. (This is a questionable story, to be explored shortly.) As Gethin put it: "Lady Colville [sic] thought it would be a good idea to get Gilbert away from England for a long period as he was taking it badly not being able to join the Guards. She wrote to me in Ireland [to say] she would very much like any information about the country ... as she and her son had arranged to sail in the near future to Cape Town and go on a big game shooting safari through Rhodesia and the Congo to Nairobi." They liked the Protectorate so much, they decided to settle. By the time Gethin arrived to manage Powys Cobb's farm Loydien, Colville was already there, learning about farming. "I don't quite know who was supposed to be teaching him his job," wrote Gethin in his memoirs.<sup>6</sup>

As a widow, Lady Colville ran a hotel near the railway station at Gilgil which was much frequented by European settlers including Lord Erroll, with whom Gilbert became friends. From his Eton days, he already knew fellow settlers Lord Francis Scott and Sir Jock Delves Broughton, one-time chief suspect in the Erroll murder, and a husband of Diana, later

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<sup>4</sup> While leading the ninth division in late March 1900, Colville failed to relieve General Broadwood's column which had been ambushed by General De Wet. Lord Roberts, commander in chief of the British field force, accused him of "a reprehensible lack of vigour". Two months later, he got into worse trouble after ignoring calls to help a Col. Spragge, whose men were surrounded and later decimated by De Wet's soldiers. Colville was recalled to Britain and pensioned off in January 1901. *Dictionary of National Biography* (DNB), Vol. 1, 1901-1911, OUP, pp 393-5.

<sup>5</sup> According to the DNB he was riding a motorbike, but Huxley said it was a bicycle, *Midday Sun*, p105.

<sup>6</sup> Richard Gethin Papers, f39 of Mss. Afr. s. 1277 (1), RHO.

Lady Delamere. However, unlike his class peers, he tended to avoid company and had a horror of the party-going set, preferring to withdraw to his farms and flocks. “Single-minded in his devotion to cattle and sheep,” writes Trzebinski, “Gilbert Colvile lived the life of a recluse, eschewing women entirely.” Not quite true; he married Diana, after she left Broughton and before she wed his friend Tom to become Lady Delamere.<sup>7</sup> But his tendencies were monk-like in some respects. “[He] cocked a snook at the establishment and adopted Maasai culture, chewing their snuff and forgoing all creature comforts as their Spartan lifestyle demanded ... By the end of the thirties, Gilbert was such a recluse that he would send his ox-wagon to Naivasha with a servant to pay his bills, fetch his post and bring back supplies to his farm.”<sup>8</sup> Huxley says Colvile “became a Masai addict”, like Delamere and Galbraith Cole, and “shared their [Maasai] indifference to comfort”.<sup>9</sup>

When one of his former farm managers, Desmond Bristow, first knew Colvile in the 1950s, he owned more than 35,000 cattle on seven farms, making his one of the biggest beef cattle operations in the country.<sup>10</sup> After his ‘apprenticeship’ with Powys Cobb, Colvile had worked for another settler farming family, the Hopcrafts. According to Bristow, Colvile got started on his own account when his mother gave him a farm at Ntapipi<sup>11</sup> (one of four originally on this land, west of Lake Naivasha) and £100,000 as start-up capital, a fortune in those days. “The first thing he did was to buy out his other three neighbours. Then he started straightening corners out by just excising bits of Maasai land, having come to an agreement with a chief called Natole.” His farming empire grew from there. He inherited more land from

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<sup>7</sup> He was 55, Diana 25 years younger. Huxley describes the surprising courtship and marriage in *Midday Sun*, pp108-9. He bought Oserian, her late lover Joss Erroll’s home on Lake Naivasha, for her in 1943.

<sup>8</sup> Trzebinski, *The Life and Death*, pp 69, 112, 307.

<sup>9</sup> Huxley, *Midday Sun*, p105.

<sup>10</sup> Testimony of Desmond Bristow, former manager of Colvile’s Ntapipi farm, and a former employee of the second Lord Delamere. Now manager of Solio ranch, Laikipia, which was previously owned by the Cole family. Colvile’s farms were Ntapipi, Kedong, Lariak, Ol-Murani, Sipili, Enkurare and Kongoni.

<sup>11</sup> Ntapipi means clover in Maa.

his mother, and “swapped” it for ranches called Lariak, Sipili and Ol-Murani. He was the first chairman of the Kenya Meat Commission, an active member of the Stockbreeders’ Association and other settler and farming bodies, but unlike Delamere did not dabble in politics per se. In anecdotal evidence, Bristow and the current Lord Delamere describe Colvile as an eccentric who chose to dress in home-sewn shorts made from “Tommy” skins,<sup>12</sup> lived almost entirely off meat and bananas, laced with the occasional glass of sherry, and could be found of an evening sunk in a high-sided leather chair built like a pub snug, taking Maasai snuff while burning the Maasai shrub *o-leleshua* whose aroma filled the room. He had adenoids, and spoke very strangely when he spoke at all. Unlike John Hurt’s slightly more glamorous portrayal of Colvile in the film *White Mischief*, “he looked like a tortoise with its head out of its shell”, said Delamere.

Colvile was the classic penny-pincher who made pounds grow. Though worth millions, his home at Ntapipi had no modern conveniences; he would use the fridge at his farm manager’s house if he needed to.<sup>13</sup> Bristow said: “Colvile didn’t miss anything when it came to money. He was known to be very mean, in his own lifestyle, the way he paid his ranch managers – it was pretty well much an inherent part of the Delamere-Colvile hierarchy that it was deemed to be a privilege to work for them. They just paid you what they liked, within reason.” He bred from Maasai cattle, in preference to the Northern Frontier Borans favoured by many of the early settlers. His favourite farm and cattle were on Ntapipi, where he lived: “That was his flagship, and he used to commute from there [to his other farms], with Swahili [Musungui] in the back of the car,” said Bristow. He is survived by his adopted daughter

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<sup>12</sup> Made from the skin of a Thomson’s gazelle.

<sup>13</sup> He was said to be worth over £2.5 million when he died, Huxley, *Midday Sun*, p107. Delamere, on the other hand, died with debts of more than £230,500. His grandson told me it took the family 20 years to get the farm back.

Deborah (known to friends as Snoo) who sold all the farms, acquiring a new property on the Kenyan coast and a farm in Hampshire. She was just 18 when her adoptive father died.

Delamere and Colvile reportedly admired the Maasai, felt some mutual bond with fellow aristocrats, and defended their right to remain bloody-minded outsiders.<sup>14</sup> When the government tried to forcibly conscript the warriors, “Delamere was quick to come to the defence of his beloved Masai”.<sup>15</sup> The story of his involvement as a mediator at Ololulunga is told in Chapter 9. From time to time, the pair also appear to have preferred Maasai company to that of their own kind (that is, their social class of whites), as stories about shared meat-feasting and, in Colvile’s case, alleged cattle raiding, bear out. Deborah Colvile said: “My father, an only child, was a bit of a loner, not very social unlike many of his contemporaries. I think he probably felt he had a common interest in cattle, farming, and nature generally with the Maasai.”<sup>16</sup> Huxley describes how Delamere “preferred talking to the Masai to the company of most white men”. He would hold nightly sessions by the fire in his living room, to which half a dozen herders were invited. The smell of “naked limbs smeared with rancid butter” would overwhelm other house guests, but they dare not say a word for fear of Delamere’s notorious temper: “Nothing annoyed him more than to hear his favourite Masai ridiculed or abused”. He even indulged their open raiding of his cattle – a common occurrence, despite the alleged blood brotherhood. This was a kind of mutual admiration society: “Members of this tribe were by no means ready to work for any European who asked them to. They were very particular, and only entered the service of men whom they liked ... The Masai took to him from the beginning”.

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<sup>14</sup> See Kathryn Tidrick’s ‘The Masai and their Masters’, Chapter 5 of Tidrick, *Empire and the English Character*, I.B. Tauris, 1990. She describes how some British administrators and settlers admired the aristocratic qualities of the Maasai, including their intelligence, courage, consciousness of superiority, athleticism, beautiful manners, aloofness, and lack of servility, largely because they smacked of public school values.

<sup>15</sup> Huxley, *White Man’s Country*, Vol. 1, p39.

<sup>16</sup> Personal communication.

She tells the story of how some young Maasai men approached Delamere at his Njoro farm one day, shortly after his first sheep had arrived (he imported Ryland, Lincoln, Border Leicester and Romney Marsh rams to put to the native ewes). They said they had heard that a white man had come, bringing many sheep and cattle, and claiming to know more than they did about herding. They were curious to see him. Having observed “fences going up, ewes being drafted, sheep being dosed, and other strange things”, they enquired how long he was staying. “‘I shall stay for ever,’ he replied. ‘Then’, they said, ‘we will look after your sheep. You do not understand the pastures. You do not understand sheep. We will help you.’”<sup>17</sup> The story has biblical overtones: Delamere was the chosen one, saved from the wilderness of which they were the keepers. He rewarded their faith in him by spoiling them rotten. Maasai herders were paid more than double what his agricultural workers got, and their food rations were rice and ghee while everyone else got maize meal.<sup>18</sup> Huxley says he had special greatcoats made for herders who came to Njoro, in case they felt the cold. Bristow claims Delamere gave his herders bowler hats. These descriptions fit Sandford’s claim that the few settlers who employed Maasai “were rather inclined to treat them as pets”.<sup>19</sup> Narok District Commissioner E.B. Horne took the same line: “Steady employment with small owners and business concerns undoubtedly improves the Masai, but residence with certain wealthy farmers of whom they are spoiled pets usually sends them back to the Reserve as reactionary and more swelled-headed than when they left it”.<sup>20</sup>

Delamere exclusively employed Maasai as stockmen; to this day, about half the workers on Soysambu are Maasai. His grandson said of him:

<sup>17</sup> Huxley, *White Man’s Country*, Vol. 1, pp151-2. She does not give a source for the sheep story.

<sup>18</sup> In 1912-13, his largely Kikuyu farm hands were paid 4 rupees per month with maize meal, while herders (“chiefly Masai”) received 10 rupees and superior food. Drivers and “more or less skilled men” were paid between 8 and 15 rupees per month. Evidence of Lord Delamere to the Native Labour Commission 1912-13, (NLC), *Evidence and Report*, Government Printer, Nairobi, 1914, pp108-9.

<sup>19</sup> Sandford, *Administrative history*, p129.

He found them the only people that he could really understand and get on with. I've always imagined that he thought that God, too, was an Englishman, although probably retired and living in the Argentine, and that the Maasai were the right sort of people, because if they were going to be tiresome, they would be tiresome to your face. They'd come and steal your cattle and run off with them, and if you shot a few and said, 'Don't do that', 'Fair cop', they said, and that was that. So he had an energetic relationship with them, but he could respect them. And he found them absolutely priceless, as we still do today, as herders. They are very good with individual cattle, they look after them to the best of their ability. Their pasture management is abysmal, it's about the same as that of the average Somali – they are just desert makers.<sup>21</sup>

Ironically, white farmers enabled many Maasai to return to their old stomping grounds after the second move, by giving them work and paying them in cattle. In the early days, some farmers allowed employees to graze their cattle alongside their own.<sup>22</sup> This is partly why some settlers are fondly remembered today. They also spoke the shared language of cattle and sheep. Some, like Delamere and Colvile, bothered to learn the Maasai language, too.<sup>23</sup> As Ole Gilisho's son Shoriba put it, when asked if his father had had any support from white people: "The only friends Ole Gilisho had were the white men who took care of cattle". White pastoralists new to the country soon realised that they could not function without African herders, and the Maasai were superlative in this regard. They also knew these particular pastures, water points, salt licks, climate, and diseases specific to the territory and its stock. They could, for example, have warned the Rift farmers about the dangers of Nakuruitis, a mineral deficiency which caused them to avoid certain pastures at Nakuru and Njoro.<sup>24</sup> They later advised Galbraith Cole to move his sheep, who were dying from tick-borne diseases at

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<sup>20</sup> Narok District A/R 1925, KNA, p19.

<sup>21</sup> Testimony of the current Lord Delamere, interviewed at his home at Soysambu, 2001.

<sup>22</sup> The current Lord Delamere said this practice was discontinued (no date given) when the sheer numbers of Maasai cattle meant they could no longer be supported on the same land. Employees were told to take their cattle elsewhere. However, Bristow denied that Colvile and Delamere had ever allowed this to happen.

<sup>23</sup> Galbraith Cole could also speak Maa according to his wife, Lady Eleanor. Cole, *Random Recollections*, pp64-5.

<sup>24</sup> Huxley, *White Man's Country*, Vol. 1, p138.

Kekopey in the Rift,<sup>25</sup> up to Pingwan on Laikipia.<sup>26</sup> So no sooner had the Maasai been expelled than they were asked to return north as labourers, or simply showed up at the farm gate. A few seasons in Ngatet were enough to convince them that the place was cursed with diseases of both humans and stock (see Chapter 8). Those who could leave, did so.

From evidence given by farmers to the Native Labour Commission 1912-13 (the NLC, to which Leys and McGregor Ross also contributed), it is clear that some ‘northern’ Maasai did not join the move south at all, but were already working on white farms by that date. They kept their toehold in the highlands, and were joined by others as the years went by. Some Dorobo (Ogiek) did the same at that time and later, when threatened with a forced move south in 1937. Not all the NLC witnesses gave the ethnic background of their workers, but some specifically stated that they employed Maasai. They included, from evidence taken at Nakuru between December 1912 and February 1913, J.K. Hill, managing a 3,000 acre farm at Gilgil for the East Africa Syndicate; H.W. Keeling, a partner of Robert Chamberlain’s, farming 20,000 acres at Elmenteita; C.A. Chaplin, a sheep farmer on 16,000 acres at Naivasha; and Delamere, who employed about 100 herders, “chiefly Masai”, on his stock farm.<sup>27</sup> It is not possible to quantify the numbers of Maasai who returned north without further research.<sup>28</sup> But the testimonies of several returnees seem indicative of a wider phenomenon, and I shall go on to examine these.

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<sup>25</sup> Kekopey ranch, named after a small river running through it, was on the east side of Lake Elmenteita, opposite Delamere’s Soysambu farm. Eleanor Cole farmed it and Solio after Galbraith’s death in 1929. Their son Arthur took it over in 1956, while his brother David took over Solio. Kekopey was later sold and sub-divided.

<sup>26</sup> Cole, *Random Recollections*, p46. The sheep were badly hit by disease, especially heartwater, in 1919. The Coles later bought land at Pingwan.

<sup>27</sup> NLC, *Evidence and Report*. The references are Hill, p112; Keeling, p112; Chaplin, p121; Delamere, from p108. Leys’ written evidence on 26/12/12 is on pp270-4; McGregor Ross gave oral evidence, pp42-7.

<sup>28</sup> The Narok District A/Rs, for example, do not give figures for the numbers of Maasai working outside the reserve. The references are vague – “a fair number of Laioni [boys] have gone out of the Reserve to work as herds” (1914-15); similar said of warriors and boys in 1915-16; an estimated 400 Maasai working on stock farms, a few also employed as police trackers (1925); the two-year drought drove an “increasing number” of young men out to find work, largely at Elmenteita and Laikipia – they reportedly refused to go anywhere else (1928).

This may not sound extraordinary. But the so-called recolonisation of the highlands by Africans after 1913 has been described as a largely Kikuyu venture.<sup>29</sup> Studies of squatters and out-migration from reserves have also focused almost entirely on the Kikuyu experience and overlooked that of the Maasai, who seem to have become both squatters and contract labourers on white estates. Berman writes about the attractions of squatting to “Africans, primarily Kikuyu, seeking relief from mounting pressures in the reserves ... Squeezed by the chief, squatters found ‘land and freedom’ in the realm of the settler, where the large concessionaires in particular made few if any demands upon them”. For the Maasai, read cattle and relative freedom. African pastoralists are not even mentioned in Berman’s précis of the administrative breakdown of Kenya into three labour zones in the late 1920s, in which “the second zone of Ravine, Nakuru, Naivasha and Laikipia was the heartland of white settlement in the Rift Valley and involved primarily maize and stock production employing Kikuyu squatters”.<sup>30</sup> He repeats the old cliché about Maasai economic conservatism, writing of “the resistance of nomadic pastoral peoples to change and incorporation in the colonial economy”.<sup>31</sup> Considerable numbers changed and were incorporated, but have become invisible. However, they are in the statistics. For example, 25.28 per cent of adult Maasai males were working in January 1927.<sup>32</sup>

In common with other ethnic groups which required stock for bridewealth, the primary reason why young, unmarried and propertyless Maasai men went out to find wage labour in this period was in order to get the stock they needed to start a family. (Some, of course,

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<sup>29</sup> See for example Berman, *Control & Crisis in Colonial Kenya: The Dialectic of Domination*, James Currey, 1990, p62; Lonsdale in Berman and Lonsdale, *Unhappy Valley II*; Tabitha Kanogo, *Squatters and the roots of Mau Mau*, James Currey, 1987.

<sup>30</sup> Berman, *Control*, p158.

<sup>31</sup> Berman, *Control*, p219.

<sup>32</sup> A. Clayton and D. C. Savage, *Government and Labour in Kenya 1895-1963*, Frank Cass, 1974, p150. This percentage was much lower than that of other ethnic groups – for example, 72 per cent of Lumbwa males were working, and 72.8 per cent of Kikuyu from Kiambu. The authors remark that the figures for Maasai and Machakos Kamba (20 per cent) were the only two on this table to have remained comparable to the 1914 figures.

simply went and stole it from European farms and ran it back to the reserve through the forests.) They may also have been coerced by ‘chiefs’ acting on the orders of government officials anxious to meet settler demands for labour, though none of my informants mentioned this. Avoidances were a major spur to out-migration, and these included avoidance of recruiters, cattle disease, conscription (the Maasai managed to avoid this altogether), taxation, compulsory labour, chiefly controls, and stock fines under the Stock and Produce Theft Ordinance 1909 (several amendments followed) and the Collective Punishment Ordinance 1909 which exacted collective punishment on villages and sections for cattle rustling and other crimes. As for taxation, neither tribal authorities (government-appointed chiefs) nor tribal police in the reserves could chase emigrants onto settler land in order to extract taxes from them. There was a split jurisdiction between the country’s main police force (which operated only in the urban and European settled areas) and the tribal police, who were answerable to administrative officers in the reserves.<sup>33</sup> Whether the Kenya Police, as they were later called, were responsible for chasing tax defaulters from the reserves onto white farms is unclear; if left to the local DC or other tax collectors, settlers were notoriously uncooperative with officialdom and administrative controls were lax in the settled areas.<sup>34</sup> Berman suggests that many Africans on European farms managed to evade controls with the connivance of employers, and that emigration undermined chiefly jurisdiction, threatening the state’s ability to extract tax and labour.<sup>35</sup> Kanogo describes how the ‘White Highlands’ were regarded as a haven for people wishing to escape conscription into the Carriers Corps: “Here, settlers

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<sup>33</sup> See D.M. Anderson, ‘Policing, prosecution and the law in colonial Kenya, c 1905-39’, in D.M. Anderson and D. Killingray (eds.), *Policing the empire: Government, authority and control, 1830-1940*, Manchester University Press, 1991.

<sup>34</sup> Anderson, ‘Policing’, p192, describes how some settlers did not welcome police night patrols on farms post-1925 because this exposed them to surveillance, too. Yet they had demanded tighter policing.

<sup>35</sup> Berman, *Control*, for example pp148, 61.

protected their employees from conscription for fear of losing their resident labour”.<sup>36</sup> However, Christine Nicholls writes that many Kikuyu had been called up for the Carriers Corps and Maasai were able to fill the labour gaps they left in the highlands.<sup>37</sup> Sixty days forced labour each year on government projects, introduced under the Native Authority Amendment Ordinance 1920, was another disincentive to stay unemployed in the reserve. This was the intention of the law, which succeeded in increasing the flow of labour to white farms. Finally, although my informants did not say so, it is likely that Maasai in the Southern Reserve learned the news from those who slipped back north that land in the highlands still lay unutilised many years after their expulsion.<sup>38</sup> Those who returned may have been curious to investigate the possibilities.

There is a contradiction between claims that this out-migration by job-seekers was largely voluntary, and Berman’s description of settler treatment of African labourers as one of “chaotic brutality”.<sup>39</sup> There were certainly brutal incidents, involving assaults and murder that went virtually unpunished – and Leys set evidence of these before the Native Labour Commission, pointing out that settlers were free to fine and flog because “the ordinary European has more power than a magistrate” and “the law rarely punishes the European, even in brutal assaults”.<sup>40</sup> (The NLC evidence was his parting shot before leaving – he had left the country in disgrace before the Commission sat at Fort Hall, so could not give evidence in

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<sup>36</sup> Kanogo, *Squatters*, p13.

<sup>37</sup> C.S. Nicholls, *Elspeth Huxley: A biography*, HarperCollins 2002. Huxley’s mother Nellie Grant had a Maasai overseer called Sammy whom she regarded highly. “Sammy was a terrific help on the farm ... He always collected Masai around the place and gradually I collected a 100% Masai household,” p45.

<sup>38</sup> “In mid-1931, a million and a half acres, 20 per cent of alienable Highland land, had never been occupied by its owners [and] almost three million ... lay undeveloped by whites on existing occupied holdings”, M.G. Redley, ‘Politics of a predicament: the white community in Kenya 1918-32’, Ph.D. dissertation, Cambridge, 1976, pp17-18, cited in Berman, Chapter 4. A distinction should be made between African pastoralists’ perceived failure to use land, and the actual undevelopment of land by absentee Europeans.

<sup>39</sup> Berman, *Control*, p65.

<sup>40</sup> Leys’ written evidence to the NLC, *Evidence and Report*, p273. The response of the *Leader* newspaper to this last statement was “Fie for the law, we say”. A later notorious murder case, which McGregor Ross took up,

person.) Leys devoted most of a chapter of *Kenya* to murders of Africans by Europeans, which began by describing the Cole case without naming it. By sending his account of the case to Harvey, who put pressure on Harcourt, Leys indirectly forced the government to publish a White Paper on the judgement.<sup>41</sup> However, Cole was great material for polemicists, but he was not the norm. If all settlers treated their workers badly, none would have stayed, let alone for three generations in the case of the Delameres. Research is required into rates of Maasai desertion, and the reasons for it. But the following testimony implicitly challenges this monolithic view of the terrible conditions of employment on settler farms, and “the capricious brutality of the settlers” as a whole.<sup>42</sup>

### **The returnees**

Kitinti Ole Sadera was born in Entorror of a Purko father and a Laikipiak mother, moved to Narok and then to Trans-Mara between 1911 and 1913, and returned north as a junior elder to work for Colvile. “I came here when I was just a man and married with one wife. I was chased from Ngatet by *ol-tikana* [ECF] which was killing many of my cows. I came back for employment.”<sup>43</sup> Having acquired more cows in Entorror, he took them south but they were also “finished” by ECF, and he returned north again. This time, he appears to have stayed put. At the time of interview he had six wives and 30 children, and claimed to have around 1,000 cattle and the same number of sheep and goats. His main grievance today is that he has no land title.

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involved Molo farmer Jasper Abraham who ordered three Kalenjin workers to beat another African employee so badly that he died. See Northcote to Secretary of State, 3/7/23, CO 533/296.

<sup>41</sup> Leys, *Kenya*, Chapter 6, ‘Black and White’, pp160-162.

<sup>42</sup> Berman, *Control*, p129.

<sup>43</sup> Kitinti Ole Sadera, (Lemek 25), Purko, left-hand circumcision or Il-Gecherei of Il-Terito age-set, age unknown but likely to be 90s, now living north of Rumuruti.

I went back to Entorror with my [first] wife – she was carrying a child – and also an old man living next to me. You had to take a letter from the DC of Narok which said where you were going. Then your name was put down and you were told: ‘Take this passport to Rumuruti, or to Nanyuki’. When you reach there, the DC from Rumuruti has to put a stamp and sign it to say you are allowed to stay there. You cannot be refused [permission to return], but what you cannot do is go with cattle, sheep and goats. I sold my cows, and bought more when I settled at Entorror.

Under the Native Passes Regulations 1900, and the Rules to Control the Movement of Masai (issued 24 April 1906), Maasai were allowed out of the reserves with a pass from a Collector or Assistant Collector. But these were time limited, could be refused for no reason, and had to be produced on demand. If one was unable to do so, the punishment was imprisonment for a maximum of three months, and six months maximum with hard labour for repeat offenders. The Resident Native Labourers Ordinance of 1918 sanctioned squatting on European farms, as a means of supplying labour. This was passed, as Huxley puts it, “to regulate the growing custom” of such out-migration from reserves.<sup>44</sup> But it made conditions worse for squatters; the period of compulsory labour became 180 days per annum at around two-thirds of the salary of contract labourers, and this rule was applied to all male members of a squatter’s family over the age of 16. A new ordinance with the same name followed in 1925, making a squatter’s failure to do sufficient work a punishable offence, and prohibiting continued residence on settler farms to persons not under contract. Male migrants were also bound by the much-hated Registration of Natives Ordinance 1915, which required them to carry an identity certificate or *kipande* which included their employment record. Under this system, a worker who left without being signed off by their employer could not legally start working for someone else and was regarded as a deserter. The *kipande*, or the previously mentioned pass, is probably what Ole Sadera meant by a passport. Another important piece of legislation adversely affecting labour in this period was the Master and Servants Ordinance

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<sup>44</sup> Huxley, *White Man’s Country*, Vol. 1, p61.

1906 and its subsequent amendments, which tended to protect employers rather than workers. Breach of the 1916 Ordinance could land an errant worker in jail for up to six months.<sup>45</sup>

Though they did not accompany him on the journey north, other members of his age-set trod the same path at around the same time. “Many of the Il-Terito were employed by Nesore [Colvile], and they bought many cows and they got families through that kind of employment.<sup>46</sup> I was not alone – many Maasai boys joined Nesore’s work. We not only worked for Nesore; we worked for many whites who have settled at Entorror ... They saw that only the Maasai boys can guard these cows, and then we were called.” This “calling” parallels Kikuyu squatters’ descriptions of how Delamere sent for them: “Lord Delamere, head of the white clan, *mbari ya nyakeru*, and *munene wa mathetera* or chief of the settlers, then invited Kikuyu to colonize these ‘white highlands’. Squatters had not looked for work; he had sent for them, fetching their families and flocks by train ... Pharaoh had sent for Joseph; Delamere called in Kikuyu”.<sup>47</sup> Both settlers brought in Kikuyu to do the agricultural and technical work, leaving the herds to the Maasai.

When asked what Colvile was like as an employer, Ole Sadera said:

Nesore was a good person to work for. He didn’t make noise to workers [that is, he did not shout at them] because he was a Maasai. He understood Ki-Maasai completely. His father was called Copel. The mother was called Kapangi. I have met them all. He was a good man who was taking care of us, and we were also taking care of his livestock at a place called Lariak. There were 186 employees who were taking care of the farm.

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<sup>45</sup> D.M. Anderson, ‘Master and servant in colonial Kenya, 1895-1939’, *JAH*, 41 (2000) describes the range of legislation affecting African workers in this period.

<sup>46</sup> In other words, they could acquire brides through cattle bridewealth, and subsequently produce children.

<sup>47</sup> John Lonsdale, ‘The Moral Economy of Mau Mau: Wealth, poverty and civic virtue in Kikuyu political thought’, in Berman and Lonsdale, *Unhappy Valley: Conflict in Kenya and Africa, Book 2: Violence and Ethnicity*, James Currey, 1992, pp383/4.

A few of the diaries kept by Colvile's farm manager at Lariak ranch survive from the 1920s.<sup>48</sup> They confirm patterns of Maasai employment, and other fascinating details of daily life on the farm. A list of labourers for 1928 and 1929 includes such Maasai names as Lataiya, Sotian, Naigisi, Sagamu, Ole Mbweigai, Ole Gerema and Kotel, and the dates of hiring are given.<sup>49</sup> The pay for herders was four shillings a month with *posho*, which suggests that they were squatters rather than contract labourers, since this same figure is given by Berman and Furedi for squatters.<sup>50</sup> Either that, or they were exceptionally badly paid and cattle made up for little cash. This is half the average salary cited by Leys for labourers in Kikuyu Province in 1924, without food.<sup>51</sup> They were also issued with blankets and umbrellas, and had free hair cuts: "All Masai had their hair cut" is the entry for 18 October 1928. Labourers of various ethnic backgrounds were constantly being transferred between Colvile's ranches; for example, the entry for Monday 16 January reads: "Two Kikuyu to Ndabibi (Ugly Mug and Kamau)". Colvile was also constantly coming and going, travelling between his estates.

The dipping of cattle against ECF took place almost every day of the week. Entries indicate that employees' cattle were also dipped, which was a major benefit. There is no suggestion that they were made to pay for this, though that cannot be ruled out. (Swahili Musungui claimed that Maasai cattle were mixed with Colvile's stock, and if a cow got sick "you were not charged anything for treatment".) Alongside Colvile's stock, employees' cattle also appear to have been inoculated against Black Leg, Blackwater, Redwater, para-typhoid, and contagious bovine pleuro-pneumonia (BPP). Colvile made his own vaccine for the latter.

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<sup>48</sup> I am indebted to Desmond Bristow for permission to read and quote these. The diaries for 1927-29 and 1932 are in his possession. They appear to have been written by a Captain B.W.D. Cochrane, who noted on 7 April 1928: "Have been with Mr Colvile three years today".

<sup>49</sup> For example, the entry for 11/1/28 reads: "Engaged Kotel Ole Mengat, LKA 448840" (presumably LKA stands for Laikipia or Laikipiak, although another LKA is described as Dorobo). On 16 July: "Engaged (Masai) Ngateya Kipaisan, MAS 436874".

<sup>50</sup> This was the average pay plus rations for squatters who did three to four months' work per year, Berman, *Control*, p148, citing Frank Furedi, 'Kikuyu squatters and the changing political economy of the Highlands', paper presented to the Cambridge Conference, June 1975, p2.

Bristow said: “It was a very crude form of vaccine, made by grinding up material from the lungs of an infected cow and injecting this in the tail. I don’t think the success rate was very good.” They were also branded (21 February 1928: “Branded 20 heifers for Masai herders”), which was another plus since this must have partially safeguarded them against theft. On 29 October 1928 the entry reads: “Samburu raiding again, three tried to get away with Masai cattle yesterday”. Amid cryptic reports of locusts, forest fires, weather extremes (“hell and then some?”), and cattle killed by lion, life was a daily battle against stock disease. For example, in early May 1928 there were almost daily entries about rinderpest outbreaks, and two reports in September that year of foot and mouth in employee Arash’s herd, and another nearby “in Tomlinson’s Dorobo cattle at Leshanguru”. Colvile appears to have fought back by conducting various veterinary experiments, of which Swahili Musungui will say more in due course.

Colvile’s salaries may have been low, but other settlers paid Maasai and other herders a higher rate than their agricultural workers.<sup>52</sup> Overall, Maasai herders were either well paid or enjoyed other special benefits. These were veterinary protection (when there was precious little in the reserve), the chance to learn about new veterinary techniques, and to build up a healthy herd of your own while being paid and sheltered to look after someone else’s. One informant, when broadly asked what he knew about Colvile, said immediately: “He was the one who brought the medicine for cattle diseases. He injected the cattle with the medicine for anthrax and rinderpest, and those medicines were very good – cattle never got sick. Even the

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<sup>51</sup> Leys, *Kenya*, p206. Wage rates were higher on the coast, and in towns.

<sup>52</sup> The higher salaries that Delamere paid his herders have been mentioned already. See the NLC Report for other evidence – for example, Chaplin paid his Maasai from 8 to 10 rupees a month while Kikuyu got from 4 rupees, with food. Keeling paid his Maasai 12 rupees, his agricultural labourers (Kavirondo and Kikuyu) between 4 and 5 rupees with food. Hill paid his mostly Kikuyu “new boys” 4 rupees with food, while Maasai herders got between 6 and 10 rupees, *NLC Evidence and Report*, pp121, 112.

dipping, he was the one who introduced it to the Maasai”.<sup>53</sup> No mention of the vets – this was seen as Nesore’s doing and Nesore’s particular expertise. Colvile even visited Ole Gilisho in the Southern Reserve in 1928, when his cattle were badly affected by streptothricosis, took smears and forwarded them to the government laboratory.<sup>54</sup> He appeared to be doing his old friend a personal favour, at a time when veterinary support to Maasai in the reserve was pretty poor.<sup>55</sup>

Clayton and Savage hint at these benefits, when writing about the rural equivalents of post-war urban attractions and new ways of life – “the agricultural and veterinary methods, the machines, superior grain and the cattle, poultry and vegetables of the settlers”.<sup>56</sup> If conditions were so very terrible, one might have expected Maasai to work for a few seasons and return to the reserve after accumulating some stock, instead of staying for life. (In the Delamere case, three generations of Maasai families have remained on the Soysambu ranch, through three successive generations of Delameres. The farm manager has difficulty persuading workers such as Lendani Ole Sialala to retire and leave the estate for homes and land they own elsewhere.) Some Maasai may well have done so, and further research is required to establish the various patterns of employment in the period from the end of World War One to independence. But as previously mentioned, there was another factor which kept Maasai and other Africans on certain farms – the relative freedom from government control which came with the territory of being on white-owned land. Berman writes: “At the district level in the Highlands ... the control of the district officers and commissioners over white landholders was nominal, and their effective authority reduced to a fraction of that which they exercised in the

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<sup>53</sup> Parmale Ole Njapit, Lemek 22.

<sup>54</sup> A bacterial disease of cattle which causes dermatitis, particularly along the back. Ticks play a role in transmission. Associated with wet conditions and high humidity.

<sup>55</sup> Narok District A/R 1928, p25. DC/NRK.1/1/2, KNA.

<sup>56</sup> Clayton and Savage, *Government and Labour*, p151.

African districts.”<sup>57</sup> In the reserves, DCs and other officials could call on you at any time, to “see what Johnny was doing, and tell him not to”, as Leys put it.<sup>58</sup> But Africans living on remote, white-owned estates had escaped the busybody state to some extent, or at least swapped the DC and his entourage for one master. Of course they were still subject to the law, but they were not under the official boot in quite the same way.

In the reserves, on the other hand, closer administration meant abiding by a range of new laws. Some have been described already. Sandford listed 13 new laws affecting Maasai in the reserve which were introduced between 1909 and 1915, some amendments to previous ordinances. The list was not exhaustive; he said he did not, for example, include new Diseases of Animals Ordinances.<sup>59</sup> Chapter 9 will explore the effects of this closer administration on the Maasai, and the way in which certain groups kicked against it. Those young men who left the reserve altogether may have felt they were escaping tyrannical controls. There is no evidence that they were coerced to leave by ‘chiefs’ under state pressure to produce labourers, but left of their own volition.

### **Inventiveness or criminality?**

Settlers and their employees had to be inventive, since there were insufficient vets available to cover the country. According to Bristow, livestock officers substituted for vets in the early days; while they had a working knowledge of stock disease, they were not clinically trained. Apart from his veterinary experiments, Colvile was innovative in other ways – he invented his own machine to make wire netting, and built his own drilling rig.<sup>60</sup> But other stories suggest that he was more than inventive. When asked about the vaccine Colvile made,

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<sup>57</sup> Berman, *Control*, pp57-8.

<sup>58</sup> Leys, *Kenya*, p105.

<sup>59</sup> Sandford, *Administrative history*, from p132.

<sup>60</sup> Information supplied by Desmond Bristow.

Swahili Musungui made an interesting claim. “Nesore never made vaccine; he stole it. Even me, I was among the thieves. The vaccine was for rinderpest, and it was for the government vets. Nesore had so many calves – we maybe took about 200 to the government vet, and the other 300, we used our vaccine which we stole to inject them.” He described how he stole it: “Me, I was holding a certain kind of container with the vaccine in, while the government vet was doing the injections. The calves were put in a crush. I removed that syringe from my pocket and then I took away the vaccine from the container and put it back in my pocket. We had a goat we put in a pen. After we injected the goat with this vaccine, we slaughtered it. We removed the liver, put it in a certain machine to crush it into pieces, and then Nesore stole a book from the vet describing how to make all those vaccines. So through that liver, we made a vaccine, and we used it to inject the calves at night. The vet has been complaining about the book: ‘Who has stolen it, or has it got burnt?’ In the end, they never found it.”

It is impossible to confirm the truth of this story. If true, and there is no reason to doubt such detail, then it indicates a measure of criminal collusion between settler employer and African employee. They were united in their subversion of government agents. Other stories about Colvile suggest he went raiding with Maasai warriors into German East Africa during World War One. According to the current Lord Delamere, Colvile avoided joining the army, which was his father’s wish, by deliberately blowing off one or more of his toes with a rifle. This contradicts Gethin’s version of events, cited earlier, and Huxley’s.<sup>61</sup> I am inclined to believe Delamere, both because he was close to Colvile, and because Colvile’s constant hunting, shooting and sailing indicates that he could not possibly have been severely disabled by this ‘accident’. In Gethin’s 1910 diary, he and Colvile went shooting jackal, leopard,

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<sup>61</sup> Huxley told a different story: “Probably he would never have settled in East Africa had he not blown off several toes while shooting rabbits, which disqualified him from taking up the commission in his father’s regiment that he had gained on leaving Sandhurst”, Huxley, *Midday Sun*, p105. However, her source was more

impala and other game almost every other day, when they were not busy pig-sticking or sailing on the lake.<sup>62</sup> As for the war story, Delamere said:

Gilbert and the army didn't get on. But Gilbert in the First World War realised it was his patriotic duty to do something. He certainly wasn't going to join the army. So he got together with his favourite gang of Narok Maasai from round here and said: 'Now look here, there's a good thing to be made out of this. It's our duty to go and liberate some of the cattle from Tanzania'. 'Whoopee', said the Maasai, "you're absolutely right. All the cattle in the world belong to us, as you know, but God has unfortunately allowed other people to deprive us'. 'Well', said Gilbert, 'I'll tell you what we'll do. We'll sit up a little *koppie* and see where the Germans are, and when they're at Tuesday we'll do Friday, is that clear?' So they did that, because the Germans are very methodical ... you could rely on their patrols exactly. So when they were at Friday, he raided Tuesday. His system was very simple. He kept half the cattle, and the Maasai kept half. But because he was a patriot and a nationalist, when he got his half back to Kenya he sold half of them to the British Government who were very grateful because it enabled them to feed the troops. How nice to be so patriotic.

The last line was spoken with heavy sarcasm. He claimed there were several such joint raids, from about 1915 onwards.<sup>63</sup> Again, it is difficult to verify the story. But one of Huxley's sources, Paddy Grattan, told her: "I got the impression from G.C. that he was involved in World War I Coles (?) Scouts and some sort of intelligence work along the Tanganyika border"[his questionmark].<sup>64</sup> There were numerous groups of settler-led "scouts" involved in war work on the border and inside German East Africa.<sup>65</sup> Two of the scouts were Naivasha farmers Cotter and Fay, friends of Gethin's. Gethin also described the unorthodox antics of Rosses Scouts, led by South African War veteran Major 'Biltong' Ross, who went into

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sceptical. Paddy Grattan, a former employee at Oserian, said Colvile often told him the story, but confided in Huxley that "this sounds rather ... far fetched though amusing", Huxley Papers, RHO.

<sup>62</sup> 1910 Diary, Gethin Papers, Mss. Afr. s 1277 (4), RHO.

<sup>63</sup> The fact that the current Delamere knew Colvile well tends to confirm the likely truth of his story. He worked for Colvile for six months on leaving Cambridge at 21 with an agricultural degree. His step-mother Diana had been married to Colvile for 12 years before their amicable split and her marriage to Tom Cholmondeley made her a Lady; Colvile was practically family. Incidentally, she is buried between these two former husbands in a small burial ground on a low hill in the middle of the Ntapipi plain, on what was Colvile's bull paddock. Nearby is the grave of her and Colvile's only natural child, a girl who died aged ten days, and the grave of his beloved pug dog Peggy, a present from Diana. Bristow buried both Diana and Tom. He says the wall around the gravesite was Lady Delamere's idea: "Colvile wanted cattle to walk freely over his grave".

<sup>64</sup> She did not use this information in *Midday Sun*. Huxley Papers, RHO.

<sup>65</sup> See Tzebinski, *Kenya Pioneers*, Chapter 12 on 'War'. Settlers were taken on both as regular soldiers and intelligence scouts. Berkeley Cole was made an officer, and put in charge of 800 Somali horsemen. Meinertzhagen had hundreds of "agents" working for him in G.E.A, and 2,500 African scouts, p188.

German East Africa in about 1914 “with the sole object of playing merry hell ... He had enlisted about 40 of the hardest characters in the colony”. The Ross family threatened to sue in 1955 when Gethin’s memoirs were serialised in the local press. Gethin had described Ross as “ruthless”, said his scouts were known for “looting and killing all before them”, and claimed that they had been disbanded because “they were too tough for East Africa even in those days”. In a story that echoes Delamere’s tale of Colvile, Ross (an Australian, though Gethin wrongly called him Canadian) and a party of unnamed friends had also allegedly raided 500 cattle in German territory some years before the war, but they were arrested by a German DC before they could escape across the border. In 1914, Ross returned to take revenge. When attacked by the Ross family, Gethin stood by his story. If true, it indicates that the line between freelance and authorised raiding was a thin one, and that some European ‘settler-soldiers’ trod a very fine line indeed.<sup>66</sup>

Bristow believed the Colvile raiding story highly unlikely, but it was corroborated by Colvile’s closest Maasai associate, Swahili Musungui, without the question having been asked. “Nesore even led the Maasai warriors to raid a community called Il-Tatua,” he told me. “During that time there was also fighting between the British and the white people from Tanzania. During that raid, they went to a place called Magadi and Nesore killed two people. He brought a gun from there, and a horse who was given the nickname Sokis [Socks], and the gun they brought was called 303. Even me, I have used that gun.” This is an uncommon amount of detail for a fib, which leads me to believe that the story is true. Further corroboration came from another Maasai informant, John Ole Karia, who as a child was in his

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<sup>66</sup> Cotter and Fay were sent to patrol the border with a few Maasai warriors, but never saw action (pp14-15). The Ross references are pp44-5 (ff98-9) of 1277 (1) and in Part IV of the Gethin Papers, RHO. As previously stated, these papers are disorganised and uncatalogued.

own words “Colvile’s kitchen *toto*”.<sup>67</sup> He said that the alleged raiding all those years ago connects directly to a modern land claim. The Enaiborr-ajjik Group Ranch is contesting ownership of several “land parcels” near Ntapipi. All were formerly owned by Colvile; some are now farmed by a European at Enaiborr-ajjik, others are owned by a Kikuyu absentee landlord whose plans to grow wheat were thwarted by local Maasai who physically prevented him from ploughing. The right of both men to the land is being challenged. It is alleged that Land Parcel 413 was given to Colvile by the British colonial government “as a token of appreciation of his 1<sup>st</sup> World War exploits” – a euphemism for his freelance raiding.<sup>68</sup> How do they know? Ole Karia said: “Because Colvile boasted about his exploits to the old men. He would say how he had defeated the Germans, how he had acquired the cows and the land. In fact, he shared the loot with the Maasai.” Colvile could not resist bragging like a regular warrior. The only problem was, the land he was given was excised from the Maasai Reserve next door. Furthermore, Ole Karia knew about the raids because one of his relatives – Ole Kirtela, who has appeared several times in this story – took part. “Kirtela went with Colvile on the raids. It was a big safari.”

Delamere’s fond description of Colvile as an “amiable pirate” arises from the raiding tale, as well as other revelations that include alleged tax dodging, the surveying of land and boundaries to suit himself, and the hoodwinking of vets. Rather than see a doctor, Colvile would take his pug dog to the vet, describe his own symptoms, and take the medicines prescribed.<sup>69</sup> Other stories told by Paddy Grattan and Anne Carnelley paint him as a pyromaniac – he loved nothing better than to start a big bush fire, not much caring what he

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<sup>67</sup> Lemek 49. Originally Laikipiak, assimilated by the Purko, John Ole Karia has been enormously helpful to me since 1997. An employee of Narok County Council, he lives at Narok and Enaiborr-ajjik.

<sup>68</sup> Letter of 22/1/96 from Enaiborr-ajjik Group Ranch to President Moi, outlining a history of the claim to Land Parcel numbers 1382/1, 1382/2, 1378, 410/1, 410/2 and 6253 (Naivasha). No reply has been received, and the claim is ongoing.

<sup>69</sup> Testimony of current Lord Delamere.

destroyed in the process.<sup>70</sup> This tendency may also have endeared him to the Maasai, who were fond of burning grass and bush in order to destroy ticks. It demonstrated his fearlessness and physical confidence in a tough environment.

What do other accounts say? Sandford described how several hundred Maasai warriors were employed as scouts and messengers by the Intelligence Department to patrol the German East Africa border during World War One. Delamere was put in charge of them, having been instrumental (according to Huxley) in persuading the government to hire them: “Delamere disappeared into the border country on a mule with a few faithful Masai, some blankets, cooking pots and saddle-bags of flour, sugar, chocolate and tea, to take over the job of organising patrols and scouts along 200 miles of unguarded frontier. ‘They were the hardest six months’ work of my life’, he afterwards wrote”.<sup>71</sup> In early 1915, about 100 rifles were given out to warriors of four sections, including the Purko, and these gave them “more confidence” to scout. In June 1916, they were supposed to hand their weapons in, but the last of them were not handed over until December that year. Sandford noted: “There is no doubt that the possession by the Masai of these few rifles helped to instigate the majority of the raids which the Masai carried out against tribes in German East Africa.”<sup>72</sup> He listed eight such raids; six took place in 1915 and 1916, while two were undated. There is no mention of any European sponsoring or joining such raids from the British side. Neither is there strong

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<sup>70</sup> On trips to Laikipia with Grattan, there was “almost inevitably, ... a burn! Gilbert loved fires. He had seen enough of them, one would have thought, to be nervous of them, but not at all. The sight of a big spread of dry or drying grass or a bush clogged valley would be enough. An estimate of the wind would be made, the chances of rain and the location of firebreaks would be briefly discussed, matches or a lighter would be produced by someone, and a satisfying blaze would send him back to Sipile a contented man!” (Grattan to Huxley, Huxley Papers, RHO.) Anne Carnelley’s husband had a property next to Colvile’s at Naivasha, and owned two islands in the lake which were a hippo sanctuary. The two men fell out, partly because the Carnelleys were into conservation and Colvile was not, and lions from the Carnelley’s land kept attacking Colvile’s cows, while the hippos ate Colvile’s lucerne. “So Gilbert set alight to the islands destroying masses of wild life, as well as upsetting the hippos” (Carnelley to Huxley, 1984, *ibid.*)

<sup>71</sup> Huxley, *White Man’s Country*, Vol. 2, p7. Trzebinski also describes Delamere’s role in *Kenya Pioneers*, from p180.

<sup>72</sup> Sandford, *Administrative history*, from p127.

condemnation. The British had worried about whether they could rely on Maasai loyalty during the war, given their proximity to the Germans. One is tempted to read faint praise of freelance raiding into the statement: “Not only was there no suspicion of disloyalty on their part, but they also rendered material and voluntary assistance to our forces, and on many occasions proved extremely useful”.<sup>73</sup>

### The experience of other employees

Nkotumi Ole Kino was a herdsman for Colvile.<sup>74</sup> Again, his family had been moved south but he managed to return in order to seek employment, and has stayed on Laikipia ever since. At the time of the second move, he said, he was old enough to be looking after sheep, which indicates that he was at least seven or eight. He remembered Collyer, and claimed to have been taught by him. In Narok district the family settled at Orkinyei, near Lemek. A relative living at Laikipia brought him back there to be circumcised. He returned to his parents, became a warrior, and returned north after *eunoto*. Ole Kino decided to play on the fact that some Dorobo (Ogiek) had remained in Enterror when the Maasai left,<sup>75</sup> and that British officials could not tell the difference between them. He pretended to be Dorobo in order to be allowed to stay.

<sup>73</sup> Sandford, *Administrative history*, from p126. The main assistance given was not in the form of conscripts, but largely in stock to feed the troops. The total stock provided by March 1917 from the whole Southern Reserve was around 300,000 sheep and 30,000 bullocks, of which about half the sheep and nearly all the bullocks were forcibly taken.

<sup>74</sup> Nkotumi Ole Kino, (Lemek 26), Purko, right-hand circumcision or Il-Tieki of the Il-Terito age-set, interviewed at his home at Ormanie, north of Rumuruti.

<sup>75</sup> In evidence to the KLC, Oimeru Ole Masikonde, son of “chief” Nkapilil, said the “Laikipia Dorobo” came with the Maasai to the Southern Reserve but later returned to Laikipia. Parsando Ole Dorobungae, described as headman of the Dorobo of the northern part of the Purko area, said 200 Dorobo had come south with him when the Maasai moved, and most had died because they could not find honey in such dry country, *KLC Evidence*, pp1199-1200. Other reports state that most Dorobo stayed on in Laikipia and other northern areas, and were only removed later. For example, the “Makalia Wanderobo” living in the Nakuru Lake Forest Reserve were to have moved to Mau-Narok on 4 October 1937, which was officially declared to be “their reserve”, but “all” took jobs with Europeans Captain H.M. Harries and Mr G. Lindstrom and moved onto their farms in order to avoid the forced move. Hislop to Tisdall, 25/1/38, Handing Over Report Nakuru-Ravine-Naivasha Districts, DC/LKI/1/1, KNA.

When the people moved, the Dorobo were staying here and there was a white man taking care of them called Swara [Swahili: impala]. Even the Maasai were then referred to as Dorobo. So that is why a few people remained at Entorror because they have used that name of Dorobo – but there were no Dorobos. It was Maasai who were left here and the white men were cheated ... I was given a letter in Narok, and then I took it to Entorror and said that I had a family of Dorobo living here. I never said I was Purko; I just said I was Dorobo, with a family living at Entorror. Then you were asked: ‘Are you going to stay here, or are you going to see them and go back?’ Then you either say you are going to stay, or you are going to and fro. It depends on your intention. I said I have two families – one in Ngatet and one at Entorror. I was asked: ‘Are you not going to be tired, going to and fro?’ I said: ‘No, I am not going to be tired. I am a young man, and I can move up and down.’ I had to lie that I was Dorobo, and then I got the passport to go. I came and stayed the night at Delamere’s *shamba* [farm]. From there [I went] to a Dorobo place called Osopukie. After that I went to Lariak [one of Colvile’s farms], the place where we were living, so it took three days. Many people did this. Many people who are living here now are the people who came back.

This pretence seems to have been a regular practice. Merker mentioned Maasai warriors in German East Africa fooling coastal caravan leaders by pretending to be poor and “calling themselves Wandorobo”; they befriended and lulled them into a false sense of security before calling for reinforcements who robbed and killed the porters.<sup>76</sup> Waller mentions how the difference between “true” and “temporary Dorobo”, as the Nanyuki farmers called them, was recognised by other early writers including Smith and Hobley. He warns against seeing Dorobo as an ethnic group rather than a mode of subsistence; Dorobo are “essentially refugees from other economies”, though Ogiek on the Mau who have organised to oppose forest alienation in Kenya today may strongly disagree with him.<sup>77</sup> The Dorobo of Laikipia are a story in themselves, which is beyond the scope of this study. One can track their continued sojourn in Laikipia through the annual reports; for example, there were 150 men, women and children in the district in 1926, classified as Dorobo but the product of much intermarriage with Maasai, Samburu and Kikuyu. The fact that they were said to own 1,000 cattle rather gives the game away; if they were “true” Dorobo – defined by the Maasai as poor

<sup>76</sup> Merker, *Die Mäsaï*, p70 of Spiritan translation.

<sup>77</sup> Waller, ‘Lords of East Africa’, pp291-2, 297. For news of Ogiek protest, see [www.ogiek.org](http://www.ogiek.org)

people without cattle – they would not have had any.<sup>78</sup> But Maasai ‘become’ Dorobo when they lose their cattle, and vice versa. Goldfinch’s claims are also worth noting here. He said of Dorobo who had moved south with the Maasai: “...in about a year’s time they had all crept back again minus their property”.<sup>79</sup> By all accounts, there was an awful lot of creeping going on. For those returning to Laikipia itself, the closure of the government station at Rumuruti during World War One provided a convenient loophole – there was no government presence there until after 1918.

Ole Kino came back primarily because “this place is suitable for livestock and human beings, and I know that place is poisonous, especially *enkipai* [Trans-Mara]”. He found many white people living at Laikipia. Besides Delamere and Colvile it is difficult to know who exactly, because he referred to settlers by nickname or by a corruption of their name, such as Divis, Karasheri, Captaini and Konkoni (meaning a bedbug).<sup>80</sup> Of Delamere and Colvile, he said: “The Maasai were looking after their livestock, and they were very friendly with the Maasai. At the end of the month you were given a cow and a salary. Even me, I was at Nesore’s *shamba*, looking after his cows. And I was given cows by Nesore.” After re-settling, Ole Kino acquired four wives, including one Samburu. This bears out Swahili Musungui’s claim that many returnees to Enterror took Samburu and Dorobo wives, or as he put it “Dorobos belonging to the Laikipiak community”. The few who had previously married in Ngatet usually left their wives there, and came to fetch them once they had settled.

Old friends Salonik Ole Pere and Kireko Ole Kimiri also worked for Delamere and Colvile, their families having returned from the south.<sup>81</sup> They still live in Rumuruti today.

<sup>78</sup> Laikipia A/R 1926, DC/LKI/1/1, KNA. Also see *KLC Evidence* and PC/RCP/6a/1/1/2 and 3, KNA.

<sup>79</sup> ‘The Wanderobo or Hunting Tribe of Kenya’, undated paper by Goldfinch in ASAPS Papers, RHO. By property, he meant cows he had given them in return for bringing in old ivory.

<sup>80</sup> *En-koonkoni*, pl. *il-koonkonin*. Mol translates this as beetle, p210.

<sup>81</sup> Lemek 23 and 24. Both described themselves as originally Laikipiak, absorbed by the Purko. Right-hand circumcision of the Il-Nyankusi age-set, age unknown, living at Rumuruti.

Their stories repeat the refrain of mutual co-operation and benefit deriving from employment by settlers, which contrast with what are perceived to be the greater tensions and deprivations of the present time.<sup>82</sup> “These people [Delamere and Colvile] were together with the Maasai and they were helping each other how to rear cattle,” said Ole Kimiri. “My father came back from Ngatet before I was born, and I stayed up to this time. Before, we were staying peacefully with white people. For example, when Delamere’s cows or goats got lost they went to a Maasai village. Delamere came and told us: ‘If you find a goat or a cow in your place, just return it to us, or if it dies, slaughter it and you should return with the skin so I can see it is not stolen’.” Ole Pere added: “The white people were not bad people, apart from actually taking our land. They really helped us, especially the poor, because they were giving food to the poor, providing employment in their places, and much other help.” The only member of Ole Pere’s family to return to Enterror was his father, leaving the rest of the family in Ngatet where he still has many relatives. Both interviewees were among those who claimed that the blood oath was taken by Colvile, together with Ole Gilisho, Olonana and other unnamed whites. They did not know about any formal agreement: “We only know we were told to go to Ngatet”.

To return to Swahili Musungui, I want to conclude by describing in more detail his relationship with Colvile and employment on his farms. Of all Colvile’s Maa-speaking employees, Swahili was probably closest to him, having worked with him from boyhood up until Colvile’s death in 1966 at the age of 78.<sup>83</sup> “I became almost like a son of Nesore,” he says proudly. “Nesore could not go a step without me. I was the interpreter, the one who

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<sup>82</sup> These interviews in and around Rumuruti in January 2000 coincided with a series of violent events and a campaign of civil disobedience, arising in part from inter-ethnic feuding, land disputes, and anti-government feeling. The ‘insecurity’ lasted for several weeks, and President Moi visited the town in an attempt to restore calm.

<sup>83</sup> Huxley, from information supplied by Grattan, described how Colvile turned to Swahili towards the end of his life, when he was on his own again after Diana’s departure, and had few friends. “He reverted to one former

interpreted things to the Maasai. For example, every judge has his own interpreter. So I was the interpreter of Nesore.” In those days, “Delamere was like Moi now, and Nesore was like Saitoti now [the vice president of Kenya]. The two of them were people of one house”.

Swahili’s family was not directly affected by the second move, but appears to have lived in the Ntapipi/Mau area for generations. “The family is from a place called Oldoinyo Oporu. They have never been at Enterror. Me, I was born at Ntapipi. When I grew up, [but was still an uncircumcised boy] Nesore employed me. The first work that I did was feeding dogs, the ones which were used to kill lions, and my salary was three shillings a month.<sup>84</sup> When I became a grown-up, the salary was raised to 15 shillings.” His second type of work for Colvile involved “shooting buffaloes so that they didn’t bring diseases to cows”. By this, he would have meant primarily East Coast Fever. He went on a fortnight’s training course in Naivasha to learn how to shoot. “I was shooting the wild animals to feed the dogs. When the lions killed livestock, I was the one to shoot.” Swahili was circumcised in 1938 (he clearly remembers war breaking out the following year), and says he did this second type of work on Enterror for the next seven years. Later, he accompanied his employer when he drove from farm to farm, acting as both interpreter and gunman. “He was a very busy man and he went from one place to another.” Cows were given in payment for work: “They wrote down the days of your work. When it reached the fifth day, heifers were put aside for the Maasai. You were told to get in and choose the one you wanted, as a payment. It was branded with the letter S. When you got out of employment, they put another mark called “pock” [sounded like], and then you took them away.”

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custom: almost every evening his Dorobo headman, oddly named Swahili, would squat down on the living room carpet and converse for an hour or so with his employer in Maasai,” *Midday Sun*, p109.

<sup>84</sup> He means hounds, though they were not pure bred. Colvile kept a pack of mixed breeds for hunting jackal, lion and leopard, and sometimes lent them out to other farmers. Anne Carnelley to Huxley, Huxley Papers, RHO. Also Gethin Papers, 1227 (1), f40, RHO.

Swahili was asked why he had liked Nesore so much, when he was one of the people who had taken over large areas of Maasailand.

He was a very, very clever man. He knew very much how to cheat the Maasai. He was helping very much the people who have been working on his farm, because those people who came when they were poor, they went with so much property [cattle]. So he assisted many Maasai, because you came when you were not married, you got a job, you got money, you could now afford to take care of that wife and children. So we have liked him very much because of that. The cattle you bought, you put them on his farm. When you wanted to leave, you went out with 200 cows, 800 cows, and when you had joined Nesore's farm you never had any cow. He was somebody who was very clever, who was helping the Maasai while slowly taking their land. So that is why I liked him ... Nesore was a very good man to the Maasai. He was told by Delamere: 'If you want your cattle to increase, employ the Maasai to take care of your livestock.' And the cattle of Nesore became ten million.

Swahili also believed that when the first Lord Delamere died, he "ordered" Colvile: "Take care of the Maasai". Swahili believed that Colvile prevented settlers from taking any more land from the Maasai: "It was Nesore who stopped the white men from settling in Narok. He was the one who stopped them from following the Maasai to Narok". In Swahili's eyes, Colvile was effectively guardian of the boundary. Unbeknown to Swahili, he had also fixed several boundaries to suit himself.<sup>85</sup>

When speaking generally of his attitude to whites, Swahili said something that echoed Delamere's earlier remarks about his grandfather's respect for Maasai directness, even that amounting to brazen cheek and criminality.<sup>86</sup> "There is one thing with the white people. If they tell you, 'I like you', they have to show that they like you. If they tell you they will beat you, they beat you there, there, there, on the spot." He appeared to be saying: "At least you know where you are with the white man", and his tone was quite approving. One could surmise that he no longer knows where he stands socially, hence his nostalgia for the old scheme of things. Under Colvile, he would have enjoyed some status on the farms and in the

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<sup>85</sup> Information supplied by Bristow and Delamere.

district. He mediated, his translations carried weight, he travelled the country in a large car, he handled big guns, and most importantly he was seen to be a friend of Colvile's and party to his secrets – not just about vaccine but women, too. Bristow tells an amusing story of how Colvile used Swahili to deter a female admirer. Swahili also had plenty to say to me about his master's triangular relationship with Diana and Tom Cholmondeley, and aired his theory about the Erroll murder, intimating that he had inside knowledge.

But all along, if we are to believe the whispers, he was 'just a Dorobo bastard'. Now he has reverted to that status. Worst of all in Maasai eyes, he does not have any children or cattle, though the latter is perfectly normal for an Ogiek person. Today, he is not a happy man. Colvile gave him a plot of land where he still lives, clinging to a hillside near Enaiborr-ajjik. "We became close friends, and I was given it as a gift." But he claims that most of it was taken off him by the government when Ntapipi was subdivided for agricultural development. There is no sign of cows or prosperity. The latest insult is that he has been fenced in by a neighbouring European farmer, in an apparent attempt to force him altogether from contested land. He begged me to ask Bristow to give him a job on Solio, and dictated a letter to that effect.

### **To conclude**

Oral testimony about an alleged blood brotherhood has opened up my line of inquiry way beyond the moves and court case. Yet the relationships revealed are important in understanding Maasai strategies and responses to colonial rule, as well as their 1913 legal challenge.

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<sup>86</sup> See also Tidrick, *Empire*, p174, where she writes of local administrators' admiration for the "honesty" and directness of Maasai.

The Maasai returnees who reversed the exodus from Enterror may have had the last laugh, except of course that they were left without land titles at independence and afterwards. They and other Africans exploited one of the fundamental contradictions of the colonial state in this period – its desire to separate Africans from whites by creating reserves, while at the same time meeting settler needs for African labour, which meant allowing them out again and encouraging inter-mingling.

These overwhelmingly warm endorsements of Delamere and Colvile cannot be squared easily with the assessments of people like Goldfinch, who knew many leading settlers, and was particularly friendly with Berkeley Cole. The bald fact was that these two and their ilk helped to dispossess the Purko and other victims of forced moves, as Goldfinch explained when warning the Anti-Slavery Society to view with suspicion any Maasai Commission that had Delamere and Berkeley Cole as members.

They both I think like them [Maasai] as individuals and employ a lot as herd boys but they are absolutely unscrupulous as regards natives and would sacrifice any tribe for the sake of getting hold of a few thousand acres of their land. In fact they are really at the bottom of all the Masai troubles and but for them the Purko would never have been shifted from Laikipia, and the recent disaster to the Uasin Gishu lot is simply due to Lord Delamere.<sup>87</sup>

For an explanation of the effusive Maasai praise of particular white men one must look to what blood brotherhood represented, and consider the advantages of working for certain settlers. It is not good enough to dismiss the working relationship on farms in general as an unremittingly exploitative and brutal one. Exceptional characters like Swahili Musungui saw more of their masters than their wives did, and gained many benefits. His relationship with Colvile appears to have been extremely close and collusive. They may have been deluding themselves, but both parties appear to have believed that they cared for and received care from the other. The colonial government need not have worried about the emergence of a class-

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<sup>87</sup> Goldfinch to Buxton, 1/4/24, Goldfinch Letters in the ASAPS Papers, RHO.

based confrontation between settlers and these particular Africans. Many workers in this period, living in the virtual world-within-a-world of big estates like the Delameres' (which remain much the same today), never appear to have developed class consciousness, got organised, or challenged the status quo, though their sons and daughters may have done so. Their continued loyalty to men long since dead is pathetically touching. Alternatively, the Maasai-settler relationship may be interpreted as one of symbiotic alliance rather than dependency, with features that mirror the earliest Maasai-British alliance and (apart from caravan guides and interpreters) the earliest form of Maasai contract labour – the hiring of warrior auxiliaries on British punitive raids. They, too, were attracted to this work because it paid cows not cash, and gave them a measure of freedom from the control of elders. Though cash came later, it was clearly not the main reason why Maasai went out to work.

To conclude, there was more to Delamere and his cronies than either Huxley's airbrushed biography, other scholarly studies of the period, or critics of settler society such as Leys and McGregor Ross have suggested. Maybe they were neither heroes nor villains but something much more rounded and interesting, as "the interpreter of Nesore" suggests. As for the 'myth' of the blood oath, we shall probably never know the truth. The secret, if there was one, was buried with the odd threesome.

## Chapter 7: Who was Ole Gilisho?

“It is safe to say that no Masai is so respected.”

Clarence Buxton, Narok District Commissioner<sup>1</sup>

There is little information in the written literature to suggest what kind of person Parsaloi Ole Gilisho was, never mind what motivated and drove him. In the early colonial record, apart from Frederick Jackson’s glowing testimony, he was largely dismissed as a troublemaker, a conservative, and a lone voice in the wilderness who was not supported in his opposition to the British by the majority of ‘northern’ Maasai. That attitude was to change in later life, when Ole Gilisho became a ‘model’ elder in western Narok, though some local administrators continued to see him as a difficult and obstructive person.

Leys said nothing much about the character of the man, either in his letters or his published work. He did not appear to know him personally; there is no evidence that the two ever met. Leys told Harvey of his plans to meet Ole Gilisho, but did not subsequently refer to any meeting. However, Ole Mootian told me: “Yes, of course they met. They met at Entorror when that white man was at Olokurto.” Later in the conversation he said: “Long ago when we were still at Entorror, he [Leys] could come from Nyeri, coming to meet Ole Gilisho at a place called Ongata Ondare, beyond Rumuruti. They met and talked.”<sup>2</sup> Ole Gilisho’s son Kelo also claimed that his father was “always together with [Leys] when they were fighting for Entorror”. He used a memorable phrase: “Leys was the backbone of my father.”<sup>3</sup>

The Purko Maasai speak of him as a kind of African Geronimo, a folk hero, “king of the Maasai”, “like a *laibon*”, a wise man whose powers came from God. “We have not

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<sup>1</sup> Narok District A/R 1936, Buxton Papers, RHO; also in KNA.

<sup>2</sup> Narok 7.

<sup>3</sup> Lemek 50. Left-hand circumcision group of I-Seuri age-set. He is in his 60s and therefore far too young to have known about this personally.

had another hero like him,” said one. They credit Ole Gilisho with uniting the different sections, and fostering a sense of nationhood. They say his kind of leadership was unsurpassed, and talk about it with great nostalgia, comparing his style and substance with that of today’s leaders and politicians. His sayings are still invoked in meetings of elders, and some informants recited praise songs that eulogise the man. The fact that he was not a politician, in the modern sense of the word, is described as one of his greatest virtues – in other words, he was not corrupt and motivated by money. Neither did he lie or make wild promises: “Ole Gilisho was not using lies to cheat the people as the chiefs of today are doing,” said his son Kelo. “When he said something, then that one had to happen.”

The truth lies somewhere between these extremes. This chapter will attempt to examine and flesh out the character and motivation of Ole Gilisho, drawing on both written and oral evidence, and discuss his significance. It will of necessity draw heavily on oral testimony, and will examine common themes to emerge from interview.<sup>4</sup> It is acknowledged that my informants were largely Purko, several of whom, like Ole Gilisho, of Laikipiak descent assimilated by the Purko, and therefore likely to be biased towards him. Maasai from other sections may well hold a very different view, but gathering the full range of testimonies is beyond the scope and aim of this study. This chapter will also draw upon anthropology to describe and contextualise his powers as an age-set spokesman and a warrior.

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<sup>4</sup> Interviewees were asked to describe Ole Gilisho’s character, actions and motivation; whether he had popular support in resisting the British; why he chose to rebel in the way that he did, using lawyers; what power age-set spokesmen had in those days; what his relationship was with Olonana; whether they knew about any white people who helped him; details of the legal action; who took part in the alleged blood brotherhood ceremony, etc. However, interviewers often raised the subject of Ole Gilisho before being asked a formal question about him; it came up as soon as they began talking about the moves. A different questionnaire was used for the Ole Gilisho family, prophets and women.

First, a short biography.<sup>5</sup> Ole Gilisho was born between about 1875 and 1880, and died on 30 June 1939. He was born into the Laikipiak section, which was virtually destroyed by a combined force of Purko and Kisongo in the mid-1870s; as a child, he was snatched in a raid and absorbed into the Purko. From the start, he was an unusual person. Frans Mol has written: “Most likely he was born shortly before 1880 on the Leroghi Plateau... Maasai informants say that his birth was surrounded by a number of unusual circumstances. His mother is said to have been an *enkaibartani*, a young unmarried girl recently circumcised but still in the official status of partial recluse and untouchability after circumcision. Her circumcision may have been speeded up when she was found to be pregnant.” This would actually make him unclean in Maasai eyes, since it breaks taboos around purity and should have precluded him from leadership in later life. But the Purko who snatched him may not have known the circumstances of his birth. His father was an elder, Magiro.<sup>6</sup> The girl gave birth to Parsaloi while crossing a stream or river. One informant said that he was pulled out of the water clutching stones in both hands, a mystical sign associated with prophets. (Another interviewee, a prophet, told me that he had been one since birth “because I was born holding stones in both hands from the womb”.)<sup>7</sup>

Informant Ole Kasura said Parsaloi’s adoptive father was Leposo. “Leposo chased him away out of the Laikipiak and he came growing up in the Maasai to become somebody very tough.” According to Mol, Ole Gilisho was circumcised in 1896-7. He became Ol-Mirishoi, a member of the Il-Mirisho or right-hand circumcision group of the Il-Tuati II age-set. This group was followed in 1898-1906 by the left-hand circumcision, I-Lemek,

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<sup>5</sup> I am indebted to Frans Mol for sharing with me his unpublished notes on the life of Ole Gilisho. The passages quoted here are taken from these. I have augmented and cross-checked this information through interviewing his descendants, particularly six of his sons – Leperes, Mapelu, Salau, Shoriba, Soitabu and Kelo – and other members of his family and friends.

<sup>6</sup> This is contradicted by his son Mapelu, who said the father was Maatany.

and the two came together to form the Il-Tuati. He began exhibiting leadership qualities very soon after circumcision, was appointed *ol-aiguenani* or spokesman for the age-set, and kept the position for life. He went on to marry nine wives (some say 12), and had ten sons and eight daughters.<sup>8</sup> Some say he died at Narok, others at Ololulunga. Mol claims that his grave can be seen near Lemek, but others say he was not buried but “given to a lion” in the traditional way.

### Contemporary non-Maasai views

Frederick Jackson described a memorable meeting with Ole Gilisho after the Kedong massacre, which involved Ole Gilisho’s warriors, the Il-Merisho. He recalled how Ole Gilisho was one of two warriors who bravely came forward afterwards to discuss the clash. Jackson was on his way to Fort Smith with James Martin<sup>9</sup> to investigate what had happened:

On the way down, close to the Gilgil River, we came across two Masai *moran* sitting under a *leleshwa* bush, who, when we were about seventy yards apart, stood up and came forward holding in one hand a wisp of grass as a peace offering and in the other a spear. The Masai, then more or less concentrated round about Naivasha and the Kinangop Plateau, had, through their scouts, heard of our approach, and these two *moran* had come out alone to meet us. It at least showed that they were not wanting in courage. One of them was Laigulishu, the *laigunan* (captain or leader) of Tereri’s *moran*, a man who has figured so prominently in all negotiations ever since.<sup>10</sup>

He went on to lead Maasai auxiliaries into battle against the Nandi on British punitive expeditions from the late 1890s, and Jackson described his personality and

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<sup>7</sup> The first informant is Oloiloigero (Narok 9), the second the minor prophet Ole Morompi (Lemek 5).

<sup>8</sup> I met his last surviving wife in 2000, but she has since died. Senile, and therefore unable to be interviewed, she lived with Ole Gilisho’s son Leperes and his wife Kirapusho just outside Lemek.

<sup>9</sup> James Martin (1857-1924) was a Maltese ex-sailor and caravan leader who accompanied Joseph Thomson’s expedition across Maasailand in 1883, joined the IBEAC in 1889, and rose to a position of some prominence (Collector at Ravine, Collector Entebbe) despite his illiteracy.

<sup>10</sup> Jackson, *Early Days*, pp293/4. ‘Tereri’ was Terere Ole Naisho.

behaviour during this period.<sup>11</sup> His looks were not his strong point: “Ole Gilisho was a spare and wiry little man with a long and rather sulky-looking face, and with very prominent teeth, but of undeniably strong character”.<sup>12</sup> However, his leadership qualities were superb.

As a *laigunan* he controlled his men in a manner I never saw equalled off a military parade ground. On one occasion, when in charge of over four hundred of them, during the second Nandi expedition [1897], it was part of my duty to issue, through that little man, the orders for the next day, and I can assert that no one but a negrophobe could have stood by him, as he issued his orders regarding advance guards, flankers, cattle guards, etc., and deny or belittle his grip on them. There was not a murmur.<sup>13</sup>

But it was, he went on, “as a patriot, delegate, obstructionist, call him what you like – probably the latter if from hearsay, and not personal experience – that Laigulishu excelled as much as he did as *laigunan*”. So Jackson did not consider him obstructive. He believed he had probably had more dealings with Ole Gilisho than any other government official apart from Collyer, “and I always regarded him as a very remarkable and reliable man”. Up to 1904 he was “more or less kept in the background, but he came forward and began to make himself felt when he saw the once splendid, closely-cropped grazing grounds round about Naivasha going to ruin and becoming overgrown and sour; and with scarcely a head of stock on them. Can it be wondered at that he and his fellow tribesmen felt bitter?”<sup>14</sup>

Jackson described the “outcry” when Maasai on Laikipia broke the bounds of their new reserve and went back onto lands reserved for settlers but still unoccupied. He clearly did not blame them, saying their herds were doing more good than harm in keeping the

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<sup>11</sup> He was certainly on the second Nandi expedition of June 1897, and Hamilton said he led a raid against the Nandi for Jackson in 1905, which must have been the fifth and last Nandi campaign of 1905-6 (Hamilton Papers, RHO). But neither Jackson nor other writers are specific about his involvement in others. Maasai auxiliaries took part in at least 20 British military operations between November 1893 and January 1906, see Table 2.2, Berman and Lonsdale, *Unhappy Valley* (1), p28. Jackson described the use of Maasai on such expeditions in *Early Days*, eg, pp192-193, 201-3. McClure led three punitive expeditions but gave few details in his memoirs. There is a photograph showing what looks like Maasai warriors taking part in an unspecified 1905 expedition in H.R. McClure, *Land-Travel and Seafaring*, Hutchinson & Co., no date given (1924?), facing p86.

<sup>12</sup> Jackson, *Early Days*, p329.

<sup>13</sup> Jackson, *Early Days*, p329.

grass well grazed. He met up with Ole Gilisho again when he was ordered, along with Hobley and Collyer, to inspect and “delimit” the western boundary of the Northern Reserve, together with Ole Gilisho and other Maasai representatives. Again, his thoroughness impressed Jackson:

From the very start it was quite clear that Ole Gilisho was taking nothing for granted. On our line of search he was here, there and everywhere, climbing hills either to get a better view all round, or to satisfy himself that they would make good boundary marks. All this ‘making sure’ was very irritating, but we had a very pleasant little trip, and we all agreed on a boundary.<sup>15</sup>

Other contemporaries in the administration were less flattering. Sandford called him “evasive”, claiming that he and Masikonde’s “personal avidity and ambition” were behind their opposition to the government, repeating remarks made originally by Governor Belfield. In a report on the December 1912 meeting with Maasai leaders at Nakuru he wrote:

I consider that the remarks made by Legalishu and his adherents in connection with the move are evasive ... I am of the opinion that only a minority of the tribal elders, headed by Legalishu and Masikonde, are responsible for this action, ostensibly on behalf of their tribe, and that the personal avidity and ambition of these two men are doubtless contributory causes of their organised opposition...<sup>16</sup>

In the same despatch, Belfield said he thought that Ole Gilisho and his backers secretly hoped to retain Laikipia as well as acquiring the Southern Reserve; this tallied with British views of Maasai land greed. He and others also suggested that Ole Gilisho only opposed the move because he feared losing prestige, presumably to Olonana.<sup>17</sup> There may have been some truth in this, although the two men’s powers did not overlap in customary terms. Only with the advance of British rule, and overt government backing of Maasai prophets as ‘political’ leaders, had they become rivals for Maasai affections and government favours. Belfield, no doubt believing the Il-Kidongoi propaganda, thought it

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<sup>14</sup> Jackson, *Early Days*, p329.

<sup>15</sup> Jackson, *Early Days*, p330.

was the other way around, saying Ole Gilisho had only acquired “prestige and influence which, contrary to all tribal precedent and tradition, the division created by the Treaty of 1904 enabled him to acquire”.<sup>18</sup> He told the CO that Ole Gilisho had “in recent years been inclined to separate himself from his proper tribal superiors”.<sup>19</sup> Bowring, writing in the governor’s absence, derided Ole Gilisho’s “peculiar position and pretensions ... his cupidity and ambition”.<sup>20</sup>

Collyer’s remarks were quoted earlier in this thesis. The exasperation of various officials with Ole Gilisho, while involved in the 1911 move or surveying the Southern Reserve at that time, is apparent from their reports; for example, those of MacDonald and McClure.<sup>21</sup> Browne reported that Ole Gilisho had “behaved very badly” in not using his influence to good effect with other Maasai migrants. Describing his demeanour as “decidedly sultry”, Browne said “he conveyed the impression to me ‘I am the meat, you are the knife!’, do as you will with me”.<sup>22</sup> However, other officers spoke of his openness and willingness to comply with government orders, even if he disagreed with them. Gethin’s remarks have been cited earlier. For another example, when the move was temporarily suspended, ADC Popplewell told Ainsworth of a long talk he had had with Ole Gilisho and Masikonde. Their attitude was “simple” and, he supposed, representative. They recognised that being allowed back to Laikipia temporarily gave them no claim to it, but when they had agreed to go south they had made a mistake – the country they were going to could not support them. If the government insisted, they would “move without any bother, but it will

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<sup>16</sup> Belfield to Harcourt, 17/12/12, Conf. 136, CO 533/109.

<sup>17</sup> Belfield to Harcourt, 2/11/12, Conf. 108, CO 628/5.

<sup>18</sup> Belfield to Harcourt, 12/10/12, Conf. 75, CO 879/112.

<sup>19</sup> Enc. in Conf. 75, CO 879/112.

<sup>20</sup> Bowring to Harcourt, 12/11/12, Conf. 127, CO 879/112.

<sup>21</sup> Macdonald to Hollis, 30/8/11; McClure to Hollis, 31/8/11, PC/RVP/6E/1/1, KNA.

<sup>22</sup> Browne to Hollis, 2/9/11, PC/RVP/6E/1/1, KNA.

be absolutely against their will”.<sup>23</sup> After the move, when the Maasai Case was pending, his attitude was described as “somewhat truculent” in a meeting with Governor Belfield, and he was said to have “only a small following among the other chiefs in his attitude of passive resistance”. Later, he and other government-appointed chiefs Ngaroya (Nkaroyia), Masikonde and Toroni were described as “intelligent [but] conservative and lacking in energy”.<sup>24</sup>

### **Maasai views today**<sup>25</sup>

Informants agreed on certain key features of Ole Gilisho’s behaviour and character. They claimed that he never touched his government salary, but “died without putting money in his pocket”. However, his wives were allowed to spend it. The reason given was that “he never wanted to be bought” and did not work for his people in order to be paid. His rejection of white men’s things included spurning British attempts to improve Maasai cattle breeds, and to introduce hoes, because he opposed cultivation. “The British tried to bring very many things, and he is the one who refused.” However, the district annual reports tell how Ole Gilisho’s opposition to cattle vaccination suddenly changed in 1937, when he decided that all the Purko cattle were to be inoculated against bovine pleuropneumonia (BPP).<sup>26</sup> Unlike elders Masikonde and Ole Sankale, who were all for education, he was said to have rejected development because “he wanted the Maasai to live and stay the way they were before”. A female informant, Nashilo Ene Liaram, said his attitude to

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<sup>23</sup> Popplewell to Ainsworth, 18/8/11, PC/RVP.6E/1/1, KNA.

<sup>24</sup> Sandford, *Administrative history*, p117. The meeting was at Mara Bridge, 30/713.

<sup>24</sup> Sandford, *Administrative history*, pp36, 51.

<sup>25</sup> In this section, I will not cite each informant by name for short quotes. Reference numbers will only be given for those people who have not been previously cited.

<sup>26</sup> The “astonishing” change was attributed to the good influence of Mr Low, stock inspector at Rotian, who had gained his confidence. Following Ole Gilisho’s lead, other Purko elders became enthusiastic about inoculation, and quarantine was at last lifted on the reserve. Other sections welcomed vaccination much earlier, and the Momonyot and Uas Nkishu had had 6,000 cows inoculated against BPP in 1924-25, though

the education of boys mellowed but he resolutely opposed sending girls to school because “they can disappear” afterwards, a view she agreed with. This antipathy to education is now lamented by many Maasai, who can see that ‘traditionalist’ thinking has had a disastrous long-term effect. He also refused to wear imported clothing: “He even refused to put on blankets. He used to wear clothes made out of calf and sheep skins”. This was borne out at the time by Aline Buxton, first wife of DC Clarence Buxton, who described seeing Ole Gilisho in old age at his homestead near Lemek, but described his clothing as made from monkey skins: “...he is lean and wiry, almost Jewish in face – an astute old gentleman, who wore a great cloak of monkey skins (and nothing else) with immense dignity.”<sup>27</sup> His habits were rather ascetic. He never drank beer, only taking tea, milk and meat. From appearances, he could have been mistaken for a poor man – “You might think he did not even have one cow, but his cows were many and the best all over Maasailand”.

His motivation in resisting the British over Enterror was said to have been “for the love of the Maasai” and not personal ambition or desire to take control; the British always claimed that he was driven by the latter. “All that he did was for the benefit of the Maasai, not something to finish them.” He was said to have been supported in this resistance by a wide cross-section of Maasai, both warriors and elders: “It was not Ole Gilisho alone. There were many like him who were doing that”. However, his son Shoriba conceded: “There were people who opposed him and moved to the south happily, because the prophet [Olonana] had instructed them”. His authority and power were enormous; he was likened many times to a king, a ruler of the Maasai, and also to a *laibon* in terms of his ability to prophesy, his spirituality, and his supremacy as a leader whose power extended beyond the age-set. His grandson Ole Kariankei said: “Ole Gilisho was just like a prophet because

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that was forced upon them prior to their forced moves south. This led to 30 per cent mortality in these herds, which explains why other Maasai were put off inoculation for some years.

when he said something, it must happen. He was a wise man, just like someone sent from God.” His prophecies included, unsurprisingly, foretelling that the Purko would quarrel over boundaries with other ethnic groups. Oloiloigero said that he warned: “‘Once they cross your boundary, if you are not vigilant these people will come slowly at night into your area until they fill up the whole of your land.’ So those people Ole Gilisho talked about came until they filled our land, and now they want to forcefully acquire it from us. We never saw them come, because they came at night.” For this reason, Ole Gilisho also opposed intermarriage with other communities. According to Oloiloigero, he also foretold that the Kikuyu would “get into the Mau” and clear its forests: “‘Don’t give out this forest, because once it is cleared by *pangas*, there will be no more clouds.’ That is why nowadays there have been terrible droughts.” Contemporary administrators confirm that Ole Gilisho was always fiercely opposed to ‘alien’ penetration of Maasailand, which was hardly surprising given the alienation of Entorror.

Unlike a prophet, however, he did not necessarily share his mystical insights; that way, he did not risk losing support when prophecies failed to materialise. “Somehow he was like an *ol-oiboni*, because when he looked at things, like the stars, he could tell something and he didn’t talk about it to anybody,” said Ole Ndonyo. “He had that gift so much. But he kept most of the things he knew to himself.” As for his relationship with Olonana, although evidence cited earlier about the second move suggests that this was fraught, my informants tended to claim that the two were close and in agreement on the second move and other issues: “They were kings, both of them. And these people were always together, they used to say one thing” [that is, the same]. Or from another informant: “He never quarrelled with Olonana because he was sharing the control of the people with Olonana in those days.” Said another: “Olonana convinced Ole Gilisho to surrender the

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<sup>27</sup> Aline Buxton, *Kenya Days*, Edward Arnold, 1926, pp64-65.

land to the whites.” One man, rebutting the suggestion that Olonana collaborated with the whites, said: “He did not. But he was not in a hurry to ask the Maasai to go back to Laikipia. He just prophesied that the whites would eventually go back to their own countries and the Maasai could repossess it”. Of course, Olonana was already dead by the time the Purko came south. But this is an interesting distinction: the prophet did not resist because he prophesied that there would, in the long term, be no need to do so, whereas the ‘doubting Thomas’ age-set spokesman advocated action.

The same informant, Ololoigero, said that the two men had quarrelled over the Il-Tiyeki circumcision group (right-hand of Il-Terito), Olonana demanding that he would “terminate the warriorhood so that I can take the livestock that accrues from the cessation of warriorhood”. Ole Gilisho is said to have responded: “No! You are not going to be the one who will terminate the warriorhood of Il-Tiyeki. It will be me who terminates that and I will not take any livestock”. Again, Ololoigero has ‘forgotten’ that Olonana was no longer around when Il-Tiyeki were warriors (from 1926, according to Mol’s chronology). He seems to have confused the time when Ole Gilisho forced the Il-Tiyeki into premature elderhood by bringing their *eunoto* forward (which will be covered shortly) with the two men’s earlier argument over the choice of age-set spokesman for I-Lemek, left-hand of Il-Merisho, which came to a head at the 1910 *eunoto* on Kinangop, as described earlier. In connection with the Il-Tiyeki, maybe he meant not Olonana but his sons Seggi or Kimuruai. Either way, Ololoigero believed the upshot of this argument was very serious: “Now because of these differences, Olonana bewitched Ole Gilisho and he in turn also cursed Olonana. Both of them killed each other.” The usual story is that Olonana’s half-brother Senteu killed him through witchcraft.

What is significant about this account of the sharp exchange of views is Ole Gilisho’s tone of voice, and his audacity in talking to Olonana in this way. But as age-set

spokesman in a firestick patron relationship to the Il-Tiyieki, two age-sets junior, he was the one with the power to make a final decision in situations of conflict between a prophet and firestick patrons.<sup>28</sup> Also significant is the comparison between Ole Gilisho's alleged lack of greed for cattle and Olonana's avidity. Other informants suggested that the age-set spokesmen of those days were a lot more powerful, *vis-à-vis* elders and prophets, than they were subsequently – though this view is coloured by disgust at the fact that so many leaders can be 'bought' through bribery today. In contrast to stories of Olonana's opposition to the second move, other informants knew of Olonana's duplicity here. For example, "Ole Gilisho was hampered by his prophet to go [south]," said Nkaburra Ole Njapit. "Olonana was willing to come to Ngatet; he had compromised with the white men. He disagreed with Ole Gilisho, although they never fought."

Ole Gilisho is said to have excelled at *en-kiguena*, for which there is no easy translation. It is a consultation, discussion, meeting, counsel and law case.<sup>29</sup> His ability as a public speaker, judge and discussant was honed from a very early age. "He started that when he was a young boy, looking after cattle and sheep in the field," said Ole Teka, who believed there has never been a better Maasai spokesman. "He used to put his clothes on a tree stump and start reasoning with it. Talking to it – ah ah, ah ah! He even used to tell that thing: 'Sit down, so I can tell you this and this.'" Other informants, including his son Salau, confirmed this story: "He was talking to tree stumps as if he was talking to people". This so impressed the elders, they began to seek his advice, apparently even before he became age-set spokesman. In meetings, he did not talk a great deal. He looked as if he were sleeping, and pulled his clothing over his head. Then he would interject, and show that he had not

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<sup>28</sup> My thanks to Vincent Ole Ntekerei for pointing this out.

<sup>29</sup> Mol, *Maasai language*, p181. Verbal noun, feminine, of the verb *a-iguena*, to discuss.

missed a thing. Ole Kasura said: “His *en-kiguena* was tough” – as if it was a quality, as well as an activity.

What set him apart from other *il-aiguenak* was his ability and willingness to operate above and beyond his own section: “His meetings were for all. When there were big meetings inside the Maasai, he used to call people from different sections ... People could not argue with him. His words were final and all the sections could follow him”. Some said he sought inter-sectional unity and peace, though that is at odds with claims that he drove the Loitai out of areas coveted by the incoming Purko. “He is the one who mixed the Uasin Gishu and the Purko, and he mixed the Keekonyokie and the Il Damat and the Loitai and brought them all together and planted them at the same place,” said Ole Mootian. “He wanted them all to be one thing. He wanted to make a dominion of all the Maasai.” Overall, he was renowned as a peace lover and peacemaker, who hated to see Maasai lose their lives. “He wanted people to understand one another, he wanted *ol-kiyieu*.” (Friendship through sharing the brisket, see Chapter 5). This was linked in oral testimony to his attempts to control the warriors, and ultimately to abolish warriorhood. Said Ole Tekka: “Inside his heart, he completely hated about the white people and the move from Laikipia. But he couldn’t fight them, and he couldn’t let people go and rampage, because he was the one who controlled the warriors. Even our age, when it got circumcised; he used to rule us a lot. And he ruled the warriors not to fight.”

Respect and love for Ole Gilisho were mixed with fear. Typical statements were: “He was somebody feared so much by the Maasai ... There was no section [sic] among the Purko that could go against him. So even other sections feared him because they knew that his own section feared him ... Even the white men feared him, because if they said they wanted something and he said ‘No’, that one was stopped. So they had to approach him

politely.” The only people who reportedly disobeyed him were the Il-Meiruturut warriors, when they declared their intention of returning to Entorror (see Chapter 9).

Reverend Ole Kasura recalled with amusement how Ole Gilisho had chased after him when he turned his back on the Maasai community to commit himself to the Christian church. “Ole Gilisho never liked anything about churches. When I became a Christian, he tried so much to look for me so that I could not belong to the church. I ran away to Ol Doinyo Oibor, and I couldn’t tell anybody where I had gone.” He feared that Ole Gilisho would persuade his father (who was the same age) to forbid him from joining the mission at Siapei. After attending mission school, Ole Kasura ended up at Loitokitok, near the Tanzanian border. “Ole Gilisho came one day by air, coming to look for me there. I had a bicycle, and I ran away to Moshi, so he couldn’t get me! I came back after he left.” Ole Kasura had no regrets; if he had not joined the church, he would have been an age-set spokesman – he had already been chosen. “I said ‘No’ because if I started working as an *ol-aiguenani* I would have thrown away God’s word.” According to Ole Mootian, Ole Gilisho also argued with Molonket Ole Sempele over the same issue, telling the latter he would have no peace because he had abandoned his role as chosen age-set spokesman of Il-Terito for a career in the church. Ole Mootian thoroughly approved of Ole Gilisho’s attitude: “Let’s repeat the whole world like Ole Gilisho!”

Fear of his father came across in his son Shoriba’s testimony. As an unfavoured child, Shoriba revealed a slightly darker side to the man. “He had favourite children; when they went herding the cows they had to be given milk to carry, so they could just drink milk. I was not looking after the cows or the calves but the donkeys, therefore I was not a favourite one. Someone who is looking after the donkeys is not a loved one.” There were more than 500 donkeys to take care of, and he shared the task with people described as “not able to live on their own”, who were being helped by his father. He used to take the

donkeys to town, where he was given tea and *ugali* (maizemeal porridge) by kindly Somali shopkeepers. “Sometimes I was given a big portion, wrapped in paper, and I came and shared it with other ones at home, those who are also not loved.” Having said that, he spoke warmly of his father’s qualities. “We really remember him because of his good deeds; he really carried the community of the Maasai in a good way.” In sharp contrast to other testimony, Shoriba said of his father’s relations with prophets: “He never had any relationship with the prophets. He did not want any word from the prophets, because prophets are liars. The only people who see things are the white people, because they are very strong and clever. To prove this to you – while we are seated here they are talking in Nairobi, they are talking overseas [that is, on the telephone], and we are very simple people. They have got the medicine which has helped the cows, and why did the prophets never make that medicine, and they are clever? Prophets never stepped into Ole Gilisho’s homestead.”

Finally, I queried Ole Gilisho’s attachment to Entorror, his birthplace. If this is taken to mean only Laikipia, where he lived as an adult for about seven years in all, then it is strange that he should have developed such an affinity in so short a time. “Better the land you know than the land you do not know,” said Ole Kipilosh, indicating that he meant by Entorror the whole of their former northern territory. “Entorror is where he ate his *e-murrano* and that is where he grew up and that is where the Purko thrived, and where he began to lead his people.<sup>30</sup> And if they move from a place where they have grown up, a place that likes cattle, sheep and people, and are brought to a land that they don’t know, how big is Ole Gilisho’s anger then?” However, others said: “Ole Gilisho was controlling Entorror, just like the president. He was the controller of that place”. There may have been some truth in British suggestions that he was loath to renounce such territorial power, and

risk competition from Olonana's successors in the south. As it happened, with the possible exception of Kimuruai, they were too weak to represent any threat.

Some of the reasons why Ole Gilisho was able to exert such control were outlined in Chapter 2. The warriors of Il-Tuati II enjoyed an unusual degree of power, after the balance between age-sets was upset by late nineteenth century warfare and losses, both human and livestock. They gained ascendancy through taking advantage of early colonial contact, such as the invitation to join punitive raids. Laikipia was good to them; stockholdings soared, and they were a useful distance from Olonana, who could not control them. But added to these factors must be his extraordinary qualities as a leader, who took the helm at a time of great insecurity and was never seriously challenged in this role until much later in life when a new generation of 'young Turks' would rise to challenge the old one. The balance of power changed from the late 1920s not only because age-set dynamics within Maasai society always demand this, but also because more and more young men were becoming wage-earners. This gave them the capacity to challenge the old guard, independently gain land and livestock, choose their own wives (some outside Maasai), or simply move away from the reserve altogether.

### **Talking in parables: his KLC evidence**

Several informants have described his love of talking in parables, which is a common Maasai trait. This is evident from verbatim accounts of Maasai-British meetings; for example, at one point he likened the 1904 agreement to "a broken weapon which is finished with".<sup>31</sup> It also came across strongly in Ole Teka's previously mentioned description of Ole Gilisho's verbal evidence to the KLC, sitting at Narok. Ole Teka

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<sup>30</sup> *E-murrano* = warriorhood. To "eat" it simply means that he undertook it.

<sup>31</sup> Report of a meeting at Nakuru between Maasai and British on 5/12/12 is in Conf. 136, CO 533/109.

claimed to have been present. “They sent a man and a lady to write what Ole Gilisho would say. The lady was to write the words that came out of the mouth, like the way you are doing now, and the man was the one to ask the questions.” Ole Gilisho began by rebuking the government for sending an unsuitably young man to take down his words: ““Why did the governor send a young man like this one who’s like my child?” ... The man said, ‘He chose me because I am clever’.” Ole Gilisho replied: “I won’t talk to you, because if you light a fire and you are told to remove your shoes, and then you are told to stand up, is there anything you are going to say? And if they bring a leopard and a lion here, can you talk?” In other words, he felt trapped – a shoeless man cannot talk while standing in a fire lit by his enemy. Neither does a man caught between a lion and a leopard. This was his, and by extension the Maasai’s, perceived position in the Southern Reserve. ““They wrote that down,” said Ole Teka. “Then he said, ‘Okay, take that to the governor, because he knows that parable.’” Ole Gilisho reportedly went on: ““If I talk the truth, they’ll cut my throat. Because the truth is, they chased me from my good land. They brought me to a land that hates cows and people. Then you come and tell me when I am on fire that it is a bad land that kills people and animals. And you then come and tell me to talk, what will I say?” When they heard that, said Ole Teka, the white people “collected their things and closed that meeting”.

Of course, none of this appears in the official record of the KLC evidence. His contribution to this is worth briefly recounting here.<sup>32</sup> Ole Gilisho gave his views on the so-called Laikipia Dorobo, whose representative Seratia Ole Turumet claimed were “a separate tribe” and should be given their own place to live. He said he did not know what their present status was, only what it had been in the past when they “remained like dogs in

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<sup>32</sup> *KLC Evidence*, Vol. II. Ole Gilisho gave evidence before the Commission at Narok on 19/10/32, pp1199-1202.

the forest without any cattle”. He was then asked to respond to evidence from three Uas Nkishu Maasai, who asked to be allowed join others in the Southern Reserve. He said it was all right if they went to the other side of the Moghor River, “but I could not agree to them going to the part between the Moghor River and the Mara River. I have nowhere else to live”. He spoke specifically about Laikipia when asked to give evidence about the Leroghi Plateau, answering questions put on behalf of Colvile. At this time, white settlers were trying to lay claim to Leroghi; in the end, the Samburu won the right to retain this area for their own use.

I was born a Laikipiak Masai. I am very upset because I heard now that the Samburu are living in the country in which I used to live. They have gained prosperity and I have had nothing but hardship ... When we were moved from Lerogi the Government said that the land was required for European settlement and said nothing about putting Samburu there.<sup>33</sup>

He said nothing personally about wanting to regain Laikipia. A few pages later, in the evidence of Seggi Ole Lenana, there is an aside in parentheses: “In regard to the Laikipia [sic], the Chairman told them that there was no question of any land which had been granted to Europeans by the Government being given back to the Masai”.<sup>34</sup> However, in a lengthy Memorandum from Masai Chiefs, Headmen and Elders, signed by Lasiti Ole Geri (sic, Keri) and unnamed others, the Maasai of Narok and Kajiado, respectfully asked (among other things) for Laikipia to be restored to them in order to “rectify a glaring injustice”.<sup>35</sup> This was refused.

### **His later life as a colonial ‘chief’**

Ole Gilisho was, at least in outward appearances, assisting the government surprisingly soon after the moves and court case. In 1914-15, he and Masikonde gave

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<sup>33</sup> *KLC Evidence*, p1202.

<sup>34</sup> *KLC Evidence*, p1219.

presents of cattle and sheep to feed the army in World War One, and were formally thanked by the governor and colonial secretary.<sup>36</sup> They were also praised for having restrained the *moran* from “doing anything foolish”.<sup>37</sup> In 1916, he received a specially struck ‘medal of the First Class’ for loyalty and assistance to government during the war. Unlike Masikonde, at that stage he was not listed as a paid chief or headman; his first appearance on the Narok District payroll is 1925, when he was paid 1200 Kenyan shillings, apparently for the year.<sup>38</sup> In April 1918 he attended the inaugural meeting of the new Native Councils or tribunals, and was appointed member with responsibility for the Mara area. He became president of his own council at Mara, and a member of the Central Masai Council at Ngong, which met twice a year.

His influence seems to have peaked in the mid- to late-1920s. District Commissioner E.B. Horne wrote in 1926: “Undoubtedly the most influential man in the District ... he never fails to give his undisguised views on any topic, and is consequently a very helpful [person?]”. His stubborn bluntness was contrasted favourably with Masikonde’s quiet cooperation. It was almost as if Masikonde was too compliant with government, though he was credited with having “worked well and given every satisfaction”: “The [constructive?] if blunt criticism of Ole Gelishu is often more helpful than the unqualified acquiescence of Ole Masikonde”.<sup>39</sup>

The tone of British attitudes towards Ole Gilisho changed markedly after about 1915. Most administrators (with the exception of Dawson and Storrs Fox, at least) described him as having become a reliable government “chief”, committed to assisting the government and to stamping out practices such as warriorhood and raiding which

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<sup>35</sup> *KLC Evidence*, pp1221-1230.

<sup>36</sup> Narok Dist. A/R 1914-15.

<sup>37</sup> Masai A/R 1914-15.

<sup>38</sup> Narok Dist. A/R 1925. But Mol says, in notes copied to me, that he was officially made a headman in April 1918 and paid 600 rupees a year.

threatened peace and prosperity. In Maasai cultural terms, this was perfectly understandable: he had become an elder and put youthful rebellion behind him. Spencer describes how the selfless egalitarianism of group-dependent warriors gives way to “self-interest grounded in family possessions” in elderhood.<sup>40</sup> Though his Maasai fans deny that Ole Gilisho was selfish or avaricious, he seems to have moved in this direction as he got older, which is a natural tendency as old people seek to consolidate their family wealth and security.

Nevertheless, his total opposition to warriorhood from the mid- to late 1920s is curious. In this period, Ole Gilisho – with apparently limited backing from other elders – began trying to force the young men through warriorhood quickly, bringing their milk-drinking ceremony forward so that they were propelled into early elderhood and forced to settle down. He wanted the warriors to “drink milk” within two months of their *eunoto*, but it is not clear that he entirely succeeded. Avoidance of milk drinking in the presence of anyone other than warriors is one of the two food avoidances of warriorhood; the other is avoidance of meat that has been seen by a married woman. The avoidances force warriors to keep each others’ company, and to share. Two major steps are taken towards elderhood when these particular restrictions are lifted: the first, after about six years of warriorhood, is when they “drink milk” alone. The second, after another five years or so, is when they eat meat in front of their own wives.<sup>41</sup>

Ole Gilisho’s antagonism may partly be explained by the fact that elders were then bearing the brunt of swingeing collective stock fines, imposed on disobedient warriors but

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<sup>39</sup> Queried words illegible on the microfilm read in RHO, Narok Dist. A/R 1926.

<sup>40</sup> Spencer, *Matapato*, pp276-7.

<sup>41</sup> Spencer, *Matapato*, p29. In *Matapato*, there are some individual cases of premature elderhood forced upon sons by fathers who need their sons to help manage the herds, and insist that they “drink milk” alone soon after their ritual hair has been shaved. Spencer does not give an historical dimension to this practice, but mentions Purko warrior defiance of attempts to abolish the *manyata* system in the 1920s, which inspired *Matapato* warriors to defy their firestick patrons. *Matapato*, pp80-81, 101.

actually paid by their fathers' generation. For example, the Purko warriors as a whole were fined 10,000 stock in 1922 for three murders and three stock thefts believed to have been committed by the 'Kanyara' and 'Laitetti' *sirits*.<sup>42</sup> Therefore, some elders favoured a total ban on raiding and *manyatas*, within which the warriors were fiercely independent and essentially opposed to elders, though nominally controlled by their firestick patrons. However, Ole Gilisho does not seem to have opposed raiding per se; in 1926, he was described as having a *laissez-faire* attitude to cattle theft.<sup>43</sup> My informants said his stock wealth largely derived from warrior gifts of raided stock, some dating back to the days on Entorror.<sup>44</sup>

Another reason was put forward by Joseph Ole Karia, who said of Ole Gilisho's action in forcing the Il-Tiyieki to end their warriorhood early: "He did not want them to become warriors because they would have fought the British government. So because of the superiority of British weapons, he thought it would be wise for him to take these guys to *eunoto*."<sup>45</sup> Il-Gecherei, left-hand group to Il-Tiyieki, were to make that mistake with fatal results – rebelling at Rotian in 1935 while building the road from Narok to the Mau (see final chapter). On that occasion, Ole Gilisho could do nothing. Waller takes this argument a step further, saying of Il-Tuati elders' attempts to control the warriors as being "motivated not only by the need to consolidate their own position but also by the fear that *murrān* indiscipline, particularly raiding, would attract unwelcome attention from the colonial administration and thus limit their freedom to reconstruct Maasai society from

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<sup>42</sup> By 1923 it was decided to abandon the fruitless effort of trying to collect them. Two warriors were also sentenced to hang (it is not clear if this was carried out) and others jailed for ten years for these offences, Masai A/R 1922-23, and Narok Dist. A/Rs 1922 and 1923. NB: it is not always possible to give page references for these reports; I was working from microfilm on which page numbers were either omitted or illegible.

<sup>43</sup> Narok Dist. A/R 1926, p15.

<sup>44</sup> Mol confirms this in his unpublished notes on Ole Gilisho, *ibid*. Quoting an unnamed informant, he writes: "Ole Gilisho had many cattle because almost a quarter of the cattle that the warriors brought [back from raids] went to him alone."

<sup>45</sup> Lemek 28.

within". He does not, in this passage, explain what form this reconstruction took. He ascribes the tensions between Purko elders and warriors in this period to the abnormal concentration of authority and stock wealth in the hands of one age-set, the Il-Tuati, since the nineteenth century disasters, suggesting that elders found it difficult to give up such power.<sup>46</sup> This rings true in Ole Gilisho's case.

Other reasons for his opposition to warriorhood may lie in his feud with Olonana's younger son Kimuruai, and his opposition to *laibons* in general, certainly in this later period. Maybe he saw their influence with the warriors, and their encouragement of warriorhood for its pecuniary advantages to them, threatening to undermine his own authority at this time. Prophets received stock in payment for their blessing of raids, as well as for consultations, charms, and other input to warrior ceremonies, particularly *eunoto*. If raids were successful, they got more. In 1928, while making these threats against Il-Tiyieki, Ole Gilisho also upset the Purko warriors by setting the date and place for their *eunoto* without consulting Kimuruai. This was not the done thing for a spokesman, although he seems to have done it many years before with the 1910 *eunoto* on Kinangop, which upset Olonana. In 1928, his distrust of Kimuruai was a major factor; he considered the prophet "responsible for most of the trouble which occurred in past years". Only a few Purko attended the *eunoto* he arranged. Il-Tiyieki age-set spokesman Ole Ngarabali and the majority of his warriors refused to recognise it, saying they intended to send cattle to Kimuruai and hold their own ceremony.<sup>47</sup> By the following year, however, the elders had won back the allegiance of the warriors from Kimuruai, who was described as having "committed political suicide".<sup>48</sup>

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<sup>46</sup> Waller, 'Emutai', p111.

<sup>47</sup> Narok Dist. A/R 1928, p7.

<sup>48</sup> Narok Dist. A/R 1929, p10.

The then DC, Major J.V. Dawson, disapproved of Ole Gilisho's actions: "Legalishu was stubborn, and endeavoured to invoke the help of the Government in forcing Ngarabali and his followers to recognise his (Legalishu's) *eunoto*, to refuse to allow the warriors to eat meat, and to insist on them 'drinking milk'." Dawson feared this would lead to armed resistance. The tension was diffused when Ole Ngarabali – whom the British considered "exceptional" – was persuaded to "swallow a certain amount of his pride" and agreed not to hold a second *eunoto*. However, he insisted on the right to send cattle to Kimuruai, to get his blessing and hold a *sikukuu* (Swahili for festival). Disaster was narrowly averted, largely because Ole Ngarabali was "extremely well disposed towards the Government".<sup>49</sup> Storrs Fox, who was DC for part of 1929, took an equally dim view of Ole Gilisho's actions. "He should not be encouraged in wildcat schemes of this sort, which seem designed rather to annoy the muran than to promote the good of the tribe".<sup>50</sup>

There is an amusing postscript, which provides the ultimate explanation for Ole Gilisho's antagonism towards this age-group. Having said that Ole Gilisho should wield great influence over the group because he was age-set spokesman of their firestick patrons, Storrs Fox wrote:

But influential as he is, he has an old grudge against them and prefers to use his office to bully rather than assist them. It is due to the fact that in 1925 or 1926 he tried to delay their circumcision. The warriors (then L'Ayok [boys]) took to having sexual intercourse with the old man's wives as a protest. He has never forgiven them.<sup>51</sup>

He was described as "a man with a grievance, reactionary and suspicious", having made himself – in his bullying of the warriors – "more nuisance than he is worth". Storrs Fox thought he would probably be pleased if the government sent a punitive expedition

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<sup>49</sup> Narok Dist. A/R 1928, pp7-8,16.

<sup>50</sup> Narok Dist. A/R 1929, p15. Storrs Fox, who arrived in April, talks about the group being ordered to perform their *ol-ngesher* meat feast as soon as the Il-Meiruturut and Il-Kitoip of Il-Tareto age-set had finished theirs, commenting: "This would seem very premature seeing that the left side [of Il-Terito, the Il-Gecherei, or Il-Ng'Gechere] has not even been circumcised". Il-Tiyieki were circumcised 1925-27, their juniors Il-Gecherei 1930-32.

against the warriors, “provided that, by pretending to be helpful he could avoid having to pay the piper”. He hoped the old man would retire soon.<sup>52</sup> When he did so, in early 1930, it was greeted with relief in official circles. Dawson, who had returned to the helm, commented that since retiring “he has been more helpful than when he took an active and reactionary part in local politics”.<sup>53</sup> Of course, his retirement from an official position did not mark the end of his influence over the Purko.

At that point, the administration appears to have gone on a charm offensive to win the confidence of the warriors. By 1931, they were again allowed to live in *manyatas* and were employed to police their own areas. This paid off in a marked change of attitude. It was noted that their distrust and dislike of the government had largely disappeared, though elders’ suspicion remained. “The good effect of securing and keeping the confidence of the young men is difficult to exaggerate.”<sup>54</sup> Some officials had realised back in 1923 that the major downside of abolishing the warrior system, without putting something in its place, was the lack of discipline that developed in the vacuum.<sup>55</sup> Like the public school or the detention centre, the *manyata* had its place as an institution which channelled and exhausted young men’s energies while imposing rigorous restraints. Take it away, and delinquency would result. In itself, it constituted a form of institutionalised, and therefore controlled, delinquency. This realisation (not that it was articulated as such) had eventually influenced the change of heart and policy. But Ole Gilisho’s attitude threatened to scupper official efforts. Dawson was clearly not among his fans. “Owing to the attitude of Legalishu, the Godfather of the present Purko warrior age, a mulish [sic] and most unlikeable old gentleman, many somewhat delicate situations between the moran and the Il

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<sup>51</sup> Narok Dist. A/R 1929, p11.

<sup>52</sup> Narok Dist. A/R, p19.

<sup>53</sup> Narok Dist. A/R 1930, p13. .

<sup>54</sup> Narok Dist. A/R 1931, p3.

Twati age group have arisen.” He did not specify what, but they were resolved through discussion.<sup>56</sup> By 1934, however, Dawson had changed his mind again. The warrior situation was now “far from satisfactory”, amid raids, murders, and assaults by “marauding gangs of moran” on old men and boy herders. The warrior system was “tantamount to recognising organised crime”. He no longer thought *manyatas* a good idea, and neither did the elders, but he claimed they were too frightened of the warriors to take firm action.

A later DC, Clarence Buxton, wrote about Ole Gilisho’s attitude to warriorhood in 1936. “On many occasions Legalishu has been most emphatic in recommending the complete abolition of the moran system, leaving the youngsters in their fathers’ control and villages”, rather than *manyatas*.<sup>57</sup> But there was “a good deal of opposition” to Ole Gilisho’s plan, particularly from other sections. He indicated that Ole Gilisho’s power had waned, but was now on the rise again: “Legalishu’s influence is undoubtedly again on the increase, and he may be able to carry his point so that the Il-Tareto [age-set] adopt his plan when the times comes. The Purko hold the dominant position in tribal affairs and can influence the rest over such matters as inter-penetration by alien natives.” His attitude was contrasted sharply with that of the troublesome prophet Kimuruai, who had been “removed” from Narok district early in the year (see Chapter 9). It was only after his death that the annual reports noted the fact that other elders had all swung round to condemning warriorhood.<sup>58</sup>

How can this be squared with Paul Spencer’s central tenet that a gerontocracy holds sway in polygamous age-organised societies (specifically those of the Samburu and

<sup>55</sup> Narok Dist. A/R 1923, p3. An attempt was made that year to enlist warriors as Tribal Retainers in order to regain the confidence of the younger generation, and this was proving “a real success”, p2.

<sup>56</sup> Narok Dist. A/R 1931, p3.

<sup>57</sup> All 1936 quotes are taken from the Narok Dist. A/R for that year.

<sup>58</sup> The 1940 Narok A/R noted that other Purko elders had now followed Ole Gilisho’s lead, and were saying that the only solution to the *moran* problem was to have no *moran*. The attitude was said to be “both

Maasai) by keeping young men confined to warriorhood for as long as possible, so that elders may prevent their younger rivals from marrying girls they covet for themselves? It destroys the hypothesis, revealing it for what it is: largely ahistorical, and specific at best to the Maasai section that he studied – the Matapato. In this instance, the Purko elders could not have been in more of a hurry to force the youth into premature elderhood and marriage. Their wives (as they always have done) were sleeping with the younger men anyway, and the elders were being thoroughly cuckolded. There is some truth in Spencer's claim that "the elders at times lose a degree of control over the younger men, but it is they who control the system and perpetuate it, domesticating the moran by stages, and ultimately controlling them".<sup>59</sup> However, in this period they were not seeking to perpetuate "the system", if by this Spencer means warriorhood, for the reasons given above. It represented too great a threat to their authority, pockets, relationship with government and the associated 'perks'. Also, there was state pressure on elders to produce young males for the labour market, and warriorhood interfered with the process of extracting labour and taxes for the colonial state.

Curiously, Spencer includes a case study of the Purko attempt to abolish the *manyata* system in the 1920s, commenting that Maasai elders "connived" with the British administration over this, but it is presented simply as an aberration and deviation from the norm.<sup>60</sup> He goes on to explain that the *manyata* system has survived attempts at abolition, even though it no longer has a defensive role, because its major advantage is that it keeps warriors away from the younger wives of elders.<sup>61</sup> If he had spoken to more of the younger wives, rather than focusing primarily on the evidence of male elders, they might have told a

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revolutionary and so far peculiar to themselves". Elders were making warriors drink milk almost as soon as they had been circumcised, thereby forcing them to become elders straightaway.

<sup>59</sup> Spencer, *Matapato*, p5.

<sup>60</sup> Spencer, *Matapato*, Case 24, p101.

<sup>61</sup> Spencer, *Matapato*, p110.

different story.<sup>62</sup> Conversely, I suggest that the system survives because of its usefulness in institutionalising, channelling and thereby controlling delinquency. The single-sex boarding schools all over Maasailand today provide a similar, though for boys less successful, alternative for those who no longer want to be warriors or their concubines. The *manyata* is the Maasai equivalent of the ‘boot camp’, or the American ranches to which social workers now send ‘problem’ urban youth with the aim of developing character, separating them from bad influences and wearing them out physically.

In 1938, Ole Gilisho was still being described as “much respected and influential”, his influence extending way beyond his own section. However, other elders were no longer so inclined to agree with everything he said. In particular, his efforts to get the Maasai to introduce a statute of limitations in civil cases had been “utterly defeated” at the local native council. Unfortunately, no details were given of this particular issue. His tendency to “run with the hare and hunt with the hounds”, in connection with setting up a Masai Betterment Fund, was frowned upon by other elders.<sup>63</sup> As usual, this behaviour was contrasted unfavourably with that of Masikonde – who was said to be “outstanding”.<sup>64</sup> His reputation for conservatism was reinforced in 1939, the year of his death, with his “blank refusal to allow the Masai to go in for artificial insemination of their cows”.

Though they did not always agree, he and Masikonde had come a long way together. Their names had always been intertwined. Even in death they shadowed each other, Masikonde dying just two-and-a-half months after his old friend, on 13 September 1939, though he was a generation senior (Ol-Talalai). The DC, W.A. Perreau, wrote:

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<sup>62</sup> Since he does not list his interviewees, it is difficult to ascertain the gender ratio. However, from the text, it would appear that the vast majority of his informants were male elders.

<sup>63</sup> This was set up in 1938, bankrolled by the sale of cattle to Liebig’s meat factory. The funds were for public works in the reserve, and other projects that benefited the community.

It was unfortunate that two such great figures in recent Masai history should have died within a short period of each other. It is not easy to fill the gap caused by a man like Ole Gilishu. His influence with the Masai was considerable. They were undoubtedly frightened of him. He had a strong personality and a remarkably active brain for an old man. Ole Masikonde was well known for his progressive policy and for his pluck in sticking to it in spite of the stubborn conservatism of the Masai. He lost favour at one time because of his progressiveness. He was presently regarded as an energetic nuisance.<sup>65</sup>

Perreau likened Ole Gilisho to “the Hindenburg of the Masai”, since he had risen from being a virtual army general to the position of “chief advisor to the Government”. Though he had been difficult to manage in recent months, and his alleged conservatism had hindered progress, none of the current chiefs could hope to reach his level of influence for years to come. Perreau thought that headman Oimeru, Masikonde’s son, was a possible contender but he lacked Ole Gilisho’s strength of character.<sup>66</sup>

### **The role and power of age-set spokesmen**

To understand Ole Gilisho’s position and influence, one must turn to the anthropological and related literature on age-set spokesmen. *Ol-aiguenani* translates as spokesman, chief, councillor according to Mol, and derives from the verb stem *-iguen*, to advise.<sup>67</sup> It is the translation of the word as ‘chief’ which has confused understanding of the role, by colonial governments onwards. The Maasai had no chiefs. The British sought to rule Africans by working through chiefs, and with the Maasai they hit upon age-set spokesmen and *laibons* in the absence of anything else. But each had a limited range of influence and power – the spokesmen over an age-set, the prophets over a section, if that. Their subsequent performance in that role determined the strength of their following; this power had to be earned to some extent.

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<sup>64</sup> Narok Dist. A/R 1938, p6. The DC was still Buxton, who transferred to Ngong the same year as Officer in Charge of the Maasai.

<sup>65</sup> Narok Dist. A/R 1939.

<sup>66</sup> Narok Dist. A/R 1939, p8.

Mol distinguishes three types. First, the spokesman for the circumcision group, who is selected by elders just before the *en-kipaata* ceremony, which precedes circumcision. His thighs are brand-marked as a sign of his appointment. He goes on to be spokesman for the warriors (*ol-aiguenani loo lmurran*), and spokesman for the circumcision group (*ol-aiguenani l'ol porror*) which forms half the eventual age-set. When the two circumcision groups come together to form the new age-set (*ol-aji*), the spokesman of each group continues as *ol-aiguenani lo laji* and each must be consulted on age-set matters. The position is life-long. Second, there is the spokesman of the cattle/people (*ol-aiguenani loo nkishu*), a post filled by an elder who is chosen to represent the whole section. Third, the *ol-aiguenani o-puto*, a spokesman appointed by the government to be chief or sub-chief of an area. The latter position is not part of the Maasai 'traditional' system.<sup>68</sup>

Joseph Thomson described the 'Lygonani' or age-set spokesman as "the public pleader of a kraal, [who] leads and guides the debate in cases of dispute". He clearly understood the importance of debate in Maasai society, and the contribution that the age-set spokesmen made to this:

... the Masai are the most remarkable speakers and debaters imaginable. In some American novels we have the Indian belauded for his eloquence and dignity, but commend me to the Masai for grace and oratorical power, for order and decorum in debate; and, indeed, for most of the good qualities which in these days are conspicuous by their absence in our own House of Talking.<sup>69</sup>

It would have been natural, therefore, for Ole Gilisho to try and talk his way out of the Maasai predicament on Laikipia, by engaging in debate with the administration.

Jacobs has described the lack of political centralisation in a society without chiefs, but said this did not mean a lack of political influence and force. This was "diffused throughout the society". He set out to demonstrate how the age-set system constituted the

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<sup>67</sup> Mol, *Maasai language*, p5.

<sup>68</sup> Mol, *Maasai language*, p5.

political system of the Maasai, in the absence of a centralised political structure of chiefs and headmen, or of a segmentary lineage system in which political authority could be said to reside.<sup>70</sup> Within this system, the *il-aiguenak* played a key role. Jacobs described four distinct types: the local spokesman, district spokesman, “tribal” spokesman and the most revered (*ol-aiguenani kitok*). The local spokesman, he said, may be appointed to office at each stage of the age-set cycle, whereas the “tribal” spokesman was appointed for life. By this reckoning, Ole Gilisho was both “tribal” and most revered. The “tribal” spokesman was said to be chosen from among the most distinguished senior warriors to represent his age-set as elders. He “not only acts as a supreme judge or mediator for his entire age-set in serious disputes (especially feuds) with other age-sets, but he also takes the leading role in arranging for the meetings by which his age-mates become responsible for creating a new tribal age-set of junior members”.<sup>71</sup> The only other comparably powerful role in the age-set is its ritual leader, spelled by Jacobs *olaunoni* (elsewhere *ol-otono*). This means he who is planted. He is chosen without his knowledge at the *eunoto* ceremony that upgrades the age-set, and exercises control over his age-mates during senior warriorhood, but loses his authority when the set graduates to elderhood and the “tribal” spokesman is chosen. His powers include being able to impose fines on his age-mates for breaches of custom or law. However, according to Jacobs, some sections including the Purko have no ritual leader.<sup>72</sup> If true, this might have helped to explain Ole Gilisho’s supreme and unrivalled authority. But it does not appear to be so; for example, Terere Ole Naisho, previously mentioned by

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<sup>69</sup> Thomson, *Through Masai land*, Second Edition, p433.

<sup>70</sup> Jacobs, ‘Traditional political organisation’, pp1,13.

<sup>71</sup> Jacobs, ‘Traditional political organisation’, p274.

<sup>72</sup> Jacobs, ‘Traditional political organisation’, p317; Mol, *Maasai language*, p322.

Jackson, was both *ol-otuno* and *ol-aiguenani l'ol porror* or chief spokesman for the Purko before Ole Gilisho.<sup>73</sup>

Fosbrooke, writing about Tanzanian Maasai practice, differed from Jacobs in claiming that the spokesman's peers, under the guidance of elders, choose the spokesman for the circumcision group.<sup>74</sup> (Hollis said the same; it was up to the boys of each sub-district to choose their *ol-aiguenani*, described as "their counsellor or spokesman, who is also their judge and their representative at the chief medicine-man's court".)<sup>75</sup> These discussions never take place in the presence of possible candidates, he said, for they often refuse to take the job on and will run away if they get wind of the news that they may be chosen. He also differed from Mol in saying that once the new age-set is formed, only one spokesman is chosen to lead it. What he called the *ingobir* or "leading men of a given age and area" acted as a brake on the spokesman and could depose him if he behaved unsatisfactorily.<sup>76</sup> He asked the spokesmen what their duties were, while acknowledging that this might not necessarily show what they do in practice. The answers were: "to collect cattle for, and organise deputations to the laibon; to represent their age in disputes with other ages, and to prevent such disputes from developing into fights; to lead their people in war, or nowadays, to prevent them going on raids (probably a sop to the questioner); to settle individual cases – payment of debt, compensation, blood-money, etc."<sup>77</sup>

In the days before raiding and warfare was banned, it was the job of the spokesman to assemble his people for battle. But by custom, he was barred from fighting; he was

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<sup>73</sup> Waller, 'Origins', fn p547. In 'Lords of East Africa', p190, he describes Terere as one of three most important Purko spokesmen of the 1880s and 90s, with Leposo Ole Nkomea and Lesingo Ole Kool.

<sup>74</sup> H.A. Fosbrooke, 'An Administrative Survey of the Masai Social System', *Tanganyika Notes and Records*, No. 26, December 1948, from p34 of the Tylor Library edition, Oxford.

<sup>75</sup> Hollis, *The Masai*, p296.

<sup>76</sup> Fosbrooke said there is no "definite office" of *engobiro*, pl. *ingobir*. They are simply strong characters, whose ability and character mark them out, particularly in debate; they are then taken into the confidence of their seniors and become *ingobir*, Fosbrooke, 'Masai Social System'. Spencer interprets the word *en-kopiro*, pl. *il-kopir* as advocates or "feathers" who complement the *manyata* spokesman and argue on behalf of particular interests there, *Matapato*, p105.

supposed to stay in the rear with a small bodyguard. Fosbrooke also noted that it was unusual for a spokesman to interfere in an individual dispute without being invited to do so. His position in the justice system was informal: “He is sought as a judge by virtue of his qualities and not of his position”. He also had a duty to help the poor and oppressed, a guiding principle summed up by one spokesman as “a laigwenan does not like to see a poor man robbed by a rich, or an old man oppressed by a young one”.<sup>78</sup>

Spencer, writing solely about the practices of one section, Matapato, describes how the firestick patrons choose the *manyata* spokesman, after discreetly consulting other warriors. Later, a senior spokesman for the whole age-group is chosen from among the different *manyata* spokesmen. The functions of the spokesman are to maintain discipline among the warriors; to join the patrons as a peacemaker in warrior disputes; in the old days, to lead warrior delegations to the prophet before a raid, and to direct battle operations from the rear. His authority is described as “aloof” at all times – “central and yet kept apart” in battle, central and yet “slightly apart from the contest” in debates.<sup>79</sup> This concurs with Ole Gilisho’s behaviour, as described by those who knew him.

As for the relative powers of age-set spokesmen and prophets in this period, the position of the latter had become highly insecure. In customary terms the prophets enjoyed a higher status, but they have always been marginalised ‘outsider’ figures. Olonana’s alliance with the British had cost him support among the Maasai. After his death, the secular nature of the *il-aiguenak*, and the moral high ground that the best of them occupied, increasingly appealed to Maasai who were becoming sceptical of the prophets, their hocus pocus, fraternal squabbings and greed. This is apparent in my own testimony. This group of sceptics included young people who had had a little mission schooling, and seen the

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<sup>77</sup> Fosbrooke, ‘Masai Social System’, p38.

<sup>78</sup> Fosbrooke, ‘Masai Social System’, p37.

world beyond Maasailand, but also politicised individuals like Ole Mootian, who was not a Christian in those days. They may also have heard administrators, who had now woken up to the true position of prophets and the limitations of their authority, denigrate prophets such as Kimuruai and Seggi and warn people to stay away from them. By the 1930s, what little power they had enjoyed was broken. Cattle raiding had finished, and with it the revenue from blessing raids; now they were falling over themselves to compete for paying clients. The fact that there are so many minor prophets still practising today is another, fascinating story of acclimatisation to niche markets in a changing world.

To sum up, Ole Gilisho appears to have broken the spokesman mould, since his powers and influence extended further than the age-set; the evidence suggests that it even stretched beyond the section. This can be attributed to his exceptional personal qualities, and the political circumstances of the day that afforded, through the British, greater opportunities to certain spokesmen and prophets to extend their influence vertically and horizontally. He was, through his involvement in punitive expeditions, at the forefront of the early Maasai-British alliance and deeply impressed the official contacts he made then, primarily Jackson. The move to Laikipia further bolstered his position, because he could preside over the Purko there without interference from Olonana. He was never seriously bothered by Olonana's successors after moving south. As Spencer says of Matapato, power is only granted to those prepared to bid for it.<sup>80</sup> Ole Gilisho bid for it time and time again, and generally won.

### **Was he still a warrior?**

It is important to determine whether or not Ole Gilisho was still a senior warrior at the time of the second move, when he initiated the legal action. If indeed he was still a

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<sup>79</sup> Spencer, *Matapato*, pp103-5

<sup>80</sup> Spencer, *Matapato*, p6.

warrior – and that seems likely – then this behaviour and form of resistance was particularly extraordinary. It would once again break the anthropological mould, undermining Spencer's claim that warrior rebellion against elders amounts to no more than a time-limited ritual.<sup>81</sup> (In resisting the move, one must remember that Ole Gilisho was not only taking on the British but defying some of his own elders who were acquiescent to government.) One could put this uncharacteristic action down to an aberration, but it is a major deviation from the norm and raises questions about the inflexibility of ahistorical anthropological models.

Waller says Il-Tuati II became senior warriors in about 1910.<sup>82</sup> Collyer described Ole Gilisho as head of the senior warriors in his 'Report on the Masai Question', written in August that year. Sandford described the Il-Merisho, Ole Gilisho's age-set, as warriors in April 1913 and again in July 1915.<sup>83</sup> But according to Belfield's previously cited remarks, Ole Gilisho was an elder by December 1912. Mol reports that he was still age-set spokesman for the warriors in 1917, and that Il-Tuati retired as warriors that year.<sup>84</sup> But Dundas, Assistant Collector at Naivasha, wrote in 1906 that "although Legalishu has been a moran for 13 years only [which would put his circumcision at 1893, not 1896] he talks of retiring with the rest of the senior moran next year".<sup>85</sup> I can find no further reference in the official record that this actually happened.

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<sup>81</sup> Spencer, *Matapato*, *passim*. The term 'ritual of rebellion' was coined by Max Gluckman. Examples of ritualised warrior rebellion given by Spencer include the founding of the *manyata*, which involves raiding fathers' cattle and the kidnap of mothers by "recruitment posses", whose raids are "conducted in the spirit of a protest that is felt to invigorate the established order", summarised p271; the whole period of living in *manyatas*, an extended ritual of rebellion, p274; and the display of privileges by a junior age-group as if they had usurped the privileges of the senior group, from p84. He describes various other forms of rebellion by women against patriarchal domination, and concludes that "rituals of rebellion ... are closer to true rebellion in the sense that [Gluckman] coined the term. They set the moral parameters within which a political order becomes possible", p278.

<sup>82</sup> Waller, 'Origins', p550.

<sup>83</sup> Sandford, *Administrative history*, pp117, 121.

<sup>84</sup> Mol, unpublished notes, *ibid.*, and *Maasai language*, p19.

<sup>85</sup> Dundas, 'Masai Organisation', 5/3/06, Naivasha, in Political Records: Memoranda on Tribes, DC/MKS/26/2/1, KNA.

My informants were divided on this point. Some insisted he was an elder at the time of the second move, others that he was still a warrior. Of his family, who might be expected to know best, his son Leperes claimed that he was then a “full *moran*”, and son Mapelu also said he was a warrior when he began to resist the Europeans. Grandson Ole Kariankei repeated: “He was still a warrior when he was trying to resist the white men.” However, another son, Shoriba, said he was “just a man, not a warrior” at this time, and this was reiterated by his last born son, Salau. (However, he was far too young to know.) There is a fine line between the behaviour of senior warriors and junior elders; the former are encouraged as a group to start behaving as though they are elders. Given Ole Gilisho’s precociousness, he is especially likely to have been mistaken for an elder by the British when he was still a senior warrior. By 1911 Ole Gilisho was in his early 30s, and could have remained a warrior until the age of 34 or so. In those days, warriorhood lasted several years longer than it does today when, of course, many boys no longer choose to be warriors at all. The evidence suggests that he was, in 1911-13, on the cusp of junior elderhood.



Before he died in 1997, Ole Mootian was clamouring for official commemoration of Ole Gilisho. He wrote to the headmaster of Narok High School, urging him to change the name of the school. He claimed that Ole Gilisho had died on the site where the school now stood, so a name change was highly appropriate. He also suggested that Ole Gilisho should be given a memorial date in the calendar. In his plea to me, Ole Mootian’s own inimitable style of language cannot be bettered:

It would be very good, so that he can be remembered. Because even these meetings you nowadays go to – like if you go to America, going to Washington DC, then if you go to French [sic], if you go to Britain – it is a must that you mention the name of Ole Gilisho. Or am I telling a lie? Every time you are talking, always say: ‘Ole Gilisho said... Ole Gilisho said...’ Because even all these papers you are writing now, and we also wrote, we must mention the name Ole Gilisho. They should also plant trees in front of that

school to remember his name. Ole Gilisho should also be given a date every year to remember him by, so that everybody can know him – children, women and all the Maasai. Why does Moi now have a date, a very little man whose face we only saw the other day? During KANU and KADU, that was when we first started seeing him! Before, we never knew what is called Moi ... If there were any of Ole Gilisho's portraits, then they should make a monument with it, with a stone [statue] – just like the one that was called Delamere Avenue. Like the one of Kenyatta that is always outside the parliament building, so that Ole Gilisho will just be seen with his sword and his spear. Even Olonana, they should do him the same, at the gate of State House, because that is where his bulls used to stay.

In his long letter to the headmaster on 6 May 1997, which he showed to me, Ole Mootian based his request for recognition of Ole Gilisho on several grounds.

It may also be of interest to learn one or more leadership qualities of this great Maasai statesman. Allow me to enumerate but a few. One, in 1910 to 1911 he single-handedly fought against the British land agreement when Olonana was in detention in Fort Smith, in Kabete. The Maasai were later coerced into signing the agreement; in fact, it was not signed. Two, he was the last well-anointed and most respected in the history of Maasai chieftainship. Ole Gilisho was also honoured by Queen Victoria by presentation of a stave with a British crown. Three, Ole Gilisho left a landmark, which still exists, in way of planting two cedar trees in front of the DC's Narok office during the celebration of silver jubilee of King George V. Four, Ole Gilisho prevented the Maasai involvement in the First World War, because the Maasai were a state and Ole Gilisho did not see the sense in joining the war. Five, Ole Gilisho is the only Maasai leader in history to resettle a whole Maasai clan. These were the Uas Nkishu ... when they were forcibly removed from Eldoret. I am certain that, with a little back-up to my assertion to my request, you may present this issue to all relevant authorities.

Nothing has been done about this, so far as I know. The significant points include those made about Olonana (who was not in 'detention' in 1910-11, but had sought refuge at Fort Smith in the 1890s), and the suggestion that but for this 'detention' Olonana would also have resisted the move; Ole Gilisho's alleged role in keeping the Maasai out of the war; and Ole Mootian's view of Maasai statehood. He may have been involved in pre-independence Maasai plans to secede from Kenya and Tanganyika to form an independent "joint state of Maasai" under the British Crown, a curious proposal which appears to have been rooted in the 1913 judgement.<sup>86</sup>

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<sup>86</sup> The *East African Standard* of 18/8/60 carried a story headlined 'Separate State of Masai Impossible', which reported the Governor of Tanganyika, Sir Richard Turnbull, telling Maasai leaders at Ngorongoro that

What is the view of younger Maasai? Many of them, even members of his own family, know nothing much about Ole Gilisho's activities and achievements. But a group of young men from the Lemek area have recently formed the Ole Gilisho Justice Foundation to "further the ideals and principles" of this man among the younger generation. Though they have approached NGOs in Nairobi for possible funding, the Foundation was being kept fairly secret in the Lemek area for the good reason that its principles (following those of Ole Gilisho himself) do not coincide with those of the current Maasai elite. In the ungrammatical wording of its manifesto, these are listed as:

- He believed in individual justice regardless of one's status in society;
- He believed in the potentiality of the poor to transforming of the society to its better;
- He stood against oppression of any kind against his people;
- He stood against individualism/capitalism;
- He tolerated no amount of corruption;
- He stood for the unity of all Maasais;
- He believed in undefeatable Maasai that is a strong and wealthy people.

The manifesto commends Ole Gilisho's opposition to land grabbing when, on being offered the whole of the Lemek valley by the British, he is said to have responded: "No, where will I put the Maasai?" This behaviour is contrasted with that of subsequent leaders "who have continued to squander community resources and grab public land without mercy". It claims that his efforts to unite the Maasai were frustrated by factional infighting. Though the richest in the land, he distributed milking cows to poor families and was seen as a saint. "The poor generously ate and drunk at his home and he had high regard and affection for them. He lived a simple life that led many unfamiliar with him to take him for his servant." For all these reasons and more, he is being held up as a shining example that the younger generation should emulate "to evade this community from a black future and once more restore the dignity of the Maasai". Lamenting institutionalised corruption, denial

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their plan to create the state of Maasailand after both countries gained independence was impossible. In a related move, eight Maasai elders made a request to the Governor of Kenya on 15/8/60, asking for

of education to many, misuse of public resources and land grabbing, the manifesto appeals to youth and anyone else concerned about justice to join together to "carry the burner [sic] of justice across Maasailand and hence fill the gap left by human rights groups which seem to be active only at the national level".

Ole Gilisho, and Norman Leys, would have applauded.

## Chapter 8: Perceptions of disease and ecological impacts

*Shomo pii Ngatet, enakop o ol-tikana*

“Go completely to the south, land of East Coast fever and malaria.”<sup>1</sup>

Nearly ninety years after the second move, Maasai elders in western Narok still talk with passion about its effects on the health of humans and herds. They describe the impact of the move in ‘pathological’ terms, believing that the British deliberately sent them “to that land where *ol-tikana* is” in order that they might die there.<sup>2</sup> They claim that they and their herds succumbed to diseases in the Southern Reserve which were unknown or not prevalent in their northern territory, specifically Laikipia, and that they have been blighted by sickness ever since. They insist that the land they were moved to was not only grossly inferior to Entorror in terms of water, grazing, ticks and tsetse fly, but that the new environment infected and killed them. It was literally deadly. Some go further, and insist there was *no* disease in Entorror. In the collective oral mythology, Entorror is seen as Eden, its sweetness constantly compared to the bitterness of the south, or Ngatet.

Their quantitative land losses in this period are well known; it is generally acknowledged that the Maasai lost more land to the British than any other indigenous people in East Africa. But their qualitative losses, in terms of the richness of their northern habitat and their alleged propensity to disease in their new environment, have not been examined in detail. In theory, the area of land to which they were moved, the 4,460,000-acre western extension added to the Southern Reserve in 1911, seems generous until one

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<sup>1</sup> What the Purko Maasai believe the British told them, while forcing them out of Laikipia to Ngatet.

<sup>2</sup> The word means both human malaria and ECF in cows, see Glossary. My informants say it comes from the word *ntikan*, meaning swelling of the mandibular tissue (lymphoid) behind the ear, which is one of the first signs of ECF. It is a disease of cattle caused by the protozoan parasite *Theileria parva*, carried by the brown ear tick *Rhipicephalus appendiculatus*. Death usually occurs 20 to 25 days after being bitten by infected ticks. Today ECF threatens about 15 million cattle, largely in East and Southern Africa.

examines its quality.<sup>3</sup> Though she was talking about a different part of the reserve, Margery Perham's remarks after witnessing Maasai hardship near Laitokitok in 1929-30 are pertinent: "I realised that the sweeping criticisms passed about the Masai - that they have *so many acres per head and so many cattle* are quite misleading. You have to understand how they live and on what kind of land, such as no one else could use, before you have any right to condemn the Masai as encumbrances upon the earth" [her italics].<sup>4</sup>

It is not simply a matter of the quality of the land. Such is their dependency on livestock, and their total identification with it – *in-kishu* or *en-kishu* means both cattle and the Maasai as a people – that cattle disease in any environment is inextricably linked to human health and is spoken of almost interchangeably with that of humans. This fact will be implicit throughout this chapter. Furthermore, the grievances of this group of migrants must be seen in the context of acclimatisation over time and space. There were of course other Maasai already living in the Southern Reserve when the 'northerners' arrived, and so it cannot be dismissed as an environment in which Maasai could not survive and thrive. The point is that the newcomers were unfamiliar with this environment, took time to discover and experiment with a different range of wild foods and medicinal plants to those they were used to in Entorror,<sup>5</sup> were non-resistant to certain infections in the south, and in the interregnum between arrival and acclimatisation, when some resistance would have

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<sup>3</sup> This is the figure given by Harcourt for the western extension and 'Garden of Eden', meaning Trans-Mara, in answer to a question by Harvey on 13/8/13, cited in the *Anti-Slavery Reporter* Vol. 3, No. 3 (October 1913). The Southern Reserve as a whole was nearly 10 million acres, according to Aneurin Lewis, *A study of the ticks in Kenya Colony*, Part 3, Bulletin No. 7 of 1934, Government Printer, Nairobi. Sandford put it at 14,600 square miles or "more than" 9m acres (*Administrative history*, p44.) The western extension was 6,500 square miles (Sandford, p33) though it is not clear whether this included Trans-Mara.

<sup>4</sup> M. Perham, *East African Journey: Kenya and Tanganyika 1929-1930*, Faber and Faber, 1976, p180. Laitokitok is in Kajiado, the eastern section of the old reserve. For Perham's later defence of Maasai land rights, see E. Huxley and M. Perham, *Race and politics in Kenya, a correspondence between Elspeth Huxley and Margery Perham*, Faber and Faber, 1944.

<sup>5</sup> I have developed this idea in a section which had to be cut from this chapter for length reasons. It draws upon sources including modern oral testimony, Johnston, Hollis and Merker, whose 'Masai pharmacological' listed 468 wild plants including 157 which had medicinal uses for stock and Maasai, to suggest that the 'northern' Maasai lost a natural pharmacy and larder through the forced moves. Though they eventually

developed, both humans and stock suffered acutely. It is this suffering which colours people's memories of the move and what happened immediately afterwards.

There were contemporary parallels in German East Africa, where the ethnographer Merker (also a German administrative official) observed the painful "acclimatisation process" experienced by the Maasai after the epidemics and civil wars of the late nineteenth century.<sup>6</sup> (He might also have added the impacts of German colonialism, only briefly acknowledging the "interference" of European administration there.) Many were forced to move from a nomadic to a sedentary lifestyle, from pastoralism to agriculture and the accompanying change of diet, from one climate zone to another. This process, he wrote, "demands a great sacrifice of human lives". People were suddenly succumbing to malaria, having moved from dry steppes to malarial regions. He witnessed people "badly reduced by fever", suffering from painful leg ulcers which covered the entire lower leg from the knee down, diarrhoea and bloody stools. He noted that women's fertility had fallen and child mortality had increased, ascribing all these afflictions to a single cause – the "acclimatisation process". Merker did not make a link between the forced changes, any loss of medicinal and nutritional plants that was occasioned by the move from one habitat to another, and the resulting sickness. I suggest that this was a vital part of the equation in G.E.A. and B.E.A. at this time.

I could attempt to establish whether there is any scientific or bio-medical basis for Maasai claims that the Northern Reserve was effectively ECF-free, and of a deliberate 'move to kill' policy driven by administrators' knowledge of the presence or absence of disease, particularly ECF, in the two environments. There is some compelling evidence to support the first of these claims. But the search for scientific evidence is also an

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sourced new ones in Ngatet, this took time, trial and error. Merker covered indigenous treatments at some length.

unsatisfactory exercise, in part because early scientific data simply does not exist, and because the exercise involves comparing like with unlike: to put it crudely, a western scientific view of disease which is rooted in diagnostics and laboratory experiment, versus a more holistic indigenous view which regards ‘dis-ease’ as a natural part of life.<sup>7</sup> Both systems of thought and practice have their own taxonomy, within which there are some points of agreement,<sup>8</sup> but diagnosis and treatment are usually so completely different that it is difficult, at times, to know whether one is dealing with the same disease.<sup>9</sup> The dangers of sharply demarcating an ecologically harmonious ‘before’ and a disharmonious ‘after’ in relation to colonial intervention in Africa are also very real.

Most importantly, the subject is larger than scientific: it concerns disease as a metaphor for colonial encounters, and what these produced in social and other terms. In this instance, I argue that ECF has come to represent – for the older generation of Maasai at least – infection by colonialism, and it is their conceptualisation that interests me. Therefore I aim to examine what scientific evidence there is in tandem with perceptions of disease, and perceptions of diseased versus healthy environments, confining my focus to the Purko of western Narok, though other sections are mentioned briefly at the end. Although other diseases affected Maasai stock in both reserves, I shall focus largely on ECF, because this was repeatedly raised in oral testimony. The recurrence of the ECF

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<sup>6</sup> Merker, *Die Māsai*, pp473-476 of the Frieda Schütze translation.

<sup>7</sup> See Waller and Homewood in Cunningham and Andrews, *Western Medicine*. Dickson Kaelo gave me a vivid illustration of this. Agreeing with the authors’ claim that the “Maasai regard disease as a natural, inevitable but potentially stable part of the environment”, he said the Maasai have a saying to this effect. When branding cattle, the oldest man will urge a cow “to be in the herd that collapses and grows – *tijinga naamuta eitu*”. In other words loss and gain are inseparable, and accepted as the natural cycle of life.

<sup>8</sup> For example, the Maasai were familiar with inoculation long before European contact, and used it against BPP maybe as early as the mid-nineteenth century, Merker, *Die Māsai*, pp224-26 of the Schütze translation. Merker’s informants said this method was invented by the prophet Mbatian, who died about 1887. They also understood what caused malaria, and vaccinated people against smallpox (pp 237-238). Merker was writing between 1895 and about 1908.

<sup>9</sup> The confusion is not confined to ‘Maasai v. western science’. Colonial vets had the same problem when they tried in the 1900s to determine whether ECF was a new disease. Robert Koch got it wrong at first, mistaking

theme is strange, given for example the high incidence of fatal BPP and other diseases in this period. Several reasons were suggested for this: ECF killed stock faster than say trypanosomiasis, there was less ‘natural’ resistance, and it was particularly fatal to young stock, the bedrock of the future herd.<sup>10</sup> It may also be that ECF is recalled as an extreme threat because, compared with other stock diseases for which vaccines existed or were soon developed, there was then no vaccine for ECF; it was only developed relatively recently. There was nothing that the colonial vets could do for it, besides advocate dipping with acaricides to kill the ticks, or hand-dressing.<sup>11</sup> Indigenous treatments will be mentioned later. As for the human variant of *ol-tikana*, ‘malaria’ may be a catch-all term that encompasses fevers and sleeping sickness (called *en-kasilei*, also the word for tsetse fly). In the early stages sleeping sickness can be mistaken for malaria or flu, even by doctors.

Both parties to this encounter saw the other as a pollutant, who had brought or was thought likely to bring diseases to humans and cattle. Blaming foreigners for introducing disease is, of course, a common theme in the history of syphilis, HIV/AIDS and other illnesses. These particular perceptions were embedded in nineteenth century encounters between travellers, traders and Maasai. At the end of the century, the plagues that devastated the Maasai reinforced this view of ill-omened and infectious newcomers. Colonial administrators’ attempts to curb the growth of cattle populations, and the judgmental rhetoric around pastoralists’ so-called ‘cattle complex’ which continues to this day, soon multiplied Maasai suspicions of British motives. The feeling on Laikipia well

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ECF for Texas fever in East Africa in 1902. Paul F. Cranefield, *Science and empire: ECF in Rhodesia and the Transvaal*, CUP, 1991, p92.

<sup>10</sup> These suggestions were made by Dickson Kaelo, from previously cited interviews made on my behalf. Ole Yiaile (or Yelle) told him that ‘tryps’ only became fatal in the dry season; comparatively very few animals recovered from ECF.

<sup>11</sup> This involves applying an oily dressing to the poll, ears and under the tail every three days.

before the second move was “that Government is mainly anxious for their cattle to die”, reported DC Kenneth Dundas.<sup>12</sup>

British ideas about disease and health in B.E.A. are well documented, from the health-obsessed letters and memoirs of settlers and officials to scientific reports of the period. One must turn to Maasai oral testimony to excavate their knowledge of and beliefs about disease, pollution and wellbeing, and I shall do so shortly.

### **What ‘clean’ and ‘dirty’ meant**

B.E.A. was demarcated by its veterinary officers into ‘clean’ and ‘dirty’ areas, according to the incidence of ECF. This is how they described it in 1911/12: “The whole country may be divided into two areas which must be classed clean and dirty. The clean area, somewhat in the form of a wedge or ‘V’, cuts into the infected area, nearly dividing it. The broad base of this area extends northwards towards Abyssinia ... Passing southwards, Laikipia is reached. This area, the grazing ground of the Masai, contains a large number of cattle which are free from East Coast fever.”<sup>13</sup> It was deemed to be clean. The Rift Valley, where most of the imported settler stock could be found, was also at that stage free of ECF. The dirty areas stretched west into Uganda, south to the German border via the Southern Maasai Reserve, which was classed as dirty although only “slightly infected”, and east all the way to the coast. In these areas, ECF was said to exist in varying degrees of endemicity. In the official lexicon, ‘clean’ and ‘dirty’ generally referred to areas of healthy or sick cattle populations and areas of white or African settlement respectively, and underpinned

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<sup>12</sup> Cashmore, ‘Obedient’, p343. He gives no source, but Dundas was DC of the Northern Reserve 1905-6 and this is likely to have been taken from that year’s A/R.

<sup>13</sup> Dept. of Agriculture A/R 1911-12, p19. The writer recognised that “a degree of immunity existed in the cattle of certain districts”, p18. Re-Maasai stock in the Southern Reserve: “such investigations as it has been possible to carry out lead us to believe that the infection is not so constant, with the consequence that the majority of the animals reach maturity without having coming into contact with an infected tick, and are therefore susceptible”, p20.

administrative action to keep them separate. This ignored the fact that some settlers' farms in supposedly clean areas such as the Rift were actually dirty, as Norval, Perry and Young point out:

As time went on and people's understanding of the disease increased, it became apparent that the disease was more widespread than originally thought, and the simple categorisation of the country into clean and dirty areas on the basis of the presence or absence of 'native' stock was not always valid.<sup>14</sup>

Social control of Africans ran parallel with these demarcations and implicitly justified their introduction. The regulations also favoured settler production; although quarantine hampered white farmers too, it effectively blocked African producers' attempts to enter the market economy.

The administration tended to view 'native' cattle as inherently inferior and diseased (though veterinarians recognised their resistance to some diseases, including ECF)<sup>15</sup> and sought to keep 'native' stock separate from imported, pure-bred settler stock. But some leading settlers, notably Colvile, took a different view of Maasai cattle and used them as the basis for his breeding stock.<sup>16</sup> As his former farm manager, Desmond Bristow, told me with pride: "He bred a type of animal which originated from the Maasai, not from the Northern Frontier Borans. They were improved Maasai and very good cattle too." Now manager of the giant Solio ranch on Laikipia, Bristow still has remnants of this original herd which he "rescued" when Colvile's Ntapipi farm was sold.<sup>17</sup>

For their part, the 'northern' Maasai also saw the Southern Reserve as 'dirty'. They believed, both before and after the moves, that they were deliberately moved to inferior and

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<sup>14</sup> R.A.I. Norval, B.D. Perry, A.S. Young, *The Epidemiology of Theileriosis in Africa*, Academic Press, 1992. For an idea of the number of outbreaks of ECF in supposedly 'clean' areas, the Dept. of Agriculture A/R 1921-22 gave 8 for 1920-21, 6 for nine months of 1921, and 12 in 1922.

<sup>15</sup> See for instance 'Immunity in Native Cattle', *Veterinary Pathologist A/R* 1909-10, pp20-21. Experiments were conducted with cattle from Nandi, Kikuyu and Kisii country. They survived, while pure breeds died.

<sup>16</sup> Maasai cattle are a type of Small East African Zebu. Maasai herds also show signs of many other breeds, especially Nandi, Boran and Ankole.

waterless pasture infested with ticks and tsetse-fly, where both human and stock disease were rife. The British had promised the very opposite, when they urged relocation to the south on the grounds that the Maasai would be “safer” there, defining safety as freedom from cattle disease. Although Ole Gilisho did not reportedly cite stock disease or the presence of ‘fly’ as reasons for his objections to the Southern Reserve before the move, it is highly likely that his objections were not recorded word for word. As informant Muncheri Ole Nchoe put it: “Ole Gilisho surveyed Ngatet and he only mentioned one problem about lack of water, but he didn’t mention diseases. There were a lot of diseases but the white men could not listen, therefore Ole Gilisho was forced to agree”.<sup>18</sup> There is just one small mention of Ole Gilisho’s fear of a fatal sheep disease on the Loita plains, allegedly spread by hartebeest, in Macdonald and Atkinson’s August 1911 report of the inspection they made with him of western areas of the reserve.<sup>19</sup> Local administrators were too keen to push their plans through regardless of opposition from the Maasai and London, used some questionable interpreters,<sup>20</sup> and there are many previously cited examples of their failure to report the full facts of this and other contentious matters. Significantly, as described in Chapter 4, Ole Nchoko devoted much of the plaint to concerns about human and stock disease in the reserve and en route to it. It specifically cited ECF: “The Southern Masai Reserve to which the stock of the Masai is being moved is infected with East Coast fever...”<sup>21</sup>

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<sup>17</sup> Interview on Solio Ranch, Laikipia, January 2000. The original stud herd was called 01, and established from about 1920.

<sup>18</sup> Lemek 17.

<sup>19</sup> PC/RVP.6E/1/1, p7, KNA.

<sup>20</sup> My informants cast doubt on the knowledge and integrity of some interpreters who worked for the British. Some even questioned the reliability of Ole Nchoko, first plaintiff in the Maasai Case; there were suggestions that he may have been a stooge. Elsewhere, the Uas Nkishu (who were to be forcibly moved themselves) complained of the “misrepresentation of a corrupt interpreter”, Ukamba Province Land File 1906, DC/MKS/10A/1/4, KNA.

<sup>21</sup> Pleadings, Civil Case No. 91 of 1912, in Conf. 11, 16/1/13, CO 533/116.

### Comparing the two habitats

Maasai elders describe their movement from the north as “dropping down”, and typically say “we came dropping”, which graphically expresses the geographical facts.<sup>22</sup> Taking Entorror to mean the whole of their northern grazing grounds, but most recently Laikipia, the Maasai swapped a territory that was generally higher, cooler and wetter for largely semi-arid plains with few highland drought refuges apart from the Mau,<sup>23</sup> the Loita Hills and some others in the western extension of the Southern Reserve.<sup>24</sup> Compared to the north there were few forests, apart from the Mau and Chepalungu in Trans-Mara, and both these were truncated by the reserve boundary. Although Laikipia was not ideal and not large enough, it offered a wider variety of options than the western extension, particularly at those times when policing was relatively relaxed and herders were allowed to break boundaries during droughts. Leys compared the two reserves in this way: “No European in the country imagined for a moment that the Masai on Laikipia wished to leave it. The area, though small, is as fine a piece of country as there is in Kenya, with rich soil and perennial streams, vastly superior in every way to the country south of the Rift Valley...”<sup>25</sup> The Southern Reserve included large areas that were “arid and useless”. Leys identified another major drawback: “The great defect of the new reserve is that all the streams in its western half rise in a mountain mass [Mau] that then belonged and still belongs to two rich Europeans. Only a small fringe lying just below the mountain had perennial water and good grazing all year round”. The two Europeans were Powys Cobb and Lord Delamere,

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<sup>22</sup> The verb used was *a-dou*, to descend, to come down, to go down, Mol, *Maasai language*, p65.

<sup>23</sup> The Mau forest ranges in altitude from 2-3,000 metres, with a mean annual rainfall from 800 mm in the south to 2000 mm in the north. For the Maasai, the forest ecosystem provides dry season grazing and water in an otherwise drought-prone area, D.J. Pratt and M.D. Gwynne (eds.), *Rangeland Management and Ecology in East Africa*, Hodder and Stoughton, 1977.

<sup>24</sup> Map 1 in Lewis (*Study of ticks*, Part 3, 1934) plotted the major stock movements in the Southern Reserve in the dry season. In the western portion these were largely: the migration north to Mau and Melili; west from Lemek and the Loita Plains to the Mara River, Siria Escarpment and north-eastern Trans-Mara; and from all sides of the Loita Hills up into the hills.

<sup>25</sup> Leys, *Kenya*, p104.

and Leys boldly inscribed their names on a map of the territory.<sup>26</sup> Some were more than streams; they included the Siyabei, Uaso Narok and Uaso Nyiro rivers.

In leaving the highlands, the 'northern' Maasai lost the wide choice of habitat they had enjoyed up until 1911; until 1904, of course, the choice was even wider. Transhumant pastoralists make use of a great variety of ecological niches. If they are free to do so, and control the territory, they move in and out of these niches according to seasonal need, and constantly stress the balance to be achieved in rangeland and stock management between highland, dry-season grazing (*osupuko*, the drought refuges) and lowland, wet-season grazing (*ol-purkel*). Moreover, each section has its own *osupuko* and *ol-purkel*, so they cannot easily find alternatives on moving to a region already occupied by other sections. Highland drought refuges are vital not only for dry season grazing, water sources and salt licks, but also because they offer pastoralists strategic control over surrounding wet season pastures and major stock routes.<sup>27</sup> Forest areas contain important medicinal plants; the Maasai word for tree also means medicine.<sup>28</sup>

In 1885, Joseph Thomson had described the stark differences between the two areas of what would become Kenyan Maasailand. He did not travel as far west as today's western Narok, and the southern deserts depicted here (the Nyiri plain, and the dry bushy area of 'Dogilani' or L'Odo Kilani) were not typical of the greater part of the country into which the Laikipia migrants came. Even so, the references to rainfall and dry season grassland are broadly applicable.

The Masai country is very markedly divided into two quite distinct regions, the southerly, or lower desert area, and the northerly or plateau region. The southerly is comparatively low in altitude ... from 3000 to nearly 4000 feet. It is sterile and unproductive in the extreme. This is owing, not to barren soil, but to the scantiness of

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<sup>26</sup> Leys, *Kenya*, pp110-111. The map is p107.

<sup>27</sup> K.M. Homewood and W.A. Rodgers, *Maasailand ecology: Pastoralist development and wildlife conservation in Ngorongoro, Tanzania*, Cambridge University Press, 1991, citing Waller: 1979. See also Lamprey and Waller, Chapter 3 of Robertshaw, *Early Pastoralists*.

<sup>28</sup> *Ol-cani*, pl. *il-keek* (Mol, *Maasai language*, p52). Also spelled *ol-chani*.

the rainfall, which for about three months in the year barely gives sufficient sustenance to scattered tufts of grass.<sup>29</sup>

By contrast, the northern region was totally “charming”, and featured a “very network of babbling brooks and streams”<sup>30</sup> Rainfall on the Laikipia plateau was estimated at 30-40 inches per annum compared to 15 inches in the lower, desert region. Coastal Africans in his party could not stand the damp cold and air at these higher elevations, but Thomson found them invigorating. He was well aware of pastoral seasonal migration, and the necessity of “moving up from the plains to the highlands in the dry season and vice versa in the wet season”.<sup>31</sup>

Later descriptions of the natural resources of the Rift Valley, the Mau and Laikipia in the early 1900s include those by Eliot, the Agricultural Department and Holey. Space precludes me from quoting these and other sources at length. In brief, Eliot described in glowing terms “the beautiful little plain of Endabibi” which Colvile was to make his prize farm; the good water sources, grazing and rich loam on the southern Mau; the Morendat, Gilgil, Magalia and Enderit rivers flowing into Lakes Naivasha and Nakuru; the excellent pasture around Enderit and “almost everywhere in the Rift Valley”.<sup>32</sup> This included the much prized stargrass (*Cynodon dactylon*). The area around Njoro, site of Lord Delamere’s first farm, was said to be the finest part of East Africa. And why was the grazing quality so good? Because the Rift “has been continuously grazed by native cattle during many years”. Agricultural reports noted the great drought-resistant properties of its grass species.<sup>33</sup> Holey, in discussing how the Maasai should be compensated for grazing rights in the Rift, saw that its riparian areas were particularly desirable. He suggested that “the rich evergreen

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<sup>29</sup> Thomson, *Through Masai land*, Second Edition, p405.

<sup>30</sup> Thomson, *ibid.*, p407.

<sup>31</sup> Thomson, *ibid.*, p422.

<sup>32</sup> Eliot, *Protectorate*, pp80-82; 170-171.

<sup>33</sup> The grasses concerned were *Cynodon dactylon* and an unnamed “hard tufty” species which provided good rough fodder. Agricultural Report No. 2: ‘Report on the Rift Valley District, Kijabe to Nakuru and Njoro’, Enc. in No. 327, 9/5/04, Eliot to Lansdowne, FO 2/836.

meadows in immediate proximity to the lakes and which are a great standby in periods of drought [ought] to be assessed at the highest rate”.<sup>34</sup>

When Hopley toured Laikipia in June 1904 to check its suitability as a reserve, he reported from the top of the escarpment:

Looking East the country is a boundless green rolling plain ... with belts of thick forest in every valley ... generally speaking the plains appear to be devoid of game. Next day we marched South-South-East through magnificent grazing country [and] passed three sources of water, swampy streams [called by the Maasai] Ol-are loo-naitolia, Ol-are loo-'l-Torobo, Ol-are loo-'l-Morijo [which] all appear to drain towards the Euaso Narok ... a fine stream twenty to thirty yards wide.<sup>35</sup>

Everywhere he turned there was thick, luxuriant grass; waterholes, waterfalls, streams, rivers and a lake; “beautiful belts” of forest; little game to trouble people outside the forests in day time, though buffalo came out of the forests at night to graze. The land only became “somewhat drier” as he marched towards the Pesi Swamp. Dropping down to “the famous grazing grounds of Ongata Bus” he could see Lake Ol-bolossat, “a big fresh water lagoon” from whose north end the Uaso Narok river flowed, which actually consisted of two lakes about a mile apart with a connecting swamp. This report confirms what the Maasai claim today – that there was plenty of water, wonderful pasture, little or no big game and therefore fewer tick hosts.

In the south, by comparison, the ‘northern’ Maasai began to face stiff competition from wild animals for pasture and water. There were larger numbers of predators and disease-carriers. For example, wildebeest migrating north from the Serengeti were a walking reservoir host for malignant catarrhal fever, transmitted to cattle in the three or four months following wildebeest calving; even by the 1960s the death rate was more than

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<sup>34</sup> ‘Proposals as to the procedure to be adopted in compensating Masai for grazing rights’, FO 2/838.

<sup>35</sup> ‘Journey from Naivasha to Baringo and the Laikipia Highlands’, written 24/6/04, Enc. 1 in Desp. 493, 22/7/04, FO 2/838, f179.

95 per cent and no treatment or vaccine was available.<sup>36</sup> The only permanent rivers were the Mara, its tributary the Talek, and the Uaso Nyiro; other tributaries dried up in drought years. Even today, “rainfall is erratic both in amount and timing”<sup>37</sup> and the rivers Uaso Narok, Lemek and Siyabei dry up in drought years. Anyone who has lived through a drought in western Narok, as I did while doing fieldwork in 2000, can confirm that this environment is punishingly harsh – and Lemek is a relative haven, attracting people and herds to small, permanent springs that rise along the Lemek Hills. There were and are fewer highland drought refuges available to the Purko, as administrators admitted in 1915: “[the Purko] have very little highland grazing at their disposal to fall back upon in periods of drought”.<sup>38</sup> Much of the grassland was superb, including the valued *Themeda triandra* (red oat grass), the dominant species on the Mara plains.<sup>39</sup> But, as will become apparent, tsetse and ticks rendered enormous areas useless and out of bounds to herders. Though wild ungulates were tolerant of trypanosomiasis, incoming Maasai herds began succumbing to tsetse fly, which was then unknown in the cool highlands.<sup>40</sup> Certainly up until 1918, it was still relatively unknown in their former environment.<sup>41</sup> In this area of the south they were exposed to two species of tsetse fly, *G. swynnertoni* and *G. pallipedes*,

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<sup>36</sup> W. Plowright, ‘Inter-relationships between virus infections of game and domestic animals’, *East African Agricultural and Forestry Journal*, Special Issue, Vol. XXXIII, June 1968, p262.

<sup>37</sup> Richard Lamprey, Chapter 2 in Robertshaw, *Early pastoralists*, p13, describing the research area of Loita-Mara.

<sup>38</sup> Masai A/R 1914-15, no page number legible on microfilm.

<sup>39</sup> See Lamprey, *Early pastoralists*, for a full description of the modern vegetation, soils, climate, rainfall, etc. A lack of early scientific data makes it much more difficult to determine what the picture was like in the 1900s, and this would require further investigation.

<sup>40</sup> In the Harvey Letters, there is an undated hand-drawn map on yellow parchment marking areas where four species of tsetse fly were to be found in the Southern Reserve – *G. Palpalis*, *G. Fusca*, *G. Pallidipes* and one unknown species. The author (the handwriting is not Leys’s) wrote on it in pencil: “Trans Amala country that the Masai are being sent to very waterless and nearest water infected by fly probably palpalis”. Leys sent the map to Harvey in 1910.

<sup>41</sup> Apart from an outbreak of trypanosomiasis on one farm in Naivasha district, the Veterinary Division A/R 1917-18 said no cases had been diagnosed in the highlands (p174). Government entomologists reported that *G. pallidipes* had been found at nearly 4,000 feet – the highest spot at which it had ever been found in B.E.A (Division of Entomology A/R year ending 31/3/18, p91). I am informed by Dr Glyn Davies, a retired VO officer who served in Kenya colony, that Laikipia is beyond the range of *Glossina* transmission, but that the introduction of infected cattle and biting flies can set up local foci of transmission by mechanical means.

which mainly attacked stock though both are also vectors of human sleeping sickness. Early reports indicated limited fly belts flanking the Mara River and a couple of other riverine sites.<sup>42</sup> However, tsetse was not a major threat in this area before World War One; Maasai knew where the infested pockets were and avoided them.<sup>43</sup>

Aneurin Lewis, in his 1930s work on ticks in the Southern Reserve (he also investigated tsetse), provided a useful if frustratingly inexact breakdown of rangeland quality at this later date. Out of the total area of nearly ten million acres, he claimed three million were arid. If his assessment is correct, one can further deduct nearly a million acres “of the finest grazing land in Kenya” at Trans-Mara because of ECF, tsetse fly and Maasai “fear of disease” in an area they had avoided since the late nineteenth century epidemics; the entire Osero region of the lower Mara Plains, “many hundreds of square miles [of] excellent grass”, uninhabited because of tsetse and ECF; another 10,000 square miles reserved for game, although Maasai had access; unquantified other “large” areas infested with tsetse fly; areas rife with ticks other than *R. appendiculatus*, which caused diseases such as sweating sickness in cattle.<sup>44</sup> What was left? Maybe at most 3 to 4 million acres of land for the exclusive use of pastoralists all year round. If this area still sounds enormous, remember that the newcomers were moving to the western extension, to join the thousands of Maasai already living there (up to 9,000 Siria in Trans-Mara alone). Settlers, meanwhile, were believed to need 15,000 to 20,000 acres apiece to create successful stock farms on

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<sup>42</sup> See for example R.B. Woosnam, ‘Report on a search for Glossina on the Amala (Engabei) River, Southern Maasai Reserve, EAP’, *Bulletin of Entomological Research*, 1V (1914).

<sup>43</sup> I shall not cover tsetse in any detail, partly for reasons of space. See Waller, ‘Tsetse fly in western Narok, Kenya’, *JAH*, 31 (1990), pp81-101; E.A. Lewis, ‘Tsetse flies in the Masai Reserve, Kenya Colony’, *Bulletin of Entomological Research*, XXV (1934). Waller describes the advance of tsetse in the 1920s and heavy losses to trypanosomiasis after drought forced herders to take their cattle into known fly areas, from p88.

<sup>44</sup> Lewis and his team collected 30 species of tick, of which six were known to be vectors of pathogenic protozoan parasites, or of virus diseases, of domestic stock in the colony (Lewis, *Study of ticks*, Part 3, pp 35/6). He also noted Maasai herders’ concerns that ticks cause general “worry” to stock, which interferes with their grazing and leads to loss of condition, p43.

Laikipia.<sup>45</sup> The KLC claim that each Maasai in the reserve had 200 acres per head begins to look less generous, certainly with regards to quality pasture for cattle. Small stock are a different issue.<sup>46</sup>

### The Maasai version of events

When asked about the moves, Purko Maasai elders insist on one thing. They say the British told the Maasai: “*Shomo Ngatet mikiwa ol-tikana*” or “*Shomo pii Ngatet, enakop o ol-tikana*”. The first means: “Go to the south and may malaria/ECF kill you there!” The second variation translates as: “Go completely to the south, land of malaria/ECF.” Interviewees made these claims before any question was asked about the incidence of disease in the two reserves. I spoke to several members of the H-Terito age-set who were born in Entorror and took part in the moves as small boys. One insisted that he had personally heard the *askaris* tell the Maasai to go south and die there as they forced the people forward, adding the distinction: “I heard this with my ears. It was not something I was told.”<sup>47</sup> The majority of my 64 interviewees made similar claims, but to quote a select few:

Ole Gilisho was told by the white man: ‘Get out of Entorror because even us, we want to put our cattle and people here where there are no diseases’... The land was very suitable for the *in-kishu*. No diseases for both people and cattle, no diseases completely. (Muiya Ole Nchoe, aged over 100, Lemek)

Ole Gilisho tried to persuade his fellow Maasai to stay [at Entorror] because the place was sweet. [He said]: ‘Let’s don’t leave, because there are no diseases for both livestock and people’. There was no ECF at Entorror, and for people there was just the normal flu and sometimes very, very rarely malaria. (Leperes Ole Gilisho, son of Parsaloi, likely to be in his 70s, Lemek)

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<sup>45</sup> Rumuruti Dist. A/R to March 1922.

<sup>46</sup> *KLC Evidence*, Vol. 3 (a), p2306. It is not clear if acreage per head referred to individuals or families/heads of household

<sup>47</sup> Ole Mantira, Narok 11.

There were absolutely no diseases here because Entorror was a very sweet place. There was no ECF because the land was not bitter. ECF is a very new disease in Maasailand. (Tuarari Ole Sialala, 90s, living in retirement on Delamere's Soysambu ranch)

What the police [attached to the move] were saying is: 'Go to Ngatet so you go and die of ECF and hunger.' They *knew* that Ngatet was dangerous because of diseases. (Nteyo Ole Yelle, 75, Ngoswani).

Another son of Ole Gilisho, Mapelo, said of Entorror: "There was no disease of cattle and animals, and no wild animals, so fewer [domesticated] animals died because of disease. If your cow gave birth to a calf you were sure of rearing it because there was no disease; also there was plenty of rain in that place because it was highland, plenty of pasture, and the sunshine was very nice. So that place was better in comparison with this place where there are a lot of diseases, too much *ol-tikana*, [human] colds, wild animals, low rainfall." When asked to define what Entorror meant, he said: "It means a place that was very good for human habitation and also a kind of highland, a place where there were no problems and no bad things were found – only rain, an absence of diseases. That was the meaning of Entorror".

Though some insisted there were no stock diseases in Entorror, a few respondents conceded that there had been some. Leperes Ole Gilisho later contradicted his above statement and said there was rinderpest, foot and mouth disease and babesiosis. To quote Olkitojo Ole Sananka: "There were only three stock diseases at Entorror: *ol-odua* [rinderpest], *ol-kipiei* [BPP] and *empuruo* [anthrax]. And for human beings there were no diseases, only *or-kirobi* [cold]."<sup>48</sup>

When talking about the qualities of land, some respondents accorded it human characteristics. Typically, they said it 'liked' or 'disliked' humans and animals. It even had the power to kill. Ole Teka quoted Ole Gilisho, who allegedly said of the British: "The truth is, they chased me from my good land. They brought me to a land that hates cows and

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<sup>48</sup> Narok 13. Right-hand circumcision of Il-Nyankusi age-set.

people ... it kills them”’. When asked what was wrong with the land, Ole Teka said it harboured many mosquitoes. A medicine man living near Narok, he specialised in treating malaria with the roots of a certain tree, and said it was the disease he hated most. By contrast, Ole Mootian had lived for years just below the Mau escarpment in a more favourable environment, *osupuko*. Even so, he said: “That one [Entorror] was better than this one. Entorror was a good place because it was green enough and there were no diseases like *ol-tikana* – it was a land that liked animals. That is why we hated this land, because all those [diseases] were here.”

Unprompted by any question about disease, Ole Ndonyo said that the warriors who fought the British at Ololulunga and tried to return to Laikipia were driven by anger at the sickness which had struck their people and herds in the south (see next chapter).

It’s the old memories that made them do that, because of the elders who were chased from Entorror ... Because that land they were taken out from, people could not die of malaria and also it could not kill cattle. But when they came to this land, the *ol-tikana* was here and it was killing people and cows. And then the warriors said: ‘The white people brought us here to kill us and our fathers! Because these our people are dying every day, cows are dying every day. Because they brought us to a bitter land. So we shall go [back]; we must go.’ That was the anger that the warriors had, because of this *ol-tikana* killing people every day and killing cows, and it was not in that land they took us out of. So that is what made them rebel.<sup>49</sup>

This explanation for the clash at Ololulunga was corroborated by Tarayia Ololoigero.<sup>50</sup> He likened Entorror to a stolen cow: “It is very painful for someone [to] whom you have not given your cow when they suddenly come to take it from you by force ... Another thing, they hated [the fact that] this side has no water, and they had left that place with water. This place has got ECF, and the former place did not have ECF. There was no ECF for cows, no malaria for people; there was neither a shortage of water nor shortage of rain, because they were highlands, and the lowlands were criss-crossed by

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<sup>49</sup> Narok 8. Left-hand circumcision of Il-Terito age-set.

<sup>50</sup> Narok 9. Il-Nyankusi age-set.

rivers. So we cry for that land where food can grow and people don't get sick, or livestock ... Because we have come to a place [which] is bitter for both humans and livestock. So everybody just lives here by the grace of providence.”

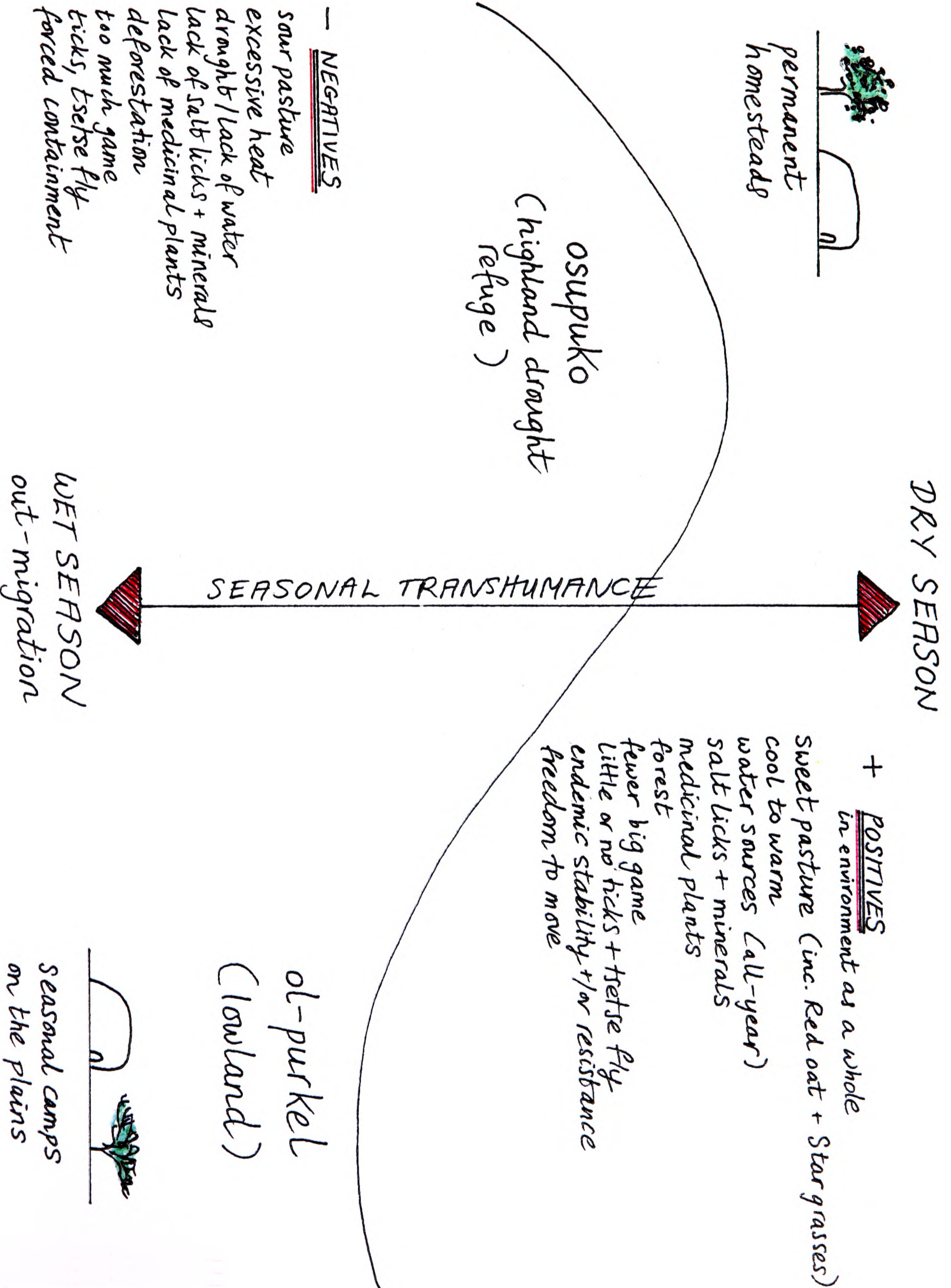
Constantly cited in interview, when elders were describing land and environment, were the binary opposites sweet (*sidai*) and bitter (*kidua*).<sup>51</sup> *Sidai* is widely applied both to the physical realm of well-being – plentiful pastures and supplies of permanent water, saltlicks and minerals, favourable climate, the absence of disease and other factors which lead to a proliferation of healthy cattle, plenty of milk and hence healthy people – and to social harmony associated with ‘the good old days’ at Entorror. “Maasai society was *sidai* at that time because there was more respect ... people were staying in harmony,” said Lendani Ole Sialala. “People are becoming very bad to each other – there is not that love as there was in the old days,” said Tuarari Ole Sialala (no direct relation), who recalled how sweet Entorror used to be. *Ol-odua*, on the other hand, is the opposite of prosperity and happiness. This state of being was described as bitter as the taste of bile. One sign of rinderpest is an enlarged gall-bladder. If rinderpest sweeps through the herds it also devastates society, leaving people with a bad taste in their mouths. Does a state of bitterness manifest in social disharmony? It would seem so.

Sondo Ole Sadera was born at Entorror and was told about the moves by his father. “My father told me ... they never wanted to leave that place. Because that place called Entorror was good; there was no big drought – it used to rain every three months. And there were no diseases when cows met.” The British chased them out, he said, “telling them: ‘Go to that land where malaria/ECF is!’” And the directive proved true: “There is *ol-tikana* in this place; it is a bitter place. So it was *ol-tikana* that came, finishing cows and a

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<sup>51</sup> *Sidai*, pl. *sidain*, *sidan*, good, fine, nice, beautiful, handsome. *A-adua*, to be bitter, from *ol-odua* meaning gall-bladder, bitterness and rinderpest, Mol, *Maasai language*, pp370, 298. Dickson Kaelo told me *kemelok*

A Maasai ideal environment  
model based on oral and written evidence



few people. They [also] came suffering from *ol-kipiei* [BPP]. It attacked the Il-Kitoip [age-set] when they were *il-aibartak* [newly circumcised], and it finished them.”<sup>52</sup> His older brother Kuraio was interviewed separately. Also born on Laikipia, he was small enough to be carried during the move, which indicates his likely age. “When we were coming, I was carried on the back when the whites chased us away. We came to this place and a drought came and killed people here ... and all the cows got finished.” When asked whether the land they moved to was suitable, he replied:

This land had *ol-tikana* that killed people and also animals. Do you think we wanted a place that killed our *in-kishu*? But because they forced us to move, what are you going to do? Even when the white man was chasing us he was telling us: ‘Go and die of that *ol-tikana*!’ So don’t you think that they also knew that this land had *ol-tikana*? Then why were they telling our fathers like that? And it’s true that we came getting that *ol-tikana*.<sup>53</sup>

There are many other examples in my testimonies of this belief in a deliberate British action to exterminate the Maasai. A folk memory has evolved in which this idea is central.

### **Veterinary and official views and interventions**

The British knew very well what the quality of the Southern Reserve was before they sent the ‘northern’ Maasai there, though this was not admitted officially. Questions were also raised in parliament, at Leys’ instigation, about its alleged unhealthiness, and specifically about deaths from anthrax. On 27 June 1912, for example, Harvey asked whether the government had investigated the healthiness of the reserve, and whether tsetse

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was used interchangeably with *sidai* in his interviews, and applied especially to sweet pastures. Mol spells it *a-melok*, verb meaning ‘to be sweet’, *ibid.*, p252.

<sup>52</sup> Narok 5.

<sup>53</sup> Narok 6.

fly was to be found in any part of it. Harcourt said he had no reason to suppose the country was not a healthy one.<sup>54</sup> In fairness to Harcourt, he was being kept in the dark.

As for their knowledge of Laikipia, in Chapter 2 I sketched my hypothesis that British administrators' knowledge of the effective absence of ECF on Laikipia was a factor behind the second move. By 'effective' I mean that while it may have been present, genetic or acquired stock resistance (immunity may be too strong a term) rendered it relatively harmless. It is highly probable that Maasai herds on Laikipia were resistant to ECF, or a particular strain of it. The ability of indigenous Zebu and Zebu crosses to acquire immunity to ECF was known by 1910.<sup>55</sup> Desmond Bristow, who has long experience of what he calls the "scourge" of ECF in this area, believes that this was the case: "They [the Maasai] could and did have resistant cattle. I don't believe there was no ECF in this area; I think their cattle were probably resistant to it and because of that they were not losing many to it". Resistance would have been acquired through an attack in early calf-hood; some adult cattle then became carriers. The trouble would only have started when the cattle moved to the Southern Reserve, and met at least four new conditions: exposure to infected country en route, exposure to other strains, exposure to larger numbers of game (particularly buffalo), and higher concentrations of cattle in a more restricted area of grazing.

On the first and third points, the use of forest corridors as stock routes presented an enormous threat. To quote Bristow: "When they came moving cattle out of this area, through Thomson's Falls, they used to move down stock routes, and there were two outspans which were well known to be infected with ECF." It is not clear if the eastern

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<sup>54</sup> Harcourt continued: "It would be impossible to give an absolute negative to the last question ... without a prolonged investigation by experts. But the evidence before me seems to negative [sic] any idea of the fly being prevalent, and I need hardly say that I should not have sanctioned the removal of the Masai to the Southern Reserve if I had grounds for even suspecting that it was open to objection on that account." Hansard, Vol. 40, (Oral Answers), p475.

route used to take the Maasai south traversed some or part of the old connecting road between the two reserves, which had been closed in 1908 on veterinary orders after becoming tick-infested. If so, this corridor was known to be thick with ticks.<sup>56</sup> Ticks thrive in long course grass, which harbours the right amount of humidity necessary for egg-laying and the subsequent moulting of larva and nymph, and they multiply after the rains.<sup>57</sup> The forest corridors during and after the rains were the ideal environment for tick populations, lying in thick shaded vegetation protected by overhanging trees.<sup>58</sup> Also, a variant of ECF is Bovine cerebral theileriosis or Corridor Disease, so-called because it is picked up in forest corridors. It is caused by a very similar protozoan parasite, *T. parva lawrencei*, and transmitted to cattle from wild buffalo by the same vector tick as ECF. Cattle resistant to or immunised against *T. parva parva* (the cause of classical ECF) often cannot withstand *T. parva lawrencei*.<sup>59</sup> The strong possibility that cattle were exposed while moving to both parasites, bearing strains of ECF and Bovine cerebral theileriosis to which they lacked

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<sup>55</sup> Norval et al, *Epidemiology of Theileriosis*, pp55-56, citing Anon, 1910. But “cattle immune to one species of *Theileria* generally show no protection when challenged with an unrelated species”, A.D. Irvin, ‘Characterization of species and strains of *Theileria*’, *Advances in Parasitology*, 26, p169.

<sup>56</sup> Vacated infected areas cleanse themselves of ticks after an average period of 15 months (Theiler and Stockman cited in Cranefield, *Science and empire*, p186). Pratt and Gwynne confirm that ticks are capable of transmitting infection for up to 15 months, *Rangeland management*, p184. The infection could have died out if no cattle had used this trail since the connecting road was closed in 1908, but herders, squatters and stock thieves may well have ‘trespassed’ there. The eastern move route was described as “from east side of Olbolossat via Gilgil and Lake Naivasha”, in the A/R of the Chief SI 1912-13, p42, no map. The only map I have been able to find of the proposed connecting road between the two reserves is Ainsworth’s 1904 one, which shows the road passing south-east of Lake Ol-Bolossat, west of Kinangop, and straight down the eastern side of the Rift to Kedong. ‘Rough sketch map prepared by Mr Ainsworth’ signed Hobley, in Enc. 3, Desp. 495, 22/7/04, FO 2/838.

<sup>57</sup> There are four stages in the life cycle of *R. appendiculatus*: egg, larva, nymph and adult. The adult fertilised female lays eggs within about six days after dropping to the ground; the larvae emerge 32 days later; and moulting of both larva and nymph takes 42 days in total. Lewis calculated that, allowing 21 days for the hardening phase, the tick spent at least 101 days on the ground. It is the nymph that attaches itself to a susceptible animal and transmits the disease. Lewis, *A Study of Ticks*, Part II (Rift Valley, Uasin Gishu, Trans Nzoia), p27.

<sup>58</sup> Lewis, *ibid*, pp15, 26-8.

<sup>59</sup> See N. Giles, F.G. Davies, W.P.H. Duffus, R. Heinen, ‘Bovine cerebral theileriosis’, *The Veterinary Record*, April 8, 1978. Also *ILRAD Reports*, published by the International Laboratory for Research on Animal Diseases, Vol. 4, No. 2, April 1986, p3: “In areas where cattle come into contact with buffalo, the pattern of *Theileria* strains becomes much more complex and cattle which have been immunized against *T p parva* may suffer breakthrough infections. This breakdown of immunity appears to be due to the wide antigenic diversity displayed by *T p lawrencei* parasites carried by buffalo.”

resistance, must be factored in. Christopher Chirchir, farm manager for the current Lord Delamere at Soysambu, who has spent many hours talking to Maasai elders about environmental change and fluctuations in stock disease, claims: “Buffaloes were in the forest corridors and that is how they caught ECF.”<sup>60</sup> There is no mention in contemporary reports of any attempt to dip cattle as a preventative measure while they were being moved; the relative speed at which the move was carried out would have made that impossible, since dipping must be carried out every three to five days.

With regard to the second point, researchers in East Africa experimented in the 1980s with immunisation by live parasite, but warned: “Cattle immunized in this way are only protected against the parasite strains used in the initial infection or closely related strains: if cattle are challenged with an unrelated strain, they may not be protected.”<sup>61</sup> The same would apply to cattle that had developed immunity to certain strains through early exposure. As for the fourth point, veterinary officer Francis Brandt wrote at the time of the move:

the Masai ... with unlimited grazing, are accustomed immediately on the appearance of any disease to move their cattle to fresh grazing grounds, with, in the case of East Coast fever, a loss of only one or two head of cattle ... Infection in the shape of infected ticks is left behind ready to attack the next herd of cattle which pass. In this way, so long as the country is under-stocked, the losses are inappreciable, but in the event of an excess of cattle being grazed over a limited area an epidemic of East Coast fever would probably occur.<sup>62</sup>

Here was the recipe for disaster, and the vets were foretelling it before the Maasai moved. However, they did not see the Southern Reserve as “limited” in size.

Another possibility, which may also have ‘disguised’ the presence of ECF on Laikipia, is enzootic stability. According to this theory, ECF existed but there was little

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<sup>60</sup> From an informal interview at Soysambu, 2000.

<sup>61</sup> *ILRAD Reports*, Vol. 4, No. 2, April 1986, p1.

<sup>62</sup> From the Dept. of Agriculture A/R 1911-12.

clinical manifestation of it.<sup>63</sup> Maasai cattle acquired resistance, and disease would only occur after susceptible animals moved into the enzootic areas, or after enzootic areas were extended into contiguous but previously tick-free non-enzootic areas. The extension areas developed more grass and other ground cover after rainfall, new populations of the vector tick built up in the new vegetation, and epizootics of ECF broke out in susceptible cattle there. By this reckoning, the best thing to do with a tick-borne disease was nothing – except allow animals to develop natural immunity. The Maasai knew this then. The veterinary authorities also recognised the role of endemicity in the development of immunity.<sup>64</sup> Today, some vets now say this is the “ideal strategy”, though all farmers still dip in order to kill the ticks.

Veterinary interest in Maasai herds in Laikipia had been cursory before 1911. Collyer asked for better veterinary support in 1910.<sup>65</sup> The Annual Report for 1912 was frank: “Though a Veterinary Assistant has been in the District for three years the Veterinary Department first made a systematic investigation of disease amongst the Masai stock during the year under review. This was rendered necessary on account of the Masai move...” Concern for the wellbeing of Maasai herds was not the priority; rather, it was concern for settler stock since the Maasai were to be driven south across their farms. Two vets (Kennedy and Dixon) were engaged full-time on the 1912-13 move, plus the Chief Livestock Inspector (Neave) and five specially appointed stock inspectors. Leys scathingly summed up the disparity between veterinary attention to white and black pastoralists in this

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<sup>63</sup> My thanks to Dr Glyn Davies for elaborating this point. He became aware of the importance of enzootic stability when studying Nairobi sheep disease (NSD). It is his opinion that achieving enzootic stability is now seen as the ideal strategy.

<sup>64</sup> See remarks in the Dept. of Agriculture A/R 1912-13. Cattle were “probably immune” in native reserves where ECF was endemic, p20. It considered the advisability of trying to produce “a condition of endemicity” throughout the infected and partly infected areas of the Protectorate similar to that in the reserves, p22. White farmers were encouraged to adopt the African practice of early exposure of calves, so that an immune herd could gradually be built up.

<sup>65</sup> Laikipia Quarterly Report to 31/3/10.

period: “The Veterinary Department professes to work for the benefit of European and African stock-owners alike. The claim is sheer nonsense. Nine-tenths of the Department’s work consists of free preventative and curative treatment given to the property of Europeans, who own, according to official returns, only 5 per cent of the stock in the country”.<sup>66</sup>

The main diseases among Maasai cattle on Laikipia between 1904 and 1912 were BPP and gastro-enteritis (more likely to have been rinderpest, see below), though an unnamed cattle disease restricted trade in the district during 1910. Rinderpest, BPP, Black Quarter (also known as Quarter Evil), Engamuni<sup>67</sup> and M-benik,<sup>68</sup> described as “possibly a form of East Coast fever” were noted in 1911-12, and redwater was mentioned in 1913.<sup>69</sup> Rinderpest was thought to have existed on Laikipia “for many years in an endemic form”, striking down mostly young animals and leaving adult survivors immune. “Some” BPP was noted in 1906. This worsened by 1910-11 when it and gastro-enteritis were described as “rampant”, and an unnamed Indian veterinary assistant inoculated “large numbers” of Maasai cattle against it. Collyer noted: “A few years’ ago the Masai would have placed every obstacle in the way of inoculation but now they seem to like it.” This refutes the idea that the Maasai, widely touted as conservative and backward, resisted vaccination and modern veterinary practice at this stage of colonial contact. The following year, the Maasai were said to have dealt effectively with BPP through self-imposed quarantine: “The previously affected herds of the Masai, numbering some 12,000 animals, were strictly

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<sup>66</sup> Leys, *Kenya*, p105, footnote.

<sup>67</sup> The Maasai ascribed this to “cattle rubbing against trees on which rhinoceri have also scratched themselves”, Dept. of Agriculture A/R 1911-12.

<sup>68</sup> Also spelled Mbenek, in VO Bill Kennedy’s report of 21/4/13: “This Masai term is applied to a disease resembling ‘three days’ sickness’ or ‘stiff sickness’ ... This disease is seldom fatal, and several cases of it occurred during the move. In my opinion, it is due to the cattle eating some poisonous weed or weeds.” Now called ephemeral fever (EF); epidemics are associated with unusually heavy or prolonged rainfall. See ‘The Occurrence of Ephemeral Fever in Kenya, 1968-1988’, F.G. Davies, P. Ochieng, A.R. Walker, *Veterinary Microbiology* 22 (1990); ‘Observations on the epidemiology of ephemeral fever in Kenya’, F.G. Davies, T. Shaw, P. Ochieng, *Journal of Hygiene* (1975), 75.

quarantined by the Masai themselves in an isolated area of Laikipia” wrote Chief Veterinary Officer Robert Stordy.<sup>70</sup> As for official quarantine, “some form of isolation” was recommended to deal with BPP in 1911, as well as vaccination. But Brandt and his assistant only considered it necessary to quarantine the country to the south of the river East Uaso Narok.<sup>71</sup>

Gastro-enteritis, meanwhile, had “swept through” the herds in 1909 and 1910, killing as many as 1,000 head of cattle in some kraals, and an estimated 15,000 cattle died before the disease “disappeared”. This figure included calves that had died or were born dead. However, the DC added: “The Maasai persist in saying that the disease was rinderpest and they now consider their herds are immune from that disease.” Elsewhere, he noted that the Maasai viewed it as a *mild* form of rinderpest. It now seems likely that the Maasai were right – “gastro-enteritis” was indeed rinderpest, in so far as rinderpest manifests as a gastro-enteritis, and was one of the commonest causes of gastro-enteritis in cattle at this time. They were also right about the link between exposure and immunity. “A curious thing to be noted about this disease,” wrote Collyer of gastro-enteritis, “is that [?when] it first appeared in 1909 it was fatal only to calves and very old stock, afterwards a new infection was introduced which was much more destructive, killing stock of all ages in large numbers; but the stock that had recovered from the first outbreak appeared to be immune from the second outbreak.” The same principle applied to rinderpest: “The majority of the Masai have had the disease nearly every year, and such people had no desire to escape it this year, being on the contrary quite willing to pay the necessary toll in young stock in order to have the survivors immune. It seems certain that in several instances they

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<sup>69</sup> A/R of the Chief Stock Inspector 1912-13.

<sup>70</sup> Veterinary A/R 1912-13.

<sup>71</sup> Collyer, Laikipia Survey of Events for the year ended March 1911.

have purposely introduced the disease into their young stock with this object in view.”<sup>72</sup> The stock-keepers in one ‘*manyata*’ in Sugota District, however, had not learned this lesson. They had kept rinderpest at bay for years “by the exercise of great care and much travelling in the outlying districts” during rinderpest outbreaks, “with the result that practically the whole of the cattle were susceptible”. When their stock finally succumbed to rinderpest in October 1912, “cattle of all ages became affected with a larger percentage of deaths than any other on Laikipia”.<sup>73</sup>

It was the presence of fatal gastro-enteritis (rinderpest) in the herds at the end of April 1910 that “suddenly” forced the authorities to delay the start of the move, according to the district record. But two other events also caused this delay: the Colonial Office had cabled Girouard with orders to halt the move until the Maasai agreed to do so, and Ole Gilisho had changed his mind about moving south.

Long after the Maasai had gone, Laikipia remained an officially ECF-free area. So far as I can tell, the first reported outbreak in Rumuruti was in 1919-20, which was said to have originated in an animal from West Kenya.<sup>74</sup> In 1921, no cases were reported. In 1922, when there were still only 166 Europeans in the district, Laikipia was again declared clean. ECF broke out in December 1926 at Rumuruti among Somali stock that had moved from Delamere’s Ngobit farm (on the road from Naro Moru to Ndaragua), and the township was placed in quarantine. By 1925, there were 36 reported outbreaks on Laikipia, which was one of three centres of infection in the country, the others being Mau summit and Molo, and Limoru.<sup>75</sup> By July 1929, there had been 16 outbreaks of ECF during the year and it was

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<sup>72</sup> Stordy, Veterinary A/R 1912-13.

<sup>73</sup> Stordy, Veterinary A/R 1912-13.

<sup>74</sup> Acting Chief VO’s A/R 1919-20, in the A/R of the Dept. of Agriculture.

<sup>75</sup> Report of the Convention of Associations, 25-29 October 1926, Nairobi, p122, quoting the Chief VO’s report 1925. Also, Col. Paterson of the Gilgil Farmers’ Association told the meeting that his district had never had ECF before 1926, pp126-7. Angry delegates accused the veterinary department of not taking ECF seriously.

described as “a perpetual nuisance”. It remains so to this day. The evidence points to its likely introduction by settlers, who spread it via rail and road transport oxen.<sup>76</sup>

Besides the new conditions already mentioned, what greeted the Maasai on arrival in the Southern Reserve? “Many cases of East Coast fever have come to notice from this reserve,” wrote Stordy, though he went on to say that large areas were “sparsely infected” because of the Maasai habit of moving their animals away from infected grazing grounds, which had over time become “automatically clean”.<sup>77</sup> Veterinary Officer Bill Kennedy, in his report on diseases in the reserve at this time, stated that rinderpest was prevalent there before the move began.<sup>78</sup> But it hit the incoming herds particularly hard because many younger cattle (up to three-and-a-half years old) were susceptible. A “serious epizootic” broke out, and by December rinderpest was “very widespread” on the Mau, Melili, Loita Plains, in the Lemek area and on the Amala River. The mortality varied greatly from one herd to another, but he did not think it exceeded 25 per cent of the total number of infected cattle. By the time he left the reserve on 10 March 1913, he only knew of one remaining “active outbreak”. No cases of ECF were brought to his attention during his stay in the reserve, which had begun on 1 January, and he did not gather any historical information about it in the areas visited. He admitted: “This does not preclude the possibility of East Coast fever existing in certain parts, however, as I did not have sufficient opportunity to carry out full investigations.” He also came across “one or two” cases of redwater in yearlings while on the move, which he put down to relapses caused by the climate on the

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<sup>76</sup> “It was transport work with undipped grade bullocks in infected areas that spread the disease more than anything else. Transport cattle spread the disease all along the road.” Statement by Major Pardoe of the Molo Settlers Association to the Convention of Associations, *ibid.*, p162.

<sup>77</sup> Veterinary A/R. 1912-13. Quoted in Lewis, *Study of ticks*, Part 3, p9.

<sup>78</sup> Report of W. Kennedy, 21/4/13, in the Veterinary Dept. A/R 1912-13, p51.

Mau; no cases of BPP; no anaplasmosis, anthrax<sup>79</sup> or Black Quarter, although the Maasai told him that “odd cases” occurred among cattle near the Narosurra river; some evidence of trypanosomiasis, which the Maasai said was prevalent at Nguruman; some cases of Mbenek while on the move; large numbers of sheep which had died of an unspecified disease on the Loita Plains between July and September;<sup>80</sup> and some pleuro-pneumonia in goats.<sup>81</sup>

What is extraordinary about this scanty, one-and-a-half page section of the report is its lack of scientific rigour, lack of hard facts and figures, and reliance on vague hearsay. He twice quoted the opinions of a Mr Simpson, manager of Aggett’s store, which supplied safari parties. Simpson brought his attention to some bullocks which showed clinical symptoms of ‘fly’. Kennedy took blood slides from them, but these were broken in transit to Nairobi and rendered useless. He also quoted Simpson’s diagnosis of the sheep disease on Loita: “The Masai termed the disease ‘inginyot’ which means emaciation, but Mr Simpson ... told me he thought it was sheep pox.” Kennedy made no further comment, and did not investigate further. Did the Maasai not deserve better than a shop-keeper’s opinion of the problems facing them?

By 1914, a larger crisis was looming. World War One was fought in East Africa on the Maasai ‘southern front’ of the border with German East Africa. Though hostilities here were relatively minor, the war effort and preparations for it by both British and Germans involved major livestock movement – not only an increase in ox-drawn transport but also the mass movement of slaughter cattle acquired from the Maasai to feed the troops. This helped to spread ECF in Maasailand and elsewhere. Quarantine and restrictions on

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<sup>79</sup> The Veterinary Dept. A/R 1912-13 noted reported cases of anthrax in the reserve, which killed unspecified numbers of Africans, p31. Kennedy was told to investigate.

<sup>80</sup> Likely to have been sheep pox, or Nairobi sheep disease (NSD). The latter is transmitted by *R. Appendiculatus*. Personal communication with Dr Glyn Davies.

<sup>81</sup> All quotes taken from Kennedy report, *ibid.*, pp51-52.

livestock movement were both eased during this period. Farmers even took their livestock into battle: “Up to 80 per cent of the settler farmers joined the British army ... taking their ploughing and transport oxen to war with them”.<sup>82</sup> By 1917, all these factors led to outbreaks in Nakuru, the Limuru ‘clean area’, Naivasha and the Southern Reserve. According to the Annual Report for 1917-18: “East Coast fever has spread considerably in the Masai Reserve during the year. This is largely, if not entirely, attributable to the movement of large herds of slaughter cattle purchased from all parts of this densely stocked area to meet the Military requirements.”<sup>83</sup>

By the time the war ended, it was no longer possible to overlook the rising incidence of stock disease in the reserve. The Officer in Charge reported “upwards of half a million deaths” in 1919-20 from tick-borne diseases, BPP and rinderpest.<sup>84</sup> In January 1918, an outbreak of rinderpest in Narok District killed nearly all the calves in certain villages. In 1922, it killed between 60 and 100 per cent of all cattle in the Narok and Loitokitok districts. Concerns about the spread of BPP led to the first veterinary laboratory being built in the reserve in 1918, to investigate BPP and other diseases such as foot and mouth and anthrax. Bill Kennedy, who was by now Acting Chief Veterinary Officer, travelled to Narok to discuss what could be done about BPP. He concluded that inoculating the three quarters of a million or so Maasai cattle in the reserve would require a staff of at least eight veterinary officers and 50 stock inspectors. He only had 12 vets and 11 stock inspectors in the whole Protectorate.<sup>85</sup>

Sandford, for his part, gave a full and frank account of the diseases afflicting Maasai stock up to 1919. ECF and BPP were the two most serious diseases in the Southern

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<sup>82</sup> Norval et al, *Epidemiology of Theileriosis*, p56.

<sup>83</sup> Veterinary Division A/R 1917-18, p148.

<sup>84</sup> A/R of the Acting Chief VO year ended 31/3/20, p24, quoting the O in C.

Reserve, he wrote; BPP had infected five “villages” during the move, and these were quarantined. The whole reserve was placed in continuous quarantine from 1916 following major BPP outbreaks. But ECF caused “by far the highest mortality” of any disease in their herds. In August 1914, ECF had been confined to an area near Ngong, the Sotik border and Trans-Mara. Since then it had spread rapidly. He noted: “East Coast fever appears to be the only cattle disease which the Maasai really fear...”<sup>86</sup> Most significantly, he added: “Masai cattle appeared to have bred a certain degree of immunity to the disease, but the Officer-in-Charge was inclined to think that the cattle which had come from Laikipia were less immune than those which had previously resided in the Southern Reserve.”<sup>87</sup> He blamed the Maasai for not preventing it through dipping, by making use of the dip built at Ngong in 1914 at their own request: “... it is evident that, in addition to the superstition which prevents them from taking advantage of such an innovation, they are also too slack and listless to go to the trouble of making the treatment a matter of regular routine”.<sup>88</sup>

What Sandford dismissed as superstition, the Maasai regarded as good animal husbandry. My informants said that the Maasai initially resisted dipping because of the trauma it caused their beloved cattle, who were “beaten severely to force them to jump”. A Maasai saying refers to this: “We cannot drop cattle into a hole like warthogs.”<sup>89</sup> It was also believed to weaken the cows’ defence system, as well as “hurt and drown their dear

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<sup>85</sup> Veterinary Division A/R 1917-18. Four outbreaks of anthrax were reported that year, resulting in some human deaths. A stock inspector also caught it while inspecting hides, but recovered after prompt medical attention.

<sup>86</sup> Sandford, *Administrative history*, p65.

<sup>87</sup> Sandford, *Administrative history*, p64. He probably lifted this from the Masai A/R 1915, which stated that the cattle of the Siria Maasai in Trans-Mara were immune to ECF but those from Laikipia “highly susceptible”, and that unspecified Maasai cattle were immune to BPP to some extent.

<sup>88</sup> Sandford, *Administrative history*, p65.

<sup>89</sup> Information supplied by Dickson Kaelo, from interviews with Ndeyo Ole Yiaile (also one of my interviewees, spelled Nteyo Ole Yelle in Appendix I) and Konana Kereto.

animals”.<sup>90</sup> Informants said they simply did not trust the white man’s ways and judgement. And on one occasion, in 1922, dipping was demonstrated in a very unfortunate manner, hardly likely to win Maasai favour. Referring presumably to the fine exacted on the Purko for the riot that year (see next chapter), it was said: “An opportunity arose during the year to demonstrate the value of dipping to the Masai tribe in connection with a collective (cattle) fine...” The cattle, from a heavily ECF-infected area, were dipped in a government tank and also hand-dressed. It was hoped that the demonstration would “result in educating the natives to appreciate the value of dipping”. Since they were being relieved of the cattle concerned, this was highly unlikely.<sup>91</sup>

Contrary to the impression Sandford gives, it appears that the government did not make any concerted effort to promote cattle dipping in the reserve before the 1940s, according to an appeal by the Masai Association to the Under-Secretary of State for the Colonies in 1946. This stated that the government was only now trying to introduce “dip pools” for Maasai cattle, but the association believed these to be a waste of time and money because their people constantly moved in search of pasture, and dips could not be built everywhere. Contradicting other Maasai claims and laments about disease, it added: “After all we feel that our cattle are immune and it would only be dangerous to introduce irregular dipping which might do them more harm than good. We shall [have] no objections to dip pools when we shall start to keep high grade cattle but not at present moment [sic] when most Masai’s are ignorant about high grade cattle”.<sup>92</sup>

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<sup>90</sup> Information supplied by Dr Nathan Ole Lengisugi, who believes the first dip in East Africa was built by the Germans at Mpwapwa, G.E.A., in 1904. In B.E.A, dips were first built along main roads in 1912. By 1916 there were 80 dips in the whole country, both private and state-run (Norval *et al*, p54).

<sup>91</sup> Dept. of Agriculture A/R 1922, p36.

<sup>92</sup> Letter of 20/8/46 to the Rt. Hon. A. Creech-Jones MP from the Masai Association, signed by Nongimojik Ole Nakordo, described as ex-Senior Chief of the Kaputei Masai, on behalf of the Paramount Chief of Masai, and Muneria Ole Shapara, Chief Kekonyokie Masai [sic]. This covered grievances about land, lack of development, and the administration of Maasailand. Murumbi Papers, MAC/KEN/100/6, KNA.

Were the veterinary authorities trying hard enough to treat and prevent Maasai stock disease in this early period? Leys thought not. He noted a glaring anomaly: veterinary concerns about disease in native reserves, and their classification as ‘dirty’, did not match the numbers of vets assigned to tackling it.<sup>93</sup> However, that was hardly the fault of the individual vets and veterinary researchers, many of whom were conscientious professionals and decent men with African sympathies, no doubt frustrated by government under-funding and official priorities. The priorities of staff at the Kabete research laboratory must be differentiated from those of the veterinary department, which was oriented principally towards improving European production. But the fact that veterinary officers were employed almost exclusively in the European areas was freely admitted in Annual Reports between 1911 and 1924. For example: “...the energies of practically the whole of the veterinary staff have been concentrated on the prevention and, where possible, the eradication of stock diseases in the area occupied by European farmers”.<sup>94</sup> The department did not intend to tackle disease in the reserves. The 1911 report stated: “Eradication in the vast native reserves where East Coast fever is endemic is not to be thought of, even were it possible”. There is another curious anomaly here. Veterinary authorities reported that stock diseases were rife in the reserves, which therefore represented a serious menace to the stock industry. In the next breath, they said that vets could only guess at what went on in the reserves, because they had a minimal presence there.<sup>95</sup> Without being there, and without testing, how could they be sure of the incidence of disease?

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<sup>93</sup> Norman Leys, *A Last Chance in Kenya*, Hogarth Press, 1931, p95.

<sup>94</sup> A/R of the Acting Chief VO year ended 31/3/20, pp20-21.

<sup>95</sup> For examples from the respective Masai A/Rs, in 1915 it was said no VO had even visited the reserve that year except to procure meat supplies. In 1918 “no conspicuous activity has been displayed by the Veterinary Department”. In 1920, the VO was removed after “a certain amount of spasmodic activity”, doing BPP inoculations. In 1921, there was no VO in the reserve for seven months. In 1928-9, no VO visited Narok District all year. By 1933, there was still no VO there, though there had been one in Kajiado all year. It was only in 1938 that the A/R declared “a year of activity and progress” on the veterinary front, with the “most sympathetic understanding and appreciation” shown by the relevant authorities to Maasai needs.

The Acting Chief VO in 1920 asserted quite bluntly that Africans were too stupid or stubborn to know what to do with vaccines and other modern inventions, so veterinary inputs were considered to be a waste of money in the reserves. For one example of the tone adopted: “The losses of stock throughout the native areas from preventable disease must be enormous but these would not be prevented at once simply by the provision of adequate veterinary staff and equipment. A considerable time would elapse in some instances before the conservative native could be convinced of the efficacy of the methods employed by the veterinary staff...”<sup>96</sup> As for anti-rinderpest measures in the reserves, it was admitted “there was no policy”.<sup>97</sup> With ECF, the British were maybe mindful of Robert Koch’s opinion that fencing, dipping and quarantine could not succeed in areas with large numbers of African-owned cattle.<sup>98</sup> So, with finances tight, they initially settled for quarantine only, confining Africans to areas which were by definition fenced ‘reserve-oirs’, or isolation wards. But some Africans were deemed worthier of help than others: “It should be recognised that the tribes most worthy of help at the present time occupy areas which are essentially suited by crop production, and in the existing state of the beef industry throughout the world the best and quickest return for effort and expenditure is to be found in increasing the output of crops”.<sup>99</sup>

The African stock-keeper was caught in a Catch 22: his herds were diseased, he was offered little or no veterinary help to deal with the problem, and it was assumed that he would not know what to do with the help even if it were offered.<sup>100</sup> Therefore, little or no

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<sup>96</sup> A/R of the Acting Chief VO year ended 31/3/20, p20

<sup>97</sup> Chief V.O. Major Brassey-Edwards’ reply to F. Ryder who wanted to know what the official rinderpest policy was in the reserves, since they “acted as reservoirs”. His excuse was: “No staff was available, except to a small extent. The cost would be enormous.” Stockowners’ Conference, held by the Kenya Department of Agriculture, Nairobi, 10/11 March 1936, Government Printer, 1937.

<sup>98</sup> Koch pointed this out at a conference on cattle disease in Bloemfontein, South Africa, 3-5 December 1903.

<sup>99</sup> Dept. of Agriculture A/R 1922, p26.

<sup>100</sup> There are also many references to white farmers ignoring veterinary measures, “relaxing their vigilance” or misusing them, eg, either by refusing to dip for ECF, not dipping often enough, or getting the mixture “dangerously wrong”, which led to arsenic poisoning. It was also admitted that BPP had been spread not by

preventative or curative help was extended, and the government simply used continuous quarantine of the reserves to stop disease spreading. This prevented the Maasai from selling cattle and entering the market economy, which confirmed British criticism of their ‘innate’ conservatism.

### Human sickness

It is beyond the scope of this thesis to investigate patterns of human disease in the Southern Reserve. Suffice to say that the incoming Maasai, as well as their livestock, must have been susceptible to infections and diseases that were new to them. As McNeill writes: “Clearly any change of habitat ... implies a substantial alteration in the sort of infections one is likely to encounter”. Also, many diseases have historically transferred from animal herds to human populations; measles is probably related to rinderpest, and smallpox to cowpox.<sup>101</sup> Malaria and dengue fever “may have been present from time immemorial, lying in wait for immigrants from more northerly climes among whom prior exposure had not built up any sort of natural resistance”. Many ‘northern’ Maasai may have had no prior exposure to human *ol-tikana*, hence the strong remembrance today of its deadly virulence. Most significantly, young adults are especially vulnerable to new infections: “Sometimes new infections actually manifest their greatest virulence among young adults, owing, some doctors believe, to excessive vigour of this age-group’s antibody reactions to the invading disease organism.”<sup>102</sup> This fits previously cited stories of how the Il-Kitoip, junior circumcision group of the Il-Tareto age-set, were allegedly “finished” by disease soon after they arrived. (My informants suggested that this was pneumonia, but it is impossible to know for sure.)

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ignorant natives but by oxen transporting goods from the railway at Gilgil to white farms. See A/R 1919-20 of the Chief VO.

The public health section of the Masai Annual Report for 1914-15 declared: “The Masai seem to possess little stamina and quickly succumb to disease”. Mirroring the lack of veterinary support for sick livestock, the Maaai found, having succumbed to sickness, that there was no public health care system to help them. There was just one illiterate ‘native dresser’ at Narok, and no hospital, dispensary or medical officer in the entire reserve. By 1917, nothing had changed. “Very little medical work is, therefore, possible ... Should a case of serious illness arise, it is almost certain that under existing conditions the patient would be cured or dead before medical assistance could arrive.” Dysentery and fever were said to be the main diseases, though how a medical officer could know what diseases existed in outlying parts of the reserve, if there was no medical presence there or any monitoring system, is not disclosed. By contrast, “the health of the European and Goan staff has been good”. By 1923-4, the report noted that the Maasai were paying the highest rate of tax in the colony and are “surely entitled” to medical help.<sup>103</sup> There was no mention of sleeping sickness.

Leys did not investigate human health in the Southern Reserve; he had left the country by then. However, he knew all about the infections that struck down migrants, because his work entailed making health checks on migrant labourers. In discussing African sickness in general and British responses to it, he remarked: “An erroneous idea prevails that Africans are immune to African diseases. This is quite untrue of the chief diseases. Nowhere in tropical Africa is the European death rate known to be so high as the African death rate. When large numbers of Meru from the slopes of Kenya were sent to

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<sup>101</sup> William H. McNeill, *Plagues and Peoples*, Penguin 1994, pp27, 54.

<sup>102</sup> McNeill, *Plagues*, pp89, 71.

<sup>103</sup> In contrast, there was little reported disease among Maasai on Laikipia, according for example to the Medical and Sanitary section of the Rumuruti A/R for year ending 31/3/12: “The health of the District and Station continues good. The chief cases brought by the Masai are sore eyes and wounds ... There has been no serious disease”. Of course, this took no account of unreported sickness which the Maasai treated themselves.

work on the Mombasa Waterworks they sickened and died just as Europeans or Chinese would have... the migration of such labourers not only exposes them to new infections, but results also in the migration of the diseases themselves. That is particularly the case with dysentery, epidemics of which are constantly breaking out in villages after labour gangs have returned to them.”<sup>104</sup> The forced migration to lower and hotter land, followed by the introduction of forced labour in road-building gangs and for other public works in the reserve, would have been important factors in the spread of dysentery, malaria and other diseases among the Maasai.

Orr and Gilks, in their comparative study of the health of the Kikuyu and the Maasai from 1926 to 1929, found that constipation and rheumatoid arthritis were the most common complaints among Maasai. These were probably linked to changes in diet and climate. But they admitted having no health statistics for Maasai in remote parts of the reserve, relied over-much on examining patients and outpatients at the one hospital in Narok, where 20 per cent of patients were not Maasai, and said that Maasai women probably did not seek hospital treatment as much as men did.<sup>105</sup>

### **Lewis’s study of ticks**

It was not until 1934, with the publication of entomologist Aneurin Lewis’s pioneering study of ticks in the Southern Reserve, that a clear picture emerged of the extent of both tick infestation and other challenges to stock in Maasai country. This is a very rich piece of work, based on grassroots research in 1932-33, while Lewis was attached to the Veterinary Research Laboratory at Kabete near Nairobi.<sup>106</sup> His findings confirm Maasai

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<sup>104</sup> Leys, *Kenya*, p283.

<sup>105</sup> J.B. Orr and J.L. Gilks, *The physique and health of two African tribes*, Medical Research Council Studies of Nutrition, Special Report Series No. 155, HMSO, 1931.

<sup>106</sup> Part 3 of a three-part study. Part 1 investigated ticks in the Rift Valley (Bulletin No. 17 of 1931). Part 2 also looked at the Rift, focusing on Uasin Gishu and Trans-Nzoia Districts (Bulletin No. 6 of 1932).

claims about the prevalence of ECF in the reserve, though he is less clear about why ECF broke out when and where it did, and where it originated. He also found evidence of other tick-borne diseases including Nairobi sheep disease, sweating sickness and heartwater.

Lewis claimed: "Certain large areas of the Masai country are unsuitable for all stock; others are useful only for sheep, while still others are totally uninhabited by man or domestic beast."<sup>107</sup> The reasons for this were multiple: few permanent water sources, seasonal fluctuations in water supply which meant that certain areas such as the Loita Plains were only useable for part of the year, lack of grazing, the presence of tsetse fly and ticks, and fear of disease in areas where rinderpest and smallpox had previously decimated stock and humans. Where grazing was good, it was often rendered useless. One example: "The Osero country stretching from the Mara River to the Barkitabuk-Kilimafeza Road, and to the Tanganyika border, is totally devoid of stock and of native villages. Tsetse flies and trypanosomiasis, and according to native information, East Coast fever, have rendered many hundreds of square miles of otherwise excellent grazing country useless for these pastoral people."<sup>108</sup> Lewis witnessed mass starvation of domestic stock in the dry season. He was not surprised that Maasai were driven by stock starvation or poverty to trespass outside the reserve.

There was a link between weakened cattle and their greater susceptibility to ECF: "It is true that under natural conditions there is a tendency for ill-conditioned, unhealthy and sick animals to become more liable to the attacks of ticks. Whether it is due to the conditions of the beast and lack of resistance, or to the fact that such animals, by frequently resting often provide more time and opportunity for attack by ticks, it is difficult to

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<sup>107</sup> Lewis, *Study of ticks*, Part 3, p24.

<sup>108</sup> Lewis, *ibid.*

say...”<sup>109</sup> Though he did not make the connection, this prompts me to speculate whether Maasai cattle weakened by the long march south from Laikipia arrived in a more susceptible state. The meeting and mixing of herds would have created ideal conditions for epidemics of BPP and rinderpest. The move also entailed frequent stops and starts, which would have increased the likelihood of attack by infected ticks en route.

Lewis plotted on a map the main dry season migration routes of cattle in the reserve. Another map showed shaded areas where the chief agent of ECF, *R. appendiculatus*, thrived.<sup>110</sup> Lewis noted that Maasai will venture into areas they normally avoid when faced by a critical lack of water and grazing, with one obvious result:

...these movements are towards and into areas infected with ECF. At Ngong it is known that Nairobi sheep disease exists also. In these areas, *R. appendiculatus*, along with *A. variegatum*, is prevalent. When adverse conditions are at an end ... the Masai with the remainder of their stock wander back to their homes, away from the ECF infected areas. Obviously the stock infested in these areas with *R. appendiculatus* carry this species of tick – and others – to uninfected areas. Thus, bit by bit, new areas of the reserve become infested with this tick which may gradually become acclimatised, reproduce its kind and serve as a reservoir for the causal agent of the disease.<sup>111</sup>

Other factors which he suggested contributed to the spread of ECF included stock raiding outside the reserve, stock trading, stock exchange for bridewealth (particularly with the Kikuyu), mass movements of stock for ceremonial reasons such as circumcision, allowing Kikuyu to rent grazing in the reserve, the proximity of heavy infection in the Kikuyu and Ukamba reserves, and possibly inter-grazing of Maasai stock with wild game such as wildebeest and zebra, though Lewis noted that *R. appendiculatus* was “very rare” on game. That has since been disproved.

Lewis’s description of the incidence and effects of ECF among Purko herds in western Narok leaves no doubt about the horrors of *ol-tikana* in that section of the reserve.

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<sup>109</sup> Lewis, *ibid*, p60.

<sup>110</sup> My copies of these are too poor to reproduce here.

“The Purko dwelling east of the Mara ... possess enormous herds of cattle which were in extremely poor condition during this investigation ... The writer witnessed an outbreak of disease among adult cattle which swept away whole herds of hundreds of cattle. In one boma at Aitong, 300 adult beasts died within fourteen days of their return from the Mara ... dead bodies of sheep were strewn along the routes from Mara bridge to Engoregori . This is also true of the cattle. *Indeed the vultures, the hyaenas, jackals and other scavengers could not cope with the abandoned carcasses.* Examinations of the dead animals and of numerous blood and gland smears, proved the cause of death to be East Coast fever”.<sup>112</sup> [My italics.]

Lewis described Maasai knowledge of ECF, though he tended to dismiss their diagnoses of this and other tick-borne diseases as unreliable. They were aware of the differences between different species of tick (sing. *ol-masheri*, pl *il-masher*), with ten variations on that term; for example, *ol-masheri onyukie* [sic, *nanyokie*] referred to all brown ticks.<sup>113</sup> *Ol-masheri* was also used to refer to sweating sickness, itself tick-borne. He did not, however, discuss indigenous treatments. Space precludes me from expanding on this at length, but Merker had written much earlier of Maasai attempts to “heal” it through cauterization of the swollen lymph glands. “As the cause of the ailment they cite the eating of a certain bush *en jaru* (*Pennisetum ciliare*).”<sup>114</sup> This tallies with oral testimony today. Although they make the connection with ticks, people believe that they and their domestic stock acquire diseases from eating various things rather than through being bitten. Traditional treatments, which are still resorted to by many, tend to deal with the symptoms of disease; hence the glands beneath the ear and/or neck are branded with a hot iron in the case of ECF, tobacco juice is inserted through the cow’s nose in an attempt to “stop the

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<sup>111</sup> Lewis, *ibid*, p28. Dr Glyn Davies confirmed this in a personal communication. “Extensions in the range of the tick follow periodic heavy prolonged rains. Epidemics of ECF/NSD follow explosions in tick No. 5 in areas where they are normally rare or absent”.

<sup>112</sup> Lewis, *ibid.*, pp48-49. The cause of death refers only to cattle since sheep do not get ECF.

<sup>113</sup> Mol, *Maasai language*, p273. *Nanyokie* actually means red, or light brown.

rotation attitude” of a cow suffering from circling disease (*ol-milo*), and the leaves of *Teclea nobilis* (*ol-gilai* in Maa) or *o-suguroi* are used to treat anaplasmosis.<sup>115</sup>

Finally, Lewis attempted to answer the very interesting question of whether ECF had existed in the Rift Valley when the Maasai lived there. (It only became infected in 1914).<sup>116</sup> In 1909, Lord Delamere had expressed the opinion that ECF had been introduced to Maasailand from the coast many years before but, said Lewis, “had been got rid of by the Masai changing their grazing grounds”. As previously mentioned, when they had enjoyed the freedom to roam the Maasai dealt with disease by quitting diseased pastures, only returning after months or years had elapsed. Ticks would have gorged themselves on the cattle and dropped off during the movement or at the various temporary camps where the Maasai rested every five to ten miles or so. Lewis explained: “Ultimately all the ticks would drop off, deaths from the disease would cease and the people would be satisfied that they had left the fouled (or tick-infested) land. Movements of this kind resembled very closely the routine of the early ‘temperature camps’ once adopted by veterinarians to control outbreaks of East Coast fever.”<sup>117</sup> Once settlers had taken over the grazing, they soon began dipping as a preventive measure. Lewis concluded: “It is possible, therefore, that East Coast fever and its vector were never allowed to establish themselves in this country due partly to the Masai movements and partly to the wise and timely precautions of the first batch of European settlers.” This contradicts the fact that Delamere lost many calves to ECF in those early years in the Rift.

Confinement in the reserves put an end to traditional Maasai coping mechanisms: “As a result of British administration the Masai were confined to reserves and their

<sup>114</sup> Merker, *Die Mäsaï*, p168 of the Schütze translation. He called it *ol digana*.

<sup>115</sup> Information supplied by Dickson Kaelo. “Even to date, the Maasai believe that cattle get trypanosomiasis from accidental ingestion of tsetse fly”, personal communication.

<sup>116</sup> Norval et al, *Epidemiology of theileriosis*, p50.

<sup>117</sup> Lewis, *ibid.*, p52.

migrations were much restricted. The infestation of large tracts of their country by tsetse flies, the lack of water in other areas of the reserve, still further prohibited such movements as occurred prior to their limitation to reserves. Obviously this restriction prevented, to some extent, the old Masai custom of abandoning foul land and seeking clean pastures; it was accentuated when the stock increased and created a congestion of the reserve.”<sup>118</sup> No wonder the elders in Ngatet, with recent memories of coping strategies in Entorror, did not see much point in bothering with dips. In their view, though maybe not in reality, the old system had usually worked before.

### **Losses suffered by other sections**

George Goldfinch made intriguing references in the mid-1920s to losses suffered by other Maasai sections which had been forcibly moved to the Southern Reserve. This would require further investigation, and more space than I have at my disposal to air his theories about what happens to resistant stock when they are moved to alien environments. He said the reserve “has simply been a hotbed of disease for years”, telling the Anti-Slavery Society “nobody need believe any fairy tales about how nice for all the Masai to be together...”<sup>119</sup> He made enquiries through Maasai contacts about the welfare of the Momonyot, Dorobo (Ogiek) and Uas Nkishu. The Momonyot and Dorobo cattle were dying of trypanosomiasis “as where they were driven to has always been perfectly well known to contain fly ... The old Chief Legeshaur [?Legeshaun] came to see me about 10 days ago and told me they had then lost over 100 and others were sick”.<sup>120</sup> Two years earlier, he had been told by a son of Masikonde that the Uas Nkishu cattle were “practically finished” by rinderpest and BPP, “but what is perhaps worse is that he said lots of the people themselves were dead from

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<sup>118</sup> Lewis, *ibid.*, p53.

disease.” This was described as “Indegana of people ... This strictly speaking would mean human East Coast fever.” He asked for symptoms; his informant said that people went green and passed red urine. Goldfinch guessed that it was some form of malaria or tick fever.

Anyhow I think it is a perfectly good example of what ... must happen if natives who have lived for generations in a healthy country are non-resistant or mostly so to malaria or any other disease are moved into a district where those diseases are endemic ... This I think is a very bad case indeed ... Some people would perhaps say the Southern Masai reserve is a healthy country and so a good deal of it is but there are plenty of places that the original inhabitants avoid all together or only go into at certain seasons. *Strangers are of course forced into them.*” [My italics.]<sup>121</sup>

A year later, in 1924, Goldfinch passed on more news of the Uas Nkishu. He had now been told that the disease they were losing their cattle to was in fact ECF, “as the country they were forced into is an endemic area for that disease”.<sup>122</sup>

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<sup>119</sup> ‘Native Administration – The Native Affairs Department and the Chief Native Commissioner’, undated paper likely to have been written about 1923-4, Goldfinch Letters, ASAPS Papers, p17.

<sup>120</sup> Goldfinch to Buxton, 14/2/25, ASAPS Papers, *ibid.*

<sup>121</sup> Covering letter, Goldfinch to Buxton, 5/3/23, enclosing statements by Legeshaur (sic) and one other, ASAPS Papers, *ibid.*, pp2-3.

<sup>122</sup> Goldfinch to Buxton, 30/5/24, ASAPS Papers, *ibid.*

## Chapter 9: 'A land no longer fit for heroes'

“When I looked into their faces with my horse’s nose touching the leaders, I saw no trace of ‘homo sapiens’, no light of sense or reason. Each had an expression of demoniacal insensate savagery.”

Clarence Buxton on the Rotian riot, 1935<sup>1</sup>

As the twentieth century unfolded, there were a series of revolts and other aggressive actions by Purko warriors from the community that had moved from Laikipia. Various reasons have been suggested for these actions, both at the time by administrators, and later by scholars. But these have not included an explicit link to grievances over land losses or a desire to return to Enterror. However, in oral testimonial evidence the link was made explicit, certainly in the case of the Ololulunga ‘massacre’. As with East Coast fever and blood brotherhood, the subject of Ololulunga was raised spontaneously and swiftly by predominantly Purko elders when discussing the significance and effects of the moves. It was, in a sense, part of a semiotic bundle of key words and powerful symbols evoked when people were asked to describe what had happened and why. Initially, as with ECF and blood brotherhood, no questions about Ololulunga were put to interviewees since I knew nothing about it; these were only incorporated into the questionnaire at a later stage. So there can be no question, at least initially, of leading questions evoking a suggested response. Even after questions about Ololulunga had been incorporated, the subject was often raised spontaneously at an earlier stage of interview.

Of course, hindsight plays a crucial role in selective story-telling. History is told from a presentday perspective of politicised grievances and axe-grinding, and connections may now be made between events that appeared unconnected 50 or 80 years ago. Both oral and written histories evolve and are shaped over time in this fashion. But whatever doubts

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<sup>1</sup> Buxton to Officer in Charge, Masai Reserve, 16/7/35, Buxton Papers, RHO.

exist about the veracity of oral testimony, the claims are worth investigating since they challenge orthodox views of the impetus for warrior revolt post-1913.

This chapter will focus largely on the battle between British forces and Maasai warriors at Ololulunga, western Narok, in September 1918. The other aggressive actions referred to above were principally an attempt to return to Laikipia in June 1915, a revolt by warriors in 1922, and resistance by warriors engaged in building the Narok to Mau road near Rotian in 1935. The first three actions involved the same age-group, the Il-Meiruturut. It is conceivable that raids, murders and other actions by warriors of various sections in 1912-17, grouped under the title 'Miscellaneous Historical Incidents' by Sandford, included acts that were also 'political' in nature and motivated in part by anger over the move, but that is impossible to prove.<sup>2</sup> (Similar events took place after Sandford published, and are recorded in the district and provincial reports in the 1920s and 30s.) The desire for cattle and spear-blooding, as well as revenge for German raids on Maasai stock and settlements in this period, cannot be easily disaggregated from other motives.<sup>3</sup>

### **Ololulunga revisited**

The killing of various Maasai by British forces at Ololulunga in September 1918 merits barely two-and-a-half pages in the Narok District records for that year. The event is worth revisiting in greater depth, not only in order to examine what actually happened but also to analyse how and why the Maasai have constructed other versions of the story, which continues to resonate in the collective folklore of colonial encounters. According to the report writer, there was a confrontation between Maasai warriors and the administration

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<sup>2</sup> Sandford, *Administrative history*, from p113.

<sup>3</sup> Vincent Old Ntekerei suggested to me that, as a result of Maasai warrior involvement in British raids into German East Africa, the Maasai suffered retributive counter-raids. This links to earlier stories about Colvile's alleged raiding with *moran* (see Chapter 6).

after warriors of the Purko section refused to be recruited for the war effort.<sup>4</sup> The British had set out to recruit 300 young men. But a group of Purko warriors...

flatly refused to consider recruiting, adopted a defiant attitude towards the officers and elders, and called all the Purko Moran to Mellelo [north of Ololulunga].<sup>5</sup> Negotiations here were also met with defiance, and a company of 1/6th K.A.R. [King's African Rifles] under Major Dickinson, DCM, was sent up. The Purko Moran were still defiant, even after seeing the troops, and their representatives refused to listen to reason. An attempt to arrest some individuals at the L'Aimer<sup>6</sup> *manyata* resulted, unfortunately, in two women being killed owing to unauthorised firing by some of the troops. On September 11th the Moran attacked the [K.A.R.] camp at Ol Alunga at dawn, being driven off with the loss of 14 left dead, and probably some 50 or 60 other casualties. Orders were then received to suspend all operations while Lord Delamere opened negotiations with the Moran.<sup>7</sup>

The Masai Annual Report for the whole reserve gave a little more information: the K.A.R. fired 274 rounds of ammunition into the *manyata* before "they [the warriors] were brought under control".<sup>8</sup>

More than 80 years later, Purko elders recall the event vividly, with passion, and in rather more detail than the dry official record. The majority claim that 49 warriors were killed.<sup>9</sup> For the people of Ololulunga, a small township near Narok whose name means "that which is complete", the massacre is part of their folklore and landscape.<sup>10</sup> They point out the unmarked burial site where the British threw the bodies of the slain warriors (near the Arid Zone Primary School), and trees where bullets are still lodged. Most elders interviewed can name some of the warriors who died, and still eulogise one Ole Ntaiya (also spelled Ntaiya) as a hero. Every family has a story to tell, of ancestors whose lives were affected in some way by this event.

<sup>4</sup> They were signed by Acting DC, T.J.A. Salmon.

<sup>5</sup> Spelled Melelo by Sandford. It is not clear where this is; they may have meant Melili on the Mau.

<sup>6</sup> This is presumably the name of a *sirit*, named after the nineteenth century age-set whose warriors graduated to elderhood in 1886.

<sup>7</sup> Narok Dist. A/R 1918-19, DC/NRK/1/1/1, KNA, p1. Not all page numbers are given for A/R references since some were read on microfilm, where they were either illegible or omitted.

<sup>8</sup> Masai A/R 1918-19.

<sup>9</sup> It is impossible, short of exhuming the bodies, to establish whether 49 warriors died at Ololulunga. But 49 is a ritually significant number to the Maasai. It is the number of cattle paid as blood price for the murder of a man. It is also the number of boys in the deputation that visits a prophet to ask for a new circumcision period to be opened, and the number of cattle they give him.

The written and the oral narrative differ markedly in both content and style. Unsurprisingly, what happened that day and subsequently is contested. But most significantly, the battle of Ololulunga is invoked spontaneously (that is, without being prompted) by scores of elders – some of whom live hundreds of miles from the battle site and have no direct connection with Ololulunga – as a key event in the story of British land alienation and Maasai resistance in the 1900s. According to the oral testimonies I have gathered, many Maasai claim that Ololulunga had little or nothing to do with opposition to conscription. They say it had everything to do with the desire of the Il-Meiruturut circumcision group of warriors to return to Enterror, and with warrior opposition to the forced schooling of children.<sup>11</sup> Some say it was also a response to the confiscation and burning of shields, the introduction of identity cards, conscription and taxation. Elders repeatedly raise the name and spectre of Ololulunga within minutes of starting to talk about the moves. What appeared to the British to be a one-off, anarchic outburst by ‘workshy’ warriors seems, in fact, to have represented a boiling over of frustrations which had simmered for at least nine years. Many Maasai shared these frustrations, primarily at the way in which they had been ousted from Laikipia at gun-point and moved to the inferior Southern Reserve, but this particular circumcision group took it upon themselves to act, in defiance of their elders’ advice to refrain from violence. The oral history of Ololulunga is a rich and largely unmined source. I want to explore what the Maasai themselves have to say about the massacre and its meaning, contrast this with the written record and assess its overall significance, before going on to examine events in 1922 and 1935 which appear to be inter-connected.

The British never ceased to wonder why they met non-cooperation from Maasai in the Southern Reserve and in Maasailand as a whole. They tended to put it down to innate

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<sup>10</sup> *0-lolulunga*, from the verb *a-lulunga-a*, to be round, to be complete, Mol, *Maasai language*, p233.

stubbornness and conservatism. “The attitude of the Masai towards Government is generally that of suspicion, at the best that of passive tolerance” mused the Narok DC in his 1923 Annual Report. Five years later, DC Major Dawson suggested that the attitude sprang from “the unfortunate circumstances of their move from Laikipia and the litigation which succeeded it. These circumstances have been remembered by the old men and suspicion of everything emanating from the Government is imbued into the children with their mothers’ milk. Only time, sympathy, and continuity of policy can break down this tradition”.<sup>12</sup> The answer to the question “why are they so uncooperative?” was indeed writ large in the two forced moves, the unsuccessful court case, the way in which the British initially treated Ole Gilisho, and in the grave-site soil of Ololulunga. The standoff here in 1918 is still seen by the Purko as inextricably linked to fall-out from the moves and the loss of Entorror, but the British never grasped its significance. If anything, they accorded more weight to the 1922 rising.

Besides the district and reserve records, the main official account is Sandford’s. He noted that on 28 August 1918, just one day after the K.A.R. recruiting officers descended on Narok, the Native Compulsory Service Rules had been applied to the Maasai Reserve, compelling all Africans to serve in the K.A.R. when ordered to do so. Those who failed to obey such an instruction were deemed guilty of an offence, and liable to imprisonment or a fine or both. It was in this context that Major Dickinson and his troops were sent on to Melelo (or Melili), on the heels of the warrior dissidents who had retreated into the forest. Reginald Weeks, Acting Officer in Charge of the reserve, tried to reason with them on two successive days. “In spite of the show of force, these men refused most emphatically to agree to the recruitment of Muran for the King’s African Rifles or for any other work which would take them away from their own reserve or its immediate vicinity ... They

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<sup>11</sup> Il-Meiruturut were the right-hand or senior circumcision group of Il-Tareto age-set who were warriors from 1911-1929. Not to be confused with the adjacent set that succeeded them, Il-Terito.

refused to listen to any arguments and said that they had left their villages, dismissed their Elders and head Muran and had decided to live in the forest, where they would rather die than be taken for the King's African Rifles".<sup>13</sup>

The larger plan for the political administration of the Maasai Reserve at this time was to break the power of the warriors, smash the *manyata* system and bolster the position of elders and their councils.<sup>14</sup> So the fact that these warriors had turned their backs on their own elders would have been as worrying to the British as their refusal to join up. Something had to be done, fast. On 8 September, Weeks heard that some of the warriors who were wanted as recruits were planning to sleep in their village a few miles from his camp, instead of in the forest. He decided to try and arrest them. Weeks, Dickinson, and an unspecified number of soldiers arrived at the village at dawn the next day. The soldiers surrounded it, said Sandford, "and were given instructions that they were to use no force of any kind except in the case of an attack by the Muran." Weeks went into the village, and found only a few women and some cattle. Then disaster struck: "While he was still in the village, firing broke out and continued for some minutes. It appears that an Askari fired a shot without orders and that others followed his lead, but the regrettable result was that two women were killed, and two women and an old man wounded, while ten head of cattle were killed..."<sup>15</sup>

When the British party returned to their camp at Ololulunga, the warriors retaliated in a second dawn raid. They were "beaten off in a few minutes and retired leaving fourteen dead behind them ... Amongst the dead were several of the men who had been chiefly responsible for the present troubles". Weeks "much regretted that such a conflict should

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<sup>12</sup> Narok Dist. A/R, p5.

<sup>13</sup> Sandford, *Administrative history*, p76.

<sup>14</sup> This plan was largely the work of O in C Rupert Hemsted. However, as discussed in Chapter 7, Ole Gilisho (and later other elders) also wanted to see warriorhood abolished. He sometimes pushed for it against the advice of government officials.

<sup>15</sup> Sandford, *Administrative history*, p77.

have occurred but feared that it had been inevitable. Every chance had been given to the Muran to come into line but they had apparently made up their minds to resist recruitment".<sup>16</sup> He suspected that they had been put up to it by an unnamed *laibon*; this was very likely Kimuruai, son of Olonana.<sup>17</sup>

Interviews by Robert Tignor with 13 Purko Maasai elders in 1970, including at least one survivor of the battle of Ololulunga, contradict the official British version, but lay the blame for the rising entirely on forced schooling.

The British accounts of this uprising stress that it was occasioned by the effort to recruit moran for military service. But this view was flatly contradicted by all the Purko Maasai I interviewed. According to them, the warriors rose primarily in opposition to the forcing of children to attend a new government school being established in Narok township.<sup>18</sup>

However, it was only when the authorities came to collect the army recruits which the elders had agreed to provide that the warriors refused and withdrew in protest into the forest, defying their elders and dismissing their spokesman, Ole Pere, who had advocated co-operation with government. According to Tignor, "the Maasai warriors ... likened school going to an unbearable loss comparable to the death or enslavement of a person. They felt that if children went to school they would be lost forever to Maasai society. The children involved were not moran, being of pre-circumcision age, but the moran felt compelled to protect them from what they regarded as exploitation by the state".<sup>19</sup> My informants disagree with the latter part of this analysis, saying the warriors were in fact concerned that school would do away with the next generation of warriors.<sup>20</sup> Tignor notes that in this and subsequent confrontations with the state, the warriors acted in defiance of their elders' advice but with the support of the *laibon* Kimuruai, who "in this case had

<sup>16</sup> Sandford, *Administrative history*, p77.

<sup>17</sup> From *ol-murui*, a pebble. Prophets use pebbles and other small objects, shaken and thrown from special calabashes, when foretelling the future.

<sup>18</sup> Tignor, *Transformation*, p78.

<sup>19</sup> Tignor, *Transformation*, p79.

<sup>20</sup> Information supplied by Vincent Ole Ntekerei.

excited them to violence by predicting the imminent withdrawal of the British”.<sup>21</sup> In this prediction, he was echoing his father.

Elsbeth Huxley went along with the official government account, ascribing the uprising to warrior opposition to conscription. She placed the blame partly on mismanagement, since Hemsted, Officer in Charge of the reserve, had opposed the plan to recruit 300 warriors in Narok District “but he went on leave and an officer who didn’t know the Masai went into the reserve with orders to get the moran”.<sup>22</sup> The warriors did not obey the orders of this stranger, Weeks. When the warriors retreated, it was decided to attack the *manyata* where the rebels were camped out.

The huts were surrounded by the military on the night of September 9 and at dawn the officer-in-charge of the reserve and his assistant, Mr Welby, entered the little village. It was deserted save for a few women and some cattle. Then the disaster occurred. The askaris outside opened fire, without orders. Nearly 300 rounds were fired into the village and the administrative officers inside narrowly escaped being killed. The company commander took cover behind an anthill and blew frantically on his whistle. Before the askaris could be stopped they had killed two women and ten cattle and wounded two more women, an old man and a friendly moran.<sup>23</sup>

Lord Delamere wired a protest to the government: “Cannot believe wanton attack on whole people to get useful conscripts justified. Suggest their part of doing their bit [towards the war effort] should be supplying cattle as before.”<sup>24</sup> He offered his services as a negotiator between the Maasai and the state. This was accepted and he set off for Narok from Soysambu on 15 September. Back in London, his involvement was viewed as unfortunate. Bottomley minuted: “It is a distinct confession of weakness on our part that we had to invite the good offices of Lord Delamere to put an end to this administrative difficulty.” Significantly, Bottomley blamed Hemsted for forming an opinion about likely

<sup>21</sup> Tignor, *Transformation*, p79.

<sup>22</sup> Huxley, *White Man’s Country*, Vol. 2, p41.

<sup>23</sup> Huxley, *ibid.*, p42.

<sup>24</sup> Huxley, *ibid.*, p42; Sandford, *Administrative history*, p77. Telegram of 9/9/18 to the K.A.R. commandant.

Maasai attitudes to conscription from his conversations with elders, instead of consulting the warriors directly.<sup>25</sup>

The massacre sparked widespread unrest in the area. Groups of Purko warriors “looted and burnt most of the trading centres in their location”, according to the Annual Report 1918-19. As Huxley described it, the warriors “dispersed and roamed the country in armed, infuriated bands. Within the next few days over 50 stores in the Narok and Mara districts were pillaged and burned and several of the unarmed Indian owners murdered”.<sup>26</sup> Some European-owned stores in the reserve were also looted and burned. In an attempt to calm things down, Lord Delamere travelled to Mara to talk with the warriors who had fled there. He was escorted by Maasai henchmen from Soysambu, including his headman Mesobero, “renowned for his bravery in dealing with lions and devoted to his employer”. The Maasai were, said Huxley, willing to talk to Delamere and not government officials because they trusted him as a “friend ... [who] had nearly always taken their side against Government and sometimes got their grievances straightened out”. Delamere could not save them from a massive fine; the Purko were ordered to pay the equivalent of £24,000 in compensation, though Sandford conceded that the Purko were not responsible for all the damage to property. The warriors were forcibly disarmed, and those who resisted had their stock seized and *manyatas* moved. Though the elders agreed to provide army recruits, this never happened. Incidentally, Lendani Ole Sialala, former livestock headman to the current Lord Delamere, was told about this mission by his father. “He [Delamere] went there for peace, to unite them. He was telling the whites, ‘We came here to educate the Maasai, not to fight them.’”<sup>27</sup>

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<sup>25</sup> Minute dated 14/12/18 on ‘Conscription of Masai tribe for military service with K.A.R.’, Desp. 628, 15/10/18, CO 533/198.

<sup>26</sup> Huxley, *ibid.*, p43.

<sup>27</sup> Lemek 51.

Settler Denys Finch-Hatton had always admired and identified with the Maasai, according to his biographer, Trzebinski. His trading store at Lemek was looted and burned during the 1918 disturbances. However, he remained sympathetic to the warriors, as did his friend and fellow settler Berkeley Cole who wrote to the local press, calling for “tact” in handling the Maasai. “The natives themselves have been little understood or sympathised with by the various officers put in charge of them from time to time since the death of Mr Collyer and their subsequent aloofness from anything to do with our Government has probably led to this fiasco ... I cannot see why these people should not be left in peace after considering their past history and conduct.” Suggesting that their rejection of “our inestimable civilisation” was quite logical, and lamenting that they should be asked to join up at all, he also begged the government to consider the effects of their actions on white pastoralists, “those who depend on these people for herding their stock”. They were in trouble, because “their herd boys will now be in a great fever wanting to go off and see the damage done to their friends ... leaving us all at lambing time with a blue-eyed Kikuyu, his knowledge of herding beginning and ending with ‘Shepherd’s Pie’. In conclusion, can anyone tell me what the inordinate craze of every officer-in-charge of the Masai Reserve is, to make them DO SOMETHING?” [His emphasis.]<sup>28</sup>

Leys questioned the motives behind conscription, asking whether the British were primarily driven by a desire for Maasai soldiers. He wrote: “A correspondent who was on the spot at the time says that the military did not want the men, that the reason for trying to get them was that it was thought that conscription would do the Maasai good, and that at least several scores of Masai men, women and children were killed by rifles and machine-guns before the attempt at compulsion was abandoned”.<sup>29</sup> His main claim was confirmed in so many words by Hemsted himself: “We are apparently as far off as ever from the process

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<sup>28</sup> Trzebinski, *Silence Will Speak*, pp137-140, quoting letter to *The Leader*, October 1918.

<sup>29</sup> Leys, *Kenya*, p116, fn.

of driving these ‘idlers’ [warriors] to peaceful industrial effort by a system of taxation [then seen as the best method of dealing with them]. At present the Muran, with a few exceptions, are useless, unnecessary, and consumers on a large scale without either directly or indirectly being producers.”<sup>30</sup>

Later accounts in the literature of African resistance and labour relations have, like Huxley, accepted the official version of events more or less as read, without questioning Maasai motives. For example, Clayton and Savage write: “In July 1918 it was decided to call up a small number of Maasai [for the war effort] ... but the measure was mishandled by the administration, a military column in error killing some Maasai women. The Maasai, enraged, attacked first the column and then Asian stores in a wide outbreak of violence in September and October. The Maasai incident, like its pre-war counterpart the Giriama Rising, is of importance as an early example of secondary resistance to the colonial power, a resistance occasioned principally by a labour requirement.”<sup>31</sup>

### **The Maasai version of events**

When asked whether Ole Gilisho had support from both warriors and elders in his resistance to the British, Olkitojo Ole Sananka said: “Ole Gilisho had support from Maasai warriors but they were prevented from going to fight with the whites when they had prepared to fight with them, and *that is why they went and fought at Ololulunga*. About 40 people were killed and about 50 were wounded.”[My italics.]<sup>32</sup> Ole Gilisho’s son, Shoriba, was asked if any Maasai had tried to return to Enterror.

Yes, there were some people who tried to go to Enterror, and those were warriors ... the age-set of Il-Tareto. They tried to fight with the white men to see if they could go back to Enterror ... And these people were trying to do this at Ololulunga, but many of them were killed by the white men, and they never repeated that. And Ole Gilisho told them: ‘You are the trouble-makers. I told you to leave the white men [alone], but you refused,

<sup>30</sup> Enc. dated 23/4/18 in Desp. 628, *ibid*.

<sup>31</sup> Clayton and Savage, *Government and Labour*, p91.

<sup>32</sup> Lemek 13. Right-hand circumcision group of the Il-Nyankusi age-set.

and you made the Maasai children<sup>33</sup> get killed by fire-arms. So what have you done? You are the only losers, and I tried to stop you, but you never heard what I said.’<sup>34</sup>

Nkotomi Ole Kino, a returnee to Laikipia after the second move, talked about the 1915 attempt by Il-Meirututut to return to Enterror, without naming the year. He added that they had tried again but “many of them were killed by the white men” on this occasion.<sup>35</sup> Ntomoilel Ole Meitaya lives in Ololulunga and was told about the massacre by his father, Maingo, who took part in the battle.<sup>36</sup> Although he gave opposition to education as the main reason for the clash, the desire to regain Enterror was a theme running through his testimony.

The main reason why there was a fight was because the whites wanted to educate children and they also wanted to take the shields from warriors ... The Maasai were [also] forced to have those ID cards and they did not want to have them. Another reason was that they were taxing Maasai. Another one was that the Maasai warriors wanted to go back to Enterror.

When pushed on the education question, he said the warriors opposed it because “they think that children will go and get lost if they go to school, and will not be following the Maasai customs ... The fight started because the Maasai warriors did not want children to go to school and also *they had that grudge of Enterror*”. [My italics.] Even the issue of relieving warriors of their shields was caught up with Enterror: “The warriors said [to the whites], ‘We cannot give up our shields because we are going back to Enterror.’ When they said that, then the whites said, ‘Now you take ID cards and you give out taxes to the government.’ And then the warriors said, ‘We cannot pay taxes and we cannot give up our shields. So it is better that we even die...’” After this verbal altercation, the Il-Meirututut decided “to go to the bush to eat meat so that they could get the strength to fight”. They first went to Trans-Mara, and took refuge in the Chepalungu forest, before returning to

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<sup>33</sup> He does not literally mean children, but is referring to the warriors.

<sup>34</sup> Lemek 21.

<sup>35</sup> Lemek 26. Ol-Tiyieki or right-hand of Il-Terito.

<sup>36</sup> Lemek 44. Ol-Tiyiogoi (aka Ol-tubulai) or left-hand of I-Seuri.

Ololulunga to fight.<sup>37</sup> “They ran up to the end of the world [meaning Trans-Mara]. They went until there was no more land. So they said, ‘We went until the next land was the ocean.’ Then they said, ‘We cannot get into the ocean; we shall go back to our land. So we shall go and fight with the whites. If we defeat them we shall go back to Entorror.’”

The reference to shields is significant. Shields were more than a defensive device. They were effectively badges of identity, bearing heraldic symbols as significant as anything in Burke’s Peerage. Their design and markings reflected the age-set, district of origin and brave actions of the bearer. Therefore the significance of the snatching of shields should not be under-estimated. Their symbolism was spelled out by Mure Ole Kamaamia. He suggested the sole cause of the fight was the attempt to take the warriors’ shields and issue them with identity cards. “The warriors said, ‘We don’t want your ID cards because we are still having our shields. Our shields are our identity.’”<sup>38</sup>

Ole Mootian corroborated Ole Meitaya's story, in a graphic account of the run-up to Ololulunga that makes Kimuruai's involvement plain.

...the warriors of Il-Kisaruni came and told Ole Gilisho: "We want to go back", when they had already taken *in-torosi*<sup>39</sup> at Losongiro, there in the land of the Siria. So the *manyatas* started moving again ...[addressing the Europeans] "You stupid ones! We are not going to move. We are going back to Entorror." They went to the prophet, asking Senteu. And then Senteu feared talking to them because of Olonana. And Olonana could not give them permission, because it was his son who could talk, his son Kimuruai. He laughed and then he told them:"You can continue the move!" They came, crossing the water that is Mara River. They climbed up to Lemek so that Ole Gilisho could bless them. And then they came and camped at a place called Masandare. And then they were had – the whites noticed there was a group coming now, and also the age-set spokesmen ... So now the news was told to Robert [sic] Hemsted, because he was the one who was handling this land. And then they made a call so that many *askaris* can come; he was asking for more forces.

<sup>37</sup> He did not specify that they went to Chepalungu. That is confirmed in a report (signature illegible, possibly Barth) 'In the absence of the Acting Governor to Long', 15/10/18, in Desp. 628, CO 533/198. This also admitted that the K.A.R. soldiers who opened fire disobeyed instructions, f89.

<sup>38</sup> Lemek 48.

<sup>39</sup> "A garment of favour worn by warriors after vowing to win or die on a raid", Mol, *Maasai Language*, p392.

Ole Mootian described how the age-set spokesman of Il-Talala, including Masikonde, begged the Il-Meiruturut not to advance. They retorted: "Nothing will stop us." On the Mau, warriors of other *manyatas* prepared to join their peers "so they could go together" to Entorror. "Even these prophets were also among that raiding party." The Il-Talala elders called the warriors "stupid, and ran after them". As for the ensuing battle: "It was because they were still believing that they would go back to Entorror ... So there was that killing of Il-Meiruturut, whose aim was to go back to Entorror. Wanting to go back for the third time, Maasai crying, 'Entorror! Entorror! Entorror!'"

Interlinked with all this was Maasai concern over boundaries. As mentioned earlier, many Maasai believed then and now that the 1911 treaty amounted to an agreement that the British and the Maasai would live in their respective, designated areas, and that neither would interfere with the other. When British administration advanced on Narok, and bureaucratic tentacles began reaching out to every Maasai in the reserve, they were genuinely taken aback. According to my informants, the Maasai did not expect the British to "follow" them south. When asked to say more about the fight, Ole Meitaya immediately returned to the issue of Entorror. "First of all, the Maasai were originally coming from Entorror. Then they were forced by the whites to come to Ngatet. So when they were forced to this side, the whites also now followed them to their place to take children to school." There was, for the Maasai, something sinister in all this "following".

In the previous chapter I quoted Ole Ndongio's view that the warriors who fought at Ololulunga were angered by the illnesses that had afflicted Maasai and their herds in the south, and that this explanation for the clash was corroborated by Tarayia Ololoigero. "The warriors really went for that war; they were not told [to fight] by the prophet, age-set spokesmen or elders," said Ololoigero. "This area had ECF which was really hated, and they just wanted to go back to their beautiful land which was free of animal diseases."

Again, he said the warriors had defied their elders' wishes. "The warriors said to the elders, 'No, we are going to fight over *our* Entorror.' So then the whites told them, 'Let's go and fight it over here in Ololulunga, so whoever wins then of course takes Entorror.'"<sup>40</sup> A similar story, with an emphasis on human sickness, was also told by Santayia Ole Ntutu, older brother of the late Paramount Chief, Lerionka Ole Ntutu. He said that malaria struck down the initiates of Il-Meiruturut when they first arrived in Ngatet. "Many of them got sick because of malaria ... Those people from Entorror died when they were still strong. The warriors wanted to go back to Entorror because people were dying of malaria." He remembered a contemporary praise song, in which the warriors were "crying for the highlands of Entorror" where diseases were allegedly unknown. It went: "Oh yea, the highlands of my paternal and maternal ancestors, which bring no harm to my heifers".<sup>41</sup>

Nkaburra Ole Njapit named six of the Il-Meiruturut warriors who tried to return to Entorror: Ole Sairowua Naingeaj, Ole Ketuyio Sas, Ole Ketuyio Siteti, Ole Ntayia ("who was killed by a white man at Ololulunga"), Ole Muli Tangaing'ai, and Ole Muli Kurioi. "What these warriors decided was, they had to go back to Entorror. They shifted their *manyata* from Olorukoti [Trans-Mara] to Ololulunga. The white men heard that the warriors wanted to go back to Entorror, so they decided to meet them. They came to Ololulunga and clashed with the warriors, and in the process Ole Ntayia was killed. Almost 20 warriors were killed at that place ... That one prevented the warriors from trying again to go back to Entorror."<sup>42</sup> Did the British have any idea of what was behind this action? If so, they have not told. More likely, they had no idea – because they did not ask, or because

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<sup>40</sup> Narok 9.

<sup>41</sup> Lemek 27. Ol-Ng'encherei or left-hand of Il-Terito, living at Rendiyo near Ololulunga. In Maa, this is *oi osupuko l'e akui o koko ai, lemeya ntawua enkitianya*. My thanks to Partalala Ole Kamuaro for this translation. He said the song stresses a lack of livestock catastrophes, the continuity of the herds through healthy heifers and, without mentioning specific diseases, derides the opposite of the cool, disease-free highlands which do not kill stock.

<sup>42</sup> Lemek 18. Ol-Terekeyiai or right-hand circumcision of I-Seuri age-set.

their level of political intelligence was weak at that time.<sup>43</sup> Ole Njapit was insistent: “What precipitated the killing of warriors in Ololulunga was the desire of the warriors to go back to Entorror.”

From Sandford, it appears that the administration had been expecting attempts to return to and reclaim Laikipia for some time. In August 1914 “a tendency on the part of the Masai to drift northwards was noticed” and police or soldiers (it is unclear which) were despatched “to patrol the farm borders from Naivasha towards Njoro with a view to causing all Masai found out of their reserve to be returned thereto”. In June the following year, there was a “determined attempt ... made by some of the Purko Muran to return to Laikipia with their stock”.<sup>44</sup> Ole Gilisho, Masikonde and some of the leading warriors helped Hemsted to stop the returnees before they reached the boundary. Sandford went on: “Rumours to the effect that such a movement was projected reached Nairobi on June 17<sup>th</sup>, and steps were immediately taken to garrison the railway line. A double company of 2<sup>nd</sup> Kashmiri Rifles was despatched to Gilgil on June 21<sup>st</sup>, and Mr E.D. Browne accompanied them as Political Officer.” By 1 July, the troops were ordered home without having had to fight.<sup>45</sup>

### **What schooling represented**

Conversely, it must be reiterated that some informants claimed the clash was primarily about opposition to schooling. For the Maasai, schools represented – after the land losses and forced moves – the further alienation of their people, and a means of preventing the young from becoming warriors, thus leaving the Maasai defenceless.

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<sup>43</sup> The Maasai reportedly attempted to evade intelligence gatherers by discussing politics and politically-charged subjects while walking, rather than risk exposure to British monitoring at official *barazas* [meetings]. It was deemed wiser to talk while you walked. Ole Ntekerei said: “Il-Tareto used to say ‘*mainosa ilomon kipuo* (let’s discuss as we walk) *amu eiputa il-ashumpa enkop* (because the white man is all over the land/everywhere)’”.

<sup>44</sup> Sandford, *Administrative history*, pp119, 121.

Retired teacher Vincent Ole Ntekerei explained: “The British had taken our land, then they wanted our warriors to fight in the First World War, and finally they wanted our young children to go to school so that we would not get *olekipa* - that is, the young with potential to grow to be adults. School, then, was understood by the Maasai as a way of even further alienation of its people. This, I feel, was the main reason for the confrontation.”<sup>46</sup> Before the 1920s, very few Maasai went to school. The first government school at Narok opened in 1919; previously, the only options were mission schools, but they attracted few pupils. Maasai only began to attend school in any numbers, negligible even then, under E.B. Horne (who was promoted to PC from DC in 1924 when Maasailand was upgraded to a province) and Leslie Whitehouse, who taught at Narok, Kajiado and Loitokitok, was promoted to education officer for the whole reserve by 1937, and became DC Narok in 1940.<sup>47</sup> In the 1920s, the administration suspected that Maasai parents were ‘buying’ Kikuyu or mixed race children and sending them to school in lieu of their own.<sup>48</sup> The first schools were boarding schools for boys, designed to meet nomadic needs. But the boarding element may have been doubly alarming to Maasai parents, who feared that their children would be taken away from them altogether.<sup>49</sup>

Salaton Ole Nchoko, son of the first plaintiff in the 1913 Maasai Case, also lives at Ololulunga. He said: “The reason for the fight was the whites wanted to educate children, so the warriors who were ruling Maasailand by then did not want children to go to school,

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<sup>45</sup> Sandford, *Administrative history*, p121.

<sup>46</sup> My thanks to Vincent Ole Nterekei for commenting on this chapter and offering many insights.

<sup>47</sup> Elizabeth Watkins’ biography of Leslie Whitehouse, *Jomo’s Jailor: Grand warrior of Kenya*, Mulberry Books, Calais, 1993, describes his efforts to implement schooling in Maasailand. ‘Wouse’, as he was known, began teaching at Narok in 1924, went on to build the first Maasai school in Kajiado, and became its first headmaster in 1927. The latter school moved to Loitokitok in 1929, and Wouse became ADC. By 1935, Loitokitok had 120 pupils, still all boys (p103).

<sup>48</sup> Watkins, *Jomo’s Jailor*, p44.

<sup>49</sup> In other parts of the empire, that is exactly what happened to indigenous children. Sex abuse scandals in Canada’s residential schools resonate to this day, while the film *Rabbit-Proof Fence* (2002) tells the shocking story of Australia’s ‘Stolen Generations’ of Aboriginal children.

and that is when the disagreement came and they started fighting.”<sup>50</sup> More usually, like Ole Meitaya, people tended to say there were two main reasons for the clash – and a desire to return to Entorror was central.

Every traditional message, as Jan Vansina calls it, has a function, otherwise it would not survive. The function of the Ololulunga ‘story’ may be to commemorate an era and an age-set who were prepared to die for what they believed in. Whether or not they actually articulated that belief may be besides the point; later generations have articulated it for them, as a way of making sense of the past. Having lost the struggle to remain in Entorror, having lost the court case, the Maasai warriors then faced annihilation as the British moved to crush their very institution. The final frustration came when their elders, led by Ole Gilisho, ordered them not to fight the white man or resist his orders. The reaction of the Il-Meiruturut was to retreat; we only have the word of modern Maasai that they intended to fight. One wonders what might have happened, if anything, had the British simply left them alone in the forest.

### **Uprisings in 1922 and 1935**

The Il-Kitoip, juniors to Il-Meiruturut in the Il-Tereto age-set, rebelled in late 1922, retreating to forests on the Mau, north of Ololulunga. Opposition to the government came from two warrior companies or *sirits*, Laitetti and Kanyara, when attempts were made to disarm them and disband their *manyatas*. After surrendering most of their arms, under heavy police pressure, the Laitetti warriors withdrew into the forest to escape further controls. They announced their intention to go raiding, half armed as they were, and die rather than submit to orders. Their gesture was a grand one: “In their opinion, the land was

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<sup>50</sup> Lemek 29. Ol-Terekeyiai or right-hand of I-Seuri.

no longer fit for heroes to live in".<sup>51</sup> The elders managed to restrain them from raiding, turning them back as they set off for the Tanganyika border. Having returned to the forest they were flushed out, and around 40 ringleaders were arrested and sentenced by Masikonde's native council to six months' imprisonment. A collective fine was imposed of 10,000 stock.<sup>52</sup>

But the rebellion was only just beginning. In late November, three of the convicts escaped from jail. They ambushed the police who had been sent after them, and speared a sergeant in the head, killing him instantly. One of the escaped prisoners was shot dead. Some 300 Laitetti warriors began gathering in support of the escapees, and went on a killing spree, murdering an Indian trader, a Goan, a Maasai elder (who tried to remonstrate with them) and a Kikuyu elder. Ole Gilisho, Masikonde and other elders hurried to meet the Officer in Charge at Ololulunga, as ordered. They agreed the Laitetti were completely out of control (the Kanyara were mobilizing but had not actually done anything) and unanimously decided that the guilty warriors must be killed or captured. The government feared that loyal "chiefs", particularly Masikonde and Ole Gilisho, were in danger of assassination, and that the warriors had declared their intention to kill them.<sup>53</sup> Their own age-set spokesman, Kuntai Ole Sangalle (sic, Sankale?), agreed with the elders that the warriors must accept the new controls; he had also received death threats. Troops were called in and surprised the rebels, after being led to their hideout by Dorobo (Ogiek) guides. In the ensuing battle on 18 December, about ten warriors were killed, some 2,300 head of stock seized and their camp destroyed. A crackdown led to the arrest of 210 warriors, of whom 167 were convicted and jailed, and seven executed. Another 13 Laitetti

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<sup>51</sup> Masai A/R 1922-23. Unless otherwise stated, the description of this event is taken from this and Hemsted's report of 7/12/22 in Conf. 31, 19/1/23, CO 533/292.

<sup>52</sup> By August 1923 only 2,900 head of cattle had been collected, Bowring to Secretary of State, Conf. 429, 1/8/23, CO 533/296.

<sup>53</sup> Coryndon to Secretary of State (Devonshire), Conf. 31, 19/1/23, CO 533/292. The Masai A/R 1922-23 said more generally that Laitetti "had threatened to kill anyone who did not support them".

were found guilty of murder and “waging war” by the Chief Justice, but these convictions were later quashed on technical grounds.<sup>54</sup>

The two *sirits* had also caused trouble in late 1921. They were blamed for several murders and thefts, for which two warriors were sentenced to hang (it is not clear if this was carried out) and others jailed. It was recommended that a stock fine of 10,000 cattle should be imposed on the Purko warriors as a whole. In April 1922, the Il-Kitoip were hurried through their *eunoto*, but failed to disperse afterwards, much to the consternation of the authorities who noted that “the crimes continued”. Pending approval of the fine, the Officer in Charge ordered the total disarmament and disbandment of the Purko warriors. That order was rendered “useless”, however, because the Supreme Court had recently quashed a warrior’s conviction for carrying a spear on the grounds that he had not heard about the order.<sup>55</sup> Resentment at all these punishments simmered for months, combining with confusion over the acquittal (and the signal it sent out that white people vacillated) to boil over in the 1922 uprising.

Goldfinch, in comments to the Anti-Slavery Society, believed the rebellion was a direct response to government policy and that “horrid crooked little experiment of a governor Northey and his administration starting in to impose enormous fines on them, trying to stop their tribal ceremonies, customs etc”. He claimed that the government had deliberately instigated the rebellion, and he made the link between this event and the second move, confirming conclusions I had already come to. After saying that the prophet Senteu had been picked on and “deported” (sent into internal exile) as a scapegoat for the unrest which preceded the 1922 rising, he wrote: “the people who did start the trouble were the young men of the evicted Purko section from Laikipia who had always been rather sore and who were goaded into rebellion intentionally”. Berkeley Cole agreed with him.

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<sup>54</sup> Narok Dist. A/R 1923.

And he [Cole] told me that he believed that it was a question of Bowring and Northey putting their heads together to make an opportunity to teach the Masai a lesson ... I have no doubt in my own mind that this was the cause of all the trouble really, they had plenty of KAR battalions not disbanded and it was an excellent opportunity from their point of view.

Besides making a scapegoat of Senteu, he believed the administration hoped that the Loitai would rise up against the deportation and join forces with the Purko who were already discontented – but this failed because “none of his lot moved a finger”.<sup>56</sup> Earlier, Goldfinch described how the Maasai had been “subjected to a system of robbery and persecution which has been increasing year by year” since the end of the war “till it culminated in the rebellion of last year”. He had asked a Maasai what the cause of the trouble was. “He said it was largely due to the collection of taxes or rather the way it was carried out, ie, that the tax gatherer went along with 30 or 40 Somalis, that a cow or heifer would be taken and put up to auction and bought by a Somali for 15sh to £1 which would be credited to the owner, but that the animal would be immediately sold among the Somalis for 3 to £4 ... This is what seemed to strike my informant as such a swindle.”<sup>57</sup>

However, the official enquiry report concluded that there was “no true political significance” to the riot, echoing the opinion of the Officer in Charge.<sup>58</sup> Hemsted believed it “need not be regarded very seriously, and there is no political movement behind it. It is due to blank ignorance of the Muran and a desire to live a life of ease and idleness unhampered by the laws and restrictions of a civilized state”.<sup>59</sup> Goldfinch commented that the only outcome of the enquiry was the retirement of his old friend Colonel Bell “who was not out to tell lies to shield the administration”. Bell, the Ngong DC, gave evidence that was highly critical of government attempts to take Maasai children to school by force, and

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<sup>55</sup> Narok Dist. A/R 1922. Hemsted was clearly incensed by this ruling and recommended that the Laitetti be regarded as “outlaws” in his report of the riot, 7/12/22, CO 533/292, *ibid.*, p3.

<sup>56</sup> From ‘Sendeyu, Masai Laibon’, undated paper by G.H. Goldfinch, likely to be August 1925, Goldfinch Letters, ASAPS Papers, RHO, p3.

<sup>57</sup> ‘The Masai Scandal’, undated paper by Goldfinch, likely to be 1923, ASAPS Papers, *ibid.*

<sup>58</sup> *Masai Enquiry Committee Report*, Colony and Protectorate of Kenya, February 1926, RHO, p6.

of its misuse of Maasai money. This was suppressed (there was no mention of it in the report) and Bell was pressured to 'retire'. Delamere resigned from the enquiry committee in protest, and made Bell's criticisms public.<sup>60</sup>

Though not expressly articulated by any of the Maasai protagonists, I suggest that a fireball of factors was again behind the warrior actions here: anger and frustration over Enterror, truncated warriorhood, disarmament, bans on raiding, collective punishments, elders' collusion with government, taxation, forced schooling, drought and disease. These reasons will be elaborated upon in my final Conclusion. They are highly political in the full sense of the word, but it was easier, as it was after the Rotian incident, to put it all down to senseless savagery or resentment at loss of privileges. As administrator Oscar Watkins told his wife: "So it was hardly a rebellion, my dear. Merely lusty youth robbed of its national sports and resenting it".<sup>61</sup>

There is again no suggestion of a direct link to Enterror or the moves in whatever sparked the riot by warriors near Rotian on 25 June 1935. It involved a younger generation, the Il-Terito, who were therefore one step removed from "that grudge of Enterror", though this was revived among the Purko as a whole with the publication of the Kenya Land Commission Report the year before.<sup>62</sup> But the role of the prophet Kimuruai in inciting the warriors at Rotian, as well as those of the adjacent age-set at Ololulunga 17 years earlier, is surely significant. He himself was said to have boasted "when in his cups" that he was behind the Il-Kitoip rising, too.<sup>63</sup> Nothing was ever proved, but suspicions were raised every time he was mentioned. For example, in 1922-23 he was described in deprecating

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<sup>59</sup> Masai A/R 1922-23.

<sup>60</sup> Goldfinch to Buxton, 19/8, no year given, ASAPS Papers. I have not investigated the Bell issue. See Tignor, *Transformation*, p82, and Kenya Legislative Council Debates, 17/4/25, pp242-280.

<sup>61</sup> Letter to his wife, quoted in Elizabeth Watkins, *Oscar from Africa: The biography of Oscar Ferris Watkins 1877-1943*, Radcliffe Press, 1995, p139.

<sup>62</sup> The fact that most Maasai were illiterate and could not read it is beside the point. Its findings – principally its rejection of the Purko claim to Laikipia – would have been widely disseminated. DC Dawson noted that its release had opened up old wounds, prompting fresh claims that they had been forced into the 1911 Agreement, in the Narok A/R 1934, p6.

terms as “secretive and reactionary”, and accused of being “undoubtedly responsible for various lawless acts committed by [the former warriors of Il-Meiruturut] a few years’ ago”, presumably a reference to Ololulunga. He had reportedly “advised the Meruturut not to cooperate with the Administration in any measures taken for dealing with the [current] Muran”.<sup>64</sup> In 1925 he “chose to make himself a focus for discontented muran”, in direct opposition to the elders. On that occasion, a rebel *sirit* had gone against elders’ wishes and set up a *manyata*. Kimuruai supplied them with charms and a black bullock for sacrifice, to ensure their success.<sup>65</sup> Ole Gilisho was said to be highly suspicious of his motives. The Il-Terito may not have made the link to Entorror, to which they felt less affinity, but Kimuruai may well have done so to suit his own ends. He and other prophets needed to keep their funds flowing, in the form of cattle gifts for magical services rendered. Only the *laibons* were uninterested in curbing the warriors, because of the stock they stood to gain from successful raids.<sup>66</sup> As Horne noted in 1925, the prophets were having to find “other methods of satisfying their natural cupidity” now that raiding was banned and fewer Maasai believed in their power to make rain. They also faced new rivals in this period: Kikuyu immigrants to the reserve who were doing a roaring trade in “minor magic, usually benevolent but sometimes malevolent as the occasion serves”.<sup>67</sup> Kimuruai and other ritual experts were having to compete for custom like never before.<sup>68</sup>

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<sup>63</sup> Narok Dist. A/R 1929, p6.

<sup>64</sup> The current warriors (Il-Kitoip) had reportedly adopted Kimuruai as their *laibon*. But they “threw him [out]” over the defeat of the Meshuko (described as a section of the warriors) in a disastrous raid in November 1921 against the Waregi people of Tanganyika, and because he had advised peace. Only 65 of the 200 raiders survived. On return, they were arrested and jailed. Masai A/R 1922-23.

<sup>65</sup> Narok Dist. A/R 1925.

<sup>66</sup> Masai A/R 1921-22.

<sup>67</sup> Narok Dist. A/R 1925.

<sup>68</sup> It is worth remembering that the British were also, in this period, facing anti-government agitation among the Gusii, led by the prophetess Muraa, and were concerned about the rise of the millenarian Mumbo cult which was its height in 1918. Gusiland shared a boundary with Narok District. See Robert Maxon, *Conflict and Accommodation in Western Kenya: The Gusii and the British 1907-63*, Associated University Presses, 1989.

About 300 warriors from the two age-groups which would join to become the Il-Terito age-set were employed by the government in building a road.<sup>69</sup> They were the seniors or right-hand circumcision group, Il-Tiyieki or I-Salaash (called Salash in the colonial records), and the juniors, Il-Gecherei (Il-ng'enchere, called Kishun by the British), aged respectively 20-25 years and 16-19. Just three weeks earlier, the 'Kishun' had passed through *eunoto*, described as "an occasion which is very often associated with some ebullition of lawlessness".<sup>70</sup> In what appeared to be an unprovoked attack, a "mob" of about 100 armed warriors suddenly advanced on Buxton at around 6.30am as he was supervising the work. He was surprised, because their attitude to him had been very friendly before this. He galloped back to camp, where his wife and daughter were. The warriors continued to advance. Buxton told the police not to fire without his orders, unless the warriors got to within a hundred yards. They got closer and the police duly fired, killing two warriors.

The attackers disappeared in the direction of Melili, on the Mau. About 180 young men were back at work on the road within a short time, while some appeared not to have left their work at all during the incident. Buxton (who later admitted fearing he was about to be murdered) and his family were unharmed, but an Indian road foreman was severely injured and a Kikuyu-owned shop (where the foreman tried to hide) was looted. The suspects were soon arrested, tried, and 40 warriors sentenced to one year's hard labour for rioting, three to four years' hard labour for assaulting the foreman, and two to five years' hard labour for robbing the shopkeeper.

Why did it happen? Tignor writes: "...the evidence suggests that the uprising was spontaneous, highly specific to the hated work on the road, and unsupported by any outside

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<sup>69</sup> This account is taken from the 'Report on the riot at Major Buxton's camp near Rotian in Narok District on 25<sup>th</sup> June 1935', written by the O in C, Masai District (Buxton Papers, RHO), and from the Narok Dist. A/R 1936.

<sup>70</sup> 'Report on the riot', p2.

group or individual”.<sup>71</sup> There is every indication, in fact, that there was much more to it than that. When Maasai opinion was sought from a reportedly representative cross-section including headmen and *il-aiguenak*, they put it down to “sudden frenzy”. The Officer in Charge, S.H. Fazan, suggested five main reasons. First, the gathering of so many “excitable natives” in one place, from two warrior age-groups, made for “a somewhat inflammable atmosphere”. Second, at the recent *eunoto*, the prophet Kimuruai had put spells upon the ‘Kishun’ through charms Fazan called *ntalingo* at a ceremony called *nanga narok* or the black cloth, which was believed to incite lawlessness. Third, two members of ‘Salash’ had taunted some of the junior ‘Kishun’ that morning, “no doubt daring them to prove themselves worthy successors by some act of lawlessness”. It was supposed that a tall cedar tree near the road, which the warriors wrongly believed they had to cut down, was connected with the taunts. Fourth, this kind of work was entirely new to them. Though they might have begun it voluntarily, Fazan reckoned they may have become tired and resentful of Buxton. Being made to give up their spears while working may have caused “some irritation”, too. Fifth, he agreed with Buxton that the “periodical mania’ displayed by the warriors could be blamed on the influence of the prophet. Buxton had said in evidence, and Fazan agreed: “They are all youngsters who are very impressionable and emotional. I think they have been let down by the Laibon”.<sup>72</sup> The question of whether there was a case against Kimuruai for incitement to riot was to be carefully investigated. Buxton ordered Kimuruai’s arrest, but this was not immediately acted upon. Fazan said he did not want to take premature action.

Buxton elaborated on some of these points in his own reports of the incident. In a letter to Fazan on 16 July, he tried to establish the causes.<sup>73</sup> “The only explanation given by the Maasai themselves of this conduct is that it arose from ‘folly’ or ‘sin’. It is attributed to

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<sup>71</sup> Tignor, *Transformation*, p85.

<sup>72</sup> ‘Report on the riot’, p8.

Satan.” Apart from references to felling the cedar, there was no expression of discontent with the road work, which the warriors had agreed to do for wages. By working alongside them on the road, Buxton hoped to dispel any “sense of shame in doing work”. He attributed the whole incident to the ‘Salash’ taunts, which pushed the ‘Kishun’ to prove their virility by defying authority. As described by an unnamed person who visited Buxton, the older warriors had said: “Trying to get this tree out of the way, are you? You wouldn’t have caught us doing that when we were your age!”<sup>74</sup> Buxton wrote: “The response was an immediate decision to attack Europeans and those who wear clothes.” He believed it was nothing personal or premeditated. He had already told Fazan how, in recent years, warriors were periodically “seized with blood mania directed against people who wear clothes”.<sup>75</sup> He feared that this sudden descent into “savagery” was characteristic of warrior volatility, like the fits which ceased as soon as warriors became elders, and could not be adequately explained by anyone other than “an expert in anthropological psychology”. The letter contains a long description of the charm *ntalingoi orrhirembe* [sic]; Buxton had caught Kimuruai administering it to about 200 warriors before the *eunoto*. He learned from Oimeru Ole Masikonde that “it had been responsible for all the trouble in the past as it keeps alive the defiant spirit and perverted racial pride and acted like a trumpet in the minds of the moran”. He found the warriors squatting around Kimuruai and a small pile of cow dung in which a dark blue flag was stuck. He was puzzled when the warriors did not get up to greet him as they usually did. The prophet seemed taken aback by Buxton’s sudden appearance, and looked momentarily sheepish. It was then that Buxton decided he

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<sup>73</sup> Buxton to O in C, cc The Colonial Secretary, Nairobi, 16/7/35, Box 1A/1, Buxton Papers, RHO.

<sup>74</sup> Untitled and undated document, referring to remarks made to the *East African Standard* by someone who had recently stayed with Buxton, casting “further light on the circumstances of the origin of the recent disturbance at Narok”, Buxton Papers, RHO.

<sup>75</sup> Buxton to O in C, marked Confidential, 13/7/35, Buxton Papers, RHO.

must be sent back to Kajiado. “I was certain that his influence, which had been helpful up till that day, had turned to the old appeal which had made for trouble in the past...”<sup>76</sup>

Some of the reasons given by Fazan and Buxton seem plausible. But another factor was the warriors’ non-payment of tax for 1934.<sup>77</sup> They were only working on the road as a means of paying their tax; if they did not accept this “offer”, they would face prosecution. Fazan was annoyed that Buxton had played down this fact; he intimated that he would have made the threat very plain, instead of trying to dress the work up as “patriotic” and in their own interests. After trying unsuccessfully to appeal to the warriors via the elders, Buxton had sent for Kimuruai in order to use him to deliver the message that volunteers were needed for “a work of public benefit in their reserve”. It was assumed that Kimuruai had done so, and advised the warriors to come forward. Fazan did not think the warriors looked very happy: “A few of them looked mildly amused, some sheepish and doubtful, some are sullen and some nervous”. Relying so much on the good intent of the prophet was bad enough. Fazan further doubted Buxton’s wisdom in trying to influence Kimuruai’s choice of the date and place of the *eunoto* ceremony – which was held dangerously close to the road, and consecutive to the road work. The ceremony and the road work should not have been run together, he said, and Buxton should have consulted him before calling for the prophet.

By the 1930s the British knew very well what the relative powers of prophets, age-set spokesmen and elders were. Yet here they were again in the form of Buxton, well-intentioned but clumsy, backing the non-runner.<sup>78</sup> As Fazan rightly concluded: “The Laibons, as such, are not a part of the Government machinery and I think it is bad policy to

<sup>76</sup> Buxton to O in C, 16/7/35, p8, *ibid*.

<sup>77</sup> By the end of 1934 only 16 per cent of the entire Maasai population of the reserve had paid their hut tax, according to ‘Report on the riot’.

<sup>78</sup> Buxton must have known this. The Narok Dist. A/R 1936 states: “The attempt to make use of the Laibon organisation for indirect rule has failed in the past, here and elsewhere”, p10. Also, his wife had that year

call them in when they may be useful and send them away when they are not. Such a policy cuts across the divisional organisation of the chiefs...”<sup>79</sup> Worse, at Rotian they were openly encouraging the warriors to disobey their firestick patrons of Il-Tuati, two generations senior – the Maasai equivalent of ‘dissing’ venerated godfathers.

Straight after the riot, the warriors at Rotian were described as working well and peaceably on the road. What is more, just two days later they had “asked for a blackboard and chalk” and were now in the habit, after their day’s labours, of going to a night school run by a literate Maasai.<sup>80</sup> If indeed Kimuruai had stirred up a rebellious element and invoked past grievances to cause trouble, someone or something else was now at work to modernise the ‘Boys from the Black Stuff’.<sup>81</sup> By early 1936, Kimuruai had been sent back to his home in Kajiado and ordered to stay there.<sup>82</sup>

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completed her translation of Merker’s ethnography of the Maasai, p45. They must have discussed the inner workings of Maasai society.

<sup>79</sup> ‘Report on the riot’, p12.

<sup>80</sup> From an untitled and unsigned document in the Buxton Papers, RHO.

<sup>81</sup> A British slang term for labourers who build roads and lay tarmac, popularised in a British television series of the same name, written by Alan Bleasdale.

<sup>82</sup> The orders came from the O in C. Kimuruai had also been suspected of inciting warrior raids that year into Tanganyika, but this had not been proved. Narok Dist. A/R, p9.

## **Conclusion**

In evicting the Maasai from the Rift Valley and Laikipia, the British clearly perpetrated a great injustice which has repercussions to this day. The numbers of people who died during the first phase of the second move (up to August 1911) cannot be proved and may be negligible; the injustice goes deeper and wider than that. The northern sections lost the greater part of their land, and the wide range of habitat necessary to their transhumant pastoralist practice. The extended Southern Reserve was an inferior substitute for the northern territory. From their own surveys, the British had a good idea of the quality of this reserve before they sent the 'northern' Maasai there, but it was not until Lewis's studies of ticks and tsetse in the 1930s that thorough scientific investigations were made and a clear picture emerged of the environmental challenges to which certain Maasai sections were exposed. Any subsequent 'overgrazing' and 'overstocking' were a direct result of increased confinement, curtailment of seasonal migration, quarantine and early restrictions on cattle trading, although another contributory factor was improved veterinary services, when they eventually came, which led to larger stockholdings.

Despite enormous losses to disease, overall stock numbers rose, leading to concerns about congestion in the reserve by the 1930s. There is clearly a mismatch here between the reality of herd growth, which signifies health and prosperity, and what is collectively remembered – the demise of Maasai herds and society following the moves. This suggests that stories about disease are partly a social metaphor, representing social fragmentation and Maasai loss of control over their physical environment, which were major end results of the moves and colonial intervention. Another anomaly in Maasai claims concerns small stock: complaints about the unsuitability of the Southern Reserve for cattle overshadows the fact that

large areas offered excellent pasture and other favourable conditions for sheep and goats, particularly on the Loita Plains.

As for the Agreements, it is doubtful whether the Maasai signatories to the first Agreement understood its implications, but no evidence exists that it was actually forced upon them. The second Agreement was definitely forced upon largely unwilling signatories, some of whom, notably Ole Gilisho, had received threats from British officials which they took very seriously. All the available evidence belies Lewis Harcourt's confident claim to the House of Commons in July 1911 when Secretary of State for the Colonies: "The Masai came to a unanimous and even enthusiastic decision to move to the Southern Reserve".<sup>1</sup> After the 1913 court case, threats to his life reportedly forced Ole Gilisho to cancel his plans to visit Britain to pursue the legal action before the Privy Council – one of many claims made in oral testimony which do not appear anywhere in the written literature.

The second Agreement amounted to an abrogation of British promises made in the first, since the government broke its pledge to leave the Maasai undisturbed in Laikipia "for so long as the Masai as a race shall exist". If the second Agreement was intended to amend the first, it should have been signed by the same people, and not by the minor, Seggi. Although the prophet Olonana's duplicity was a factor in Governor Girouard's plans to move the Maasai for a second time, linked to an internal struggle for control within the Purko section, this was not the overriding issue. Diana Wylie has asked: "Was the move prompted exclusively by European financial interests, as Leys suggested?"<sup>2</sup> On my evidence, the answer is "No, not entirely." Lord Delamere and other leading settlers certainly lobbied hard for land on Laikipia. But other factors behind the move included a desire to reverse a 1904 two-reserve solution to

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<sup>1</sup> *From a debate on the colonies, 20/7/11, Hansard, Vol. 28, col. 1350.*

<sup>2</sup> Wylie, 'Critics', p65.

the 'Maasai problem' which clearly had not worked; to corral, control and tax the Maasai more effectively in one area, and through taxation to produce more labourers; to prevent them from wandering between the two reserves; to stop the spread of 'native' stock disease to European farms; and to acquire an area for white pastoralists that was reportedly free of ECF. Furthermore, the Governor allegedly wished to support 'traditional' leadership in the form of Olonana and his sons, who already lived in the Southern Reserve, conveniently close to the centre of government, and who favoured a one-reserve policy because their authority had been challenged as a result of the physical division. Girouard believed that government control of the Maasai would be facilitated by this 'special relationship' to Olonana's dynasty; in fact, the relationship fell apart. Finally, there may well have been a residue of fear, dating from 1903-4, of settler aggression towards the Maasai if they were not fully separated and desirable land not freed up for whites, and the likelihood of Maasai retaliation.

There are many legal aspects of the treaties and forced moves, first aired at Appeal in 1913, which would not stand up to scrutiny in court today. At the time, the British government had good reason to believe it would not win the Maasai Case. Private discussions within the Colonial Office, as revealed in PRO archives, show that recourse to the Privy Council was considered well before the case even reached court. Furthermore, close examination of the 1911 Agreement, and connections between it and the granting of a concession to the Magadi Soda Company, reveals that the Company and its successors at Lake Magadi probably have no legal right to be there.

The impetus for this injustice appears to have come largely from the local administration, which privileged the interests of white settlers. It was not primarily prompted or driven by the Foreign or Colonial Offices in London whose officials tended (at least in the early days) to underline the need to respect native land rights and balance these against

European land claims. The FO and CO were to some extent kept in the dark by their commissioners and governors in British East Africa. They were lied to on many occasions over such crucial issues as alleged Maasai acquiescence to both moves, the reason for the second move, and whether or not promises of land in the highlands had been made to white settlers before plans for the second move were hatched. Poor communications by sea between East Africa and London aided the B.E.A. administration in its deceit of the home government, particularly under Girouard. However, the local administration was by no means united in its sentiments and aims and did not speak with one voice. Local dissenters, including relatively high-ranking officials who objected to the manner in which the Maasai were dispossessed, though not necessarily to the moves themselves, were over-ruled and sidelined.

Oral testimonies, albeit problematical, augment and enrich what is already known about the moves, court case and related events. By adding Maasai voices to the story, it is enriched and amplified, and an imbalance in the literature redressed, at least in part.

### **Repercussions**

The repercussions of these events included distrust and alienation; a Maasai retreat from the colonial state which led to their falling behind in development and education (a situation that still persists in many parts of Narok and Kajiado Districts, though this is partly attributable to reactionary attitudes, especially to the education of girls); considerable stock and human losses in the years immediately following the moves when resistance had not been developed to diseases such as ECF and malaria which were either unknown or not prevalent in the north; and increased vulnerability to drought because there were fewer permanent water supplies and dry season highland drought refuges in the Southern Reserve.

With regard to ECF, there is some evidence that it was either unknown on Laikipia before 1911 or, more likely, that Maasai herds were resistant to the strains which existed there, and enzootic stability could be maintained. The cattle succumbed to other strains on moving to an unfamiliar territory. Also, nomadic coping strategies involving movement away from infected pastures kept ECF at bay or under control, and therefore it is simply not remembered as having caused a problem. The stress of the move may have weakened the cattle and predisposed them to inter-current disease. Losses were exacerbated by poor, early veterinary support in the Southern Reserve. Although colonial veterinary officers claimed that the Maasai were stubbornly resistant to modern veterinary interventions, the evidence suggests that they welcomed and actively sought veterinary assistance from trusted individuals, including Gilbert Colvile.

But how is it that some Maasai today deny the existence of *any* stock diseases on Laikipia prior to 1911? This is patently untrue. The colonial veterinary records describe in some detail the incidence of stock disease on Laikipia in the 1900s, including the fact that by October 1912 rinderpest affected 60,200 head of cattle, which presented a major challenge to government vets dealing with the move south. One may conjecture that Maasai elders simply mean diseases new to them since they moved south, such as new strains of ECF. And that the folk memory of late nineteenth century stock and human epidemics, the disaster referred to as *emutai*, is so appalling that it has eclipsed smaller outbreaks of disease in the period between *emutai* and the moves. By comparison, any lesser calamities were relatively easy to dismiss. The early veterinary reports confirm that the birth rate greatly exceeded the death rate to disease in the reserves. The numbers of stock were so high that losses were easily absorbed, herds recovered quickly, and therefore losses could be ‘forgotten’.

The uprisings in 1918, 1922 and 1935 can also be subsumed under repercussions. In particular, the Ololulunga clash of 1918 can be reinterpreted to read not primarily as a warrior uprising against forced schooling or conscription, but as a product of simmering resentment over the second move and frustration with a whole package of new administrative controls in the Southern Reserve. (The full significance of these uprisings is covered at the very end.)

These negative repercussions must of course be weighed against the gains, both from colonial contact and moving to the south. Individuals gained from the first of these, in terms of power, finance, education, patronage and wider opportunities. Maasai were forced to make new and profitable alliances, both with agents of the state, other ethnic groups and between Maasai sections. The gains accrued from moving to the south have in recent years included enormous revenues from wildlife tourism, and for some individuals, from lucrative wheat farming and land speculation. Despite the plaintive cries of elders old enough to remember Entorror, it is doubtful whether the descendants of those who moved from Laikipia would now wish to return north and renounce their southern claims. Furthermore, recollection of Entorror as a pastoral idyll free from pestilence and problems may be wishful thinking that reflects dissatisfaction with modern Kenya, and oral testimony must be interpreted with this in mind. Current grievances in Maasailand include widespread corruption, politicisation, monetarisation, the widening gap between rich and poor, encroachment by other ethnic groups, and the privatisation and subdivision of land into uselessly small plots. In this process, poor Maasai are being dispossessed by rich Maasai and others.

### **Resistance and power**

The form of passive resistance led by Ole Gilisho was extraordinary for its time and place. But it is entirely consistent with the role of an age-set spokesman in leading,

counselling and defending the community, sometimes (if necessary) in defiance of elders. In seeking legal redress through discourse with the British, Ole Gilisho was also conforming to role type, and the form of dispute settlement which he hoped to use had parallels in Maasai customary justice. He emerges from this evidence as an unsung folk hero whose personal charisma and leadership qualities, combined with the opportunities handed to his age-set by nineteenth century battle victories, and later by the opportunities that British colonialism offered certain age-set spokesmen and prophets, allowed him to gain unprecedented power and moral authority. He exercised this power to gain ascendancy over the prophet Olonana and his sons Seggi and Kimuruai. Ole Gilisho's alleged "conservatism" – a term applied to him by administrators, and unquestioningly reiterated by modern historians – can be reinterpreted as radicalism in the sense that his form of resistance was progressive and defiant of reactionary elders who recommended collusion with the state. Though he later appeared to collude with the state himself, as an elder on the official chiefs' payroll in the Southern Reserve, he played a double game – promoting Maasai interests while supporting the state in, for example, its attempts to dismantle warriorhood.

Certain anthropological models of authority in the 'classic' pastoralist gerontocracy, which historians have also tended to accept pre-Hodgson *et al.*,<sup>3</sup> are implicitly challenged and undermined by this evidence. The model – which has been around since the early twentieth century but was honed in the 1960s-80s – centres on the idea that power resides with male elders and councils of elders; that warriors have no real 'political' power or authority; that warrior rebellion against elders is merely ritualistic in nature; and that prophets are more powerful than age-set spokesmen. The behaviour of Ole Gilisho and his supporters between 1911 and 1913 may be dismissed as an aberration and departure from the norm, but their

rebellion was for real, not ritual. The reasoned nature of this resistance belies the stereotypical image of 'wild', irrational and predominantly volatile warrior behaviour. Though produced initially by nineteenth century explorers and missionaries, this image is still current.

As for Norman Leys, he did not manage to prevent the second move. But he helped to bring down Girouard, in sowing the seeds of doubt about him at the Colonial Office and supplying information that proved Girouard to be a liar. His actions prompted the CO to stop the illegal 1910 move, and he both inspired and fuelled actions by an influential circle of humanitarians in Britain to challenge and discredit colonial policy in East Africa. He did more to assist the Maasai in their legal action than he ever admitted in print. Leys also helped to open and widen the debate about imperialism, the human rights of imperial subjects, land and labour, health and housing, and the connections between economic policies and injustice. This debate was a precursor to nationalist struggle and the eventual dismantling of the colonial state – which is ironic, given that Leys did not oppose imperialism *per se*. He simply argued for 'humane' imperialism on liberal lines.

There was a spectrum of critical dissidence around Maasai and wider imperial subjects in both Britain and B.E.A., and one must not allow individual contributions to the whole to be obscured by noisier voices such as that of Leys. Along this spectrum of critics were such disparate characters as Goldfinch the game warden; Stauffacher the missionary; Collyer; Bagge; possibly McClellan and Browne; Jackson, Ainsworth and Hobley, within limits; Judge Hamilton and the Nakuru magistrate, in their own small way; the Anti-Slavery Society and its mouthpieces in the House of Commons who included Harvey, MacDonald, Byles and Wedgwood; Gilbert Murray and J.H. Oldham; mission and church groups; and retired colonial administrators such as Lugard and Johnston who spoke up on broader policy matters. Settlers

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<sup>3</sup> I am thinking in particular of the Hodgson-edited collection *Rethinking Pastoralism in Africa*, 2000.

such as Colvile, Delamere and Berkeley Cole also spoke up for the Maasai, and acted subversively towards government, but can hardly be included in this spectrum since their motivation was largely selfish.

### **Blood brotherhood**

The reason why the Maasai failed to violently resist the second move may partly be ascribed to the blood brotherhood allegedly made between leading white settlers and Maasai representatives sometime before 1911. The oral evidence for this is overwhelming; I believe it did take place, very likely on Soysambu in the Rift.

On this point, however, I shall have my cake and eat it too: whether or not the blood brotherhood ceremony occurred, the centrality of this story in oral testimonies which reflect collective memories of the moves is crucially important. If a myth, it functions as a very powerful social metaphor, but if it is true, it is a vital and hitherto unseen beacon in the Maasai-British colonial discourse. Belief in it also helped to shape relationships between certain white settlers and Maasai workers on white-owned farms after World War One, relationships rich in irony. These were more complex than many scholars have acknowledged, and cannot be easily dismissed as paternalistic, or characterised solely by white brutality. The indulgence of Maasai workers by Delamere and Colvile in particular was not simply a matter of 'spoiling their pets'; this was a two-way street whereon a mutual admiration society formed, embedded in the idea of blood brotherhood between the two peoples and shared notions of racial superiority. Of course, both these men were also motivated by land greed.

**Reversing the exodus**

Certain leading settlers enabled – and indeed actively encouraged – considerable numbers of Maasai to return north after the second move and reconsolidate their herds and families on white-owned farms. In this way, many ‘northern’ Maasai quietly reversed the forced exodus from Laikipia and the Rift. The numbers are unquantifiable without further research. Some retained their toe-hold in the north all along, either by pretending to be Dorobo (Ogiek), or by refusing to move at all, successfully seeking refuge as workers on white farms in the highlands. This pattern of return and reoccupation of the northern territories refutes the standard wisdom that the so-called recolonisation of the ‘White Highlands’ was a largely Kikuyu venture. The evidence also suggests that significant numbers of Maasai males left the reserve to join the workforce, which contradicts claims that Maasai failed to engage in wage employment in this period.

**Ololulunga: focus of frustration**

Finally, the significance of the Ololulunga uprising and subsequent clash with British forces has been overlooked or misinterpreted by historians, who have either accepted the official version of events or relied on a single explanation from Maasai informants, that it was sparked by opposition to forced schooling. On the contrary, it seems to have been symptomatic of a wider frustration with British colonial rule and land alienation, on a longer timescale than heat-of-the-moment opposition suggests. Notions of knee-jerk rebellion by hot-headed warriors fit the stereotypical representation of Maasai by British officialdom, which dates back to the earliest contact between British and Maasai.

After their move from Laikipia, frustrations mounted. Maasai who had been relatively untouched by governmental restraints when administered from Rumuruti suddenly felt the

heavy arm of the law descend. As Sandford put it, writing about the reasons for Maasai defiance in the few months after they moved south, “the natives resented the closer administration which had been rendered possible by the amalgamation into two reserves”.<sup>4</sup> Warriors, in particular, would have felt the pincer movement as efforts were made to disarm them, confiscate their shields, ban raiding and break up their *manyatas*. The Il-Meiruturut and their junior counterparts in the Il-Tareto age-set, Il-Kitoip, were the first generation of warriors who were unable to raid cattle because of closer administration. Their frustration was, therefore, particularly acute. From 1918, when the Il-Kitoip circumcision period ended,<sup>5</sup> the Il-Meiruturut would have come under heavy pressure to prove themselves as a group. This may have manifested itself in their risk-taking actions at Ololulunga and in other escapades between about 1920 and 1922.<sup>6</sup> Tension and fighting between senior and junior warriors over privileges (described by Spencer as the “right to form raiding parties, hunt lions, assert the marks of bravery on their shields, carry dark hafts on their spears, grunt and yelp as moran, dance in any central corral, and play with girls”) increases as graduation to elderhood approaches.<sup>7</sup> When the juniors assume these privileges, the seniors have to accept that they are no longer warriors and must relinquish the stage. By 1918, the first four privileges had all been banned. If tensions were acute in the 1970s, when Spencer was observing Matapato practice, how much worse must they have been c.1916-35 when warriorhood as a whole was being dismantled? The Il-Meiruturut may have felt they were defending their very existence. As the

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<sup>4</sup> Sandford, *Administrative history*, p36.

<sup>5</sup> According to Mol, *Maasai language*, p15.

<sup>6</sup> For example, they locked horns with warriors on Loita, as reported in the Narok Dist. A/R 1920-21, which led to *manyatas* being broken up and forcible disbandment and dispersal of both groups of senior warriors.

<sup>7</sup> Spencer, *Matapato*, pp84-85.

right-hand group, they had already faced the “stiffer test” of gaining privileges for their age-set.<sup>8</sup>

As time went on, the Maasai suffered stock and human diseases which, they claim, were unknown or not as prevalent in the north. They also fell victim to the nationwide 1918 influenza epidemic,<sup>9</sup> and to malaria and pneumonia which struck down the Il-Meiruturut and Il-Kitoip age groups soon after their arrival in Ngatet. When BPP broke out early in 1916, all movement of cattle in and out of the reserve was prohibited, which hampered trade and transport; continuous quarantine remained until at least 1929.<sup>10</sup> During 1917-18, the herds in Narok District were decimated by BPP, ECF, rinderpest, anthrax and foot and mouth. Sandford put the losses from ECF and BPP between May 1917 and March 1918 at more than 100,000 head of cattle, while some one million sheep also died of disease in this period. On top of these losses, by March 1917 the Maasai had provided the military with around 30,000 bullocks and 300,000 sheep to feed the troops.<sup>11</sup> According to my informants, they agreed to provide stock for the war effort as an alternative to conscripts. Acting DC Reginald Weeks noted, in the 1916-17 Annual Report, that “the Maasai have, I think, behaved amazingly well in the matter of supplies, and cases of opposition or obstruction to the demands made upon them have hardly occurred.” He spoke too soon. The final straw was a serious drought

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<sup>8</sup> Spencer, *Matapato*, p95. Right-hand circumcision groups generally face the stiffer test, because they have to fight for the privileges of the whole age-set; they subsequently enjoy the greater prestige for having done so. Also, since it has a bigger membership and wider age span, the right-hand group tends to hold on to privileges for longer. All the more reason for their extreme reluctance to relinquish them.

<sup>9</sup> Flu spread to all parts of the reserve in 1918, attacking 75 per cent of the population and killing 5 to 10 per cent. It was also a bad year for dysentery, fever and pneumonia. There was another severe outbreak of 'flu in 1934, with some people developing pneumonia afterwards. Narok A/Rs 1918, 1934.

<sup>10</sup> It is not clear from the annual reports when quarantine was finally lifted.

<sup>11</sup> Sandford, *Administrative history*, p128. Figures for the whole reserve; no figures given for the rest of the war. About half the sheep and nearly all the bullocks were obtained forcibly. He also listed many individual gifts of stock, for example from Senteu, Ole Malil, and Ole Kashu, “head of the Loita”.

between August 1918 and February 1919, which led to “heavy losses in livestock”<sup>12</sup> and widespread famine, not eased by the very high prices traders charged for mealie meal.<sup>13</sup>

Other aggravating factors included taxation (the highest rate imposed on any Africans in the country), forced schooling and a series of new laws which, in Maasai eyes, curbed basic freedoms.<sup>14</sup> Another small but significant vexation noted in 1916-17 was the news that settler Powys-Cobb – an abrasive character who was never on good terms with his Maasai neighbours on the Mau – was to get a farm on Mau Narok, on land to be excised from the reserve. This led to “a great deal of dissatisfaction, Masikonde and other elders maintaining that they had been promised the whole of Mau Narok at the time of the move”. They accused the government of a breach of faith.<sup>15</sup> The Mau was a vital dry season refuge for the Purko; they feared losing any more of it than they had already.<sup>16</sup> In symbolic terms, its forests were also vital: warriors traditionally retreat into the forest for meat feasts that build them up physically and psychologically. They also see the forest as unpolluted, in contrast with the village and the *manyata*.<sup>17</sup> The warriors’ retreat into the Mau forests in 1918 and 1922 can be seen as a symbolic rejection of the white man’s world, and a reclamation of their unsullied territory, as well as being about escaping controls that included the threat of premature graduation.

These are the hard facts and figures which should be fed into an understanding of why the Ololulunga battle came about. Maasai recollections and oral invocations of the

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<sup>12</sup> Extracts from Masai A/Rs, PC/SPI/2/2, KNA.

<sup>13</sup> Narok Dist. A/R 1918-19. There is a reference to 35,000 acres on the Mau being set aside for Cobb before 1911, which formed part of the northern boundary of the extended Southern Reserve, and another 5,000 acres in three blocks to the south of this concession granted by 1923, in Governor’s Deputy to Secretary of State, 5/6/23, No. 359, CO 533/295.

<sup>14</sup> Some of these did not affect the younger men until a few years later, e.g. the Native Registration Ordinance was reportedly only applied to younger men in 1921-22, when it met with opposition and “passive resistance” supported by unnamed *laibons*. Masai A/R 1921-22.

<sup>15</sup> Narok Dist. A/R 1916-1917.

<sup>16</sup> *Osupuko* is not simply useful as a drought refuge. In 1931 large numbers of Purko moved up onto the Mau and the highest point of the Loita Hills to escape the locust plague which had “eaten off” at least 6,000 square miles of grazing. The highlands were too cold for locusts. Narok A/R 1931, p2.

significance of Ololulunga also fit within a bigger picture of the collective mythologisation of the idyll of Enterror and the efforts of the senior circumcision group of a particular age-set to reclaim it. Incidentally, the name of the group, Il-Meiruturut, means ‘the ones who are not panicky’, or according to another translation: ‘they do not flinch’.<sup>18</sup> They are remembered as having bravely faced down British troops, despite having been warned by Ole Gilisho that their spears were no match for bullets. While some Maasai blame their warriors for failing to resist the British in Enterror, and all regret that neither recourse to law nor violent resistance paid off, the Il-Meiruturut can be celebrated for having done *something*. What they did was visible and tangible, whereas oral testimony makes plain that a surprising number of Maasai did not know about Ole Gilisho’s partially behind-the-scenes legal battle with the British.

It may also be significant that the rebellious warriors were obeying the edicts of the prophet Kimuruai, in preference to those of their elders. With cattle raiding banned by the British, *laibons* who had once spent much of their time blessing would-be raiders were having to invent new roles in order to retain the allegiance of the warriors. In particular, the sons of Olonana were at this time trying to consolidate their moral authority as a prophetic dynasty. (Olonana arguably lost his moral authority as a boy, through cheating his brother Senteu out of the succession to their father, Mbatian; the story is well known and often told by the Maasai.) His sons Seggi and Kimuruai continued the feud with Senteu, who was their main rival for the ‘affections’ and allegiance of the warriors; this hotted up from 1916 onwards, embroiling many Purko and Loitai warriors. Many of the Purko warriors were said to prefer Senteu’s “medicine”. Seggi feared that Senteu was attempting to assert his paramountcy, while

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<sup>17</sup> Spencer, *Matapato*, pp129, 123-125.

<sup>18</sup> The first translation is by Mol. The second is from the Lord Claud Hamilton Papers, RHO, p78.

Kimuruai was jealous of both of them and set about building his own powerbase.<sup>19</sup> Senteu was deported to Meru in 1919, but was pardoned by the Governor and allowed to return to Loita during 1924-25. DC Buxton described Kimuruai's prestige among the Purko warriors as "immense" and "unweakened by the changing circumstances which have brought adversity with the crescendo of a Greek tragedy".<sup>20</sup> Warrior support for Kimuruai seems to have represented a direct challenge to Ole Gilisho, whose sons told me that he had no time for *laibons*. Kimuruai, for his part, would have been opposed to Ole Gilisho because of his attempts to eradicate the warrior system, on top of the historical rivalries that stemmed from Maasai days in the Rift.

One of Ole Gilisho's grandsons, informant Oloju Ole Kariankei, even claimed that Kimuruai had caused Ole Gilisho's death by bewitching him: "His death was caused by magic from a *laibon* – Kimuruai. He bewitched him and he died. Kimuruai just came to his *boma* [homestead] and Ole Gilisho was angry. He thought: 'Why should I let this enemy enter the *boma*? He should not come to my *boma* to look at my steers. If he wanted the steers he should wait in his *boma*.' And the *laibon* got upset and bewitched him."<sup>21</sup> Sorcery is frequently associated with prophets, and all sorcery is assumed to derive from the Inkidongi dynasty.<sup>22</sup> But accusations of witchcraft/sorcery, and concomitant boasts by certain prophets that their sorcery was more powerful, may have increased after 1913 precisely because the Maasai sections were now thrown together in one reserve. This concentration clearly led to increased social tensions, which are known to trigger witchcraft accusations. In the past, *laibons* tended

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<sup>19</sup> Masai A/R 1916-17. The rivalry continued into the next generation, resulting in the arrest and imprisonment of three descendants of Senteu, also "medicine men", punished for their complicity in raiding the Sukuma in April 1938 and April and October 1939. Purko headman Kundai Ole Sangale was mainly responsible for rounding up the three brothers Kone, Ndukai and Nonjarat Ole Senteu. This was described as one of the more outstanding events of the year from a Maasai point of view, Narok A/R 1939.

<sup>20</sup> Buxton to Officer in Charge, 17/7/35, Narok A/R 1935, p7.

<sup>21</sup> Lemek 6. It is not the done thing for a Maasai to enter another man's stockade to observe his cattle.

to live apart from the rest of the community, on the boundaries between sections. Now, under closer British rule and as a result of their appointment as “chiefs”, they were more integrated with other Maasai, with explosive results. This was perceptively hinted at in one report. After pointing out that the prophets once lived apart, it went on: “Since official recognition has been accorded to them in the persons of the late Lenana and his son Seggi, they have lived among the different tribes to the annoyance of the elders and the hindrance of the Administration”.<sup>23</sup> The British politicised the prophets, and they promptly mixed politics with sorcery to stir up malevolence and jealousy, playing off one generational power group against another.

The 1922 and 1935 disturbances may have had nothing to do with Enterror and land losses. But these and other grievances were stockpiled in the collective memory; Kimuruai lit a fire under them, largely for his own ends. The warriors involved may not have rationalised their grievances and frustrations, let alone articulated them, but this does not mean to say that they were not a factor in triggering rebellion. Plaintive references to Laikipia, contrasting the Maasai experience there with the calamities that had befallen them in the Southern Reserve, were made to administrators throughout this period. For example, in 1925 Masikonde complained that more cattle had died than in any drought since the Purko left Laikipia.<sup>24</sup> In 1931, after a plague of locusts had devoured at least 6,000 square miles of grazing and led to famine, the Purko were said to “continue to feel that had they not been moved from Laikipia droughts and famine would be unknown amongst them”.<sup>25</sup>

Despite some anomalies, there is a solid basis for Maasai belief in the intrinsic healthiness of their former grazing grounds. White settlers flocked to the highlands principally

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<sup>22</sup> Spencer, *Matapato*, p221.

<sup>23</sup> Masai A/R 1922-23.

<sup>24</sup> Narok Dist. A/R 1925, p9.

<sup>25</sup> Narok Dist. A/R, p3.

because they were seen to be healthy, and offered a welcome respite from the sickness that stalked the coast. It follows that what was healthy for whites was healthy for black Africans, too.<sup>26</sup> But Maasai attachment to Enterror represents a larger nostalgia for the past, and in particular for Purko well-being and hegemony over other sections, following their rout of the Laikipiak in the nineteenth century. The Purko's last foothold in Enterror, Laikipia, has taken on the status of a lost Eden in social memory. It is said to have been sweet, disease-free, blessed by good pastures and plentiful rain, in contrast to the "bitterness" of the south. Intertwined with this idea is nostalgia for the concept of a Maasai nation and nationalist identity, which Ole Gilisho allegedly attempted to forge. Enterror was both a place and a defining moment, which today's Purko Maasai in particular set against the disharmony and disunity of the present time.

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<sup>26</sup> Maasailand, and specifically Laikipia, were heavily promoted as healthy settler country by Joseph Thomson and all who came after him. Harry Johnston called the highlands a potentially "great African sanitorium". Space precludes me from fully examining this literature here.

## **Appendix I**

### LIST OF INTERVIEWEES

#### INTERVIEWS WITH MAASAI ELDERS

Pilot research in Narok District, Kenya, summer 1997. By Lotte Hughes with David Ole Kenana; also John Sayiton, Joseph Ole Karia and Vincent Ole Ntekerai.

F = Female    L = Laibon/prophet

#### **Narok Interview No.**

- 1      Daudi Ole TEKA
- 2      Paul Ole MAGIROI
- 3      Rev. Peter Kuyoni Ole KASURA
- 4      Karanja (or Karancha) Ole KOISIKIR
- 5      Sondo OLE SADERA
- 6      Kurao OLE SADERA
- 7      Thomas Maitei OLE MOOTIAN
- 8      OLE NDONYIO
- 9      Tarayia OLOLOIGERO
- 10     Kipilosh OLE KIPILOSH
- 11     OLE MANTIRA

Fieldwork between October 1999-April 2000 and October 2000, in the Lemek, Aitong and Ololulunga areas of western Narok, Laikipia, Ntapipi, Enaiborr-ajijik and Soysambu. By Lotte Hughes with Charles Ole Nchoe, Dan Njapit, Martin Ololoigero, Francis Ole Koros, John Ole Karia, Elisabeth Sialala and (briefly) the late Saiguran Ole Senet.

#### **Lemek Interview No.**

- 1      Muiya OLE NCHOE
- 2      Leperes OLE GILISHO
- 3      Kirapusho ENE GILISHO    [F]
- 4      Moirori OLE PUSIKISHU
- 5      Toiran OLE MOROMPI      [L]
- 6      Oloju OLE KARIANKEI
- 7      OLORUMA (aka Olkisonkoi Mako)    [L]
- 8      Lemashon OLE MOROMPI    [L]
- 9      Lekwaraa OLE PASWA
- 10     Samau OLE KIPETU
- 11     Nashilu ENE LIARAM      [F]
- 12     Oloyoogo OLOKIMOLOL  
[interviewed twice; OLE NAGIYOO contributed a little to the second]
- 13     Olkitojo OLE SANANKA
- 14     Mapelu OLE GILISHO
- 15     Nteyo OLE YELLE

- 16 Soitabu OLE GILISHO
- 17 Muncheri OLE NCHOE
- 18 Nkaburra OLE NJAPIT
- 19 Melempuki OLE PION
- 20 Lerionka OLE NTUTU
- 21 Shoriba OLE GILISHO
- 22 Parmale OLE NJAPIT
- 23 Salonik OLE PERE
- 24 Kireko OLE KIMIRI (aka LENJIR)
- 25 Kitinti OLE SADERA
- 26 Nkotumi OLE KINO
- 27 Santayia OLE NTUTU
- 28 Joseph OLE KARIA
- 29 Salaton OLE NCHOKO
- 30 Olgiro-Ongu OLE NAURORI
- 31 Pantiya ENE NJAPIT [F]
- 32 Lekishon OLE KETERE
- 33 Kakawua OLE SENGENY
- 34 Leboo OLE LEINTOI
- 35 Saruni OLE KIPETU
- 36 Kurito ENE SENGENY [F]
- 37 Kaporu OLE KISEMEI
- 38 Swahili MUSUNGUI
- 39 Nentiyen OLE KAMAAMIA
- 40 Kumari OLE KARBOLO
- 41 Saiponyari (or Saiponyori) OLE NCHOKO
- 42 Ormengo (or Oremenko) OLE NCHOKO
- 43 Kiter ENE LEMEIN [F]
- 44 Ntomolel OLE MEITAYA
- 45 Salau OLE GILISHO
- 46 Ntooto ENE SIOLOLO [F]
- 47 Olochani OLE KARBOLO
- 48 Mure OLE KAMAAMIA
- 49 John OLE KARIA
- 50 Kelo OLE GILISHO
- 51 Lendani OLE SIALALA
- 52 Reure OLE SADERA
- 53 Tuarari OLE SIALALA

#### INTERVIEWS WITH EUROPEAN INFORMANTS

In Kenya: Desmond BRISTOW; J.A. 'Jock' DAWSON; Lord DELAMERE

In Britain: Dr W. PLOWRIGHT, retired veterinary officer, Kenya Colony

Dr Glyn DAVIES, who also served in the colonial veterinary service in Kenya, was not formally interviewed but supplied much valuable information.

## **Appendix II**

### **Chronology of events 1895-1918**

<b><u>1895</u></b> Nov	British East Africa (East Africa Protectorate) established Kedong massacre, Kedong Valley
<b><u>1901</u></b>	Uganda Railway completed
<b><u>1903</u></b>	First major land grant to Lord Delamere in Rift Valley CO approves 500 square mile grant in Rift to East Africa Syndicate
<b><u>1904</u></b> March June August	Commissioner Sir Charles Eliot offers to resign over land grants Eliot leaves B.E.A. First Maasai Agreement signed; Maasai agree to leave Rift Valley
<b><u>1905</u></b> spring? 1 April	Maasai begin to move to Laikipia and Southern Reserve CO takes over responsibility for B.E.A. from FO
<b><u>1910</u></b> February	The prophet Olonana allegedly asks Governor Girouard to unite Maasai in one reserve  1,000 'northern' Maasai, with 10,000 cattle, move south for <i>eunoto</i> ceremony – effectively the start of the second Maasai move  Maasai leaders on Laikipia agree to move everyone south
March April 30 May	Gilbert Murray sends Leys' protest letter about Maasai move to CO CO telegrams Girouard with orders to stop the move Maasai sign another Agreement but not Girouard; never implemented
<b><u>1911</u></b> 7 March  April 29 May May June August October 9 October	Olonana dies after allegedly saying Maasai must move south. Succeeded by son Seggi, aged 13 Second Maasai Agreement signed on various dates 1911 Maasai Agreement approved by CO in telegram Settler Galbraith Cole acquitted of murdering alleged sheep thief Move south starts again Move halted on the Mau; deaths reported; some Maasai return to Rift A third of the 'northern' Maasai are back on Laikipia Cole deported to Britain Girouard lies to CO about land promised to settlers on Laikipia

## **1912**

- February Ole Gilisho says Southern Reserve is unsuitable and refuses to move; Ole Masikonde agrees, other leaders do not
- 17 March Leys claims Ole Gilisho has been threatened with deportation if he does not get his people to move
- 8 May CO says the move can go ahead  
Same month, Ole Gilisho starts moving south; sees a lawyer
- 28 June Lawyers for the Maasai tell the CO they are taking legal action
- July Girouard leaves B.E.A. after resigning
- December? Leys leaves B.E.A. for Britain, in disgrace

## **1913**

- 27 March Second Maasai move completed; 10,064 people had moved south since 10 June 1912
- May Leys sails for Nyasaland after home leave
- 26 May Maasai Case dismissed by High Court of B.E.A.
- December Maasai appeal dismissed by Court of Appeal for Eastern Africa

## **1915**

- June Purko warriors attempt to return to Laikipia

## **1916**

- Quarantine imposed on Maasai Reserve after severe stock epidemics  
Attempt to conscript warriors for war effort fails

## **1917**

- Unrest reported among Purko and Loitai warriors; ringleaders arrested

## **1918**

- from April Renewed attempt to conscript warriors for the war effort
- 11 Sept Ololulunga 'massacre'  
Lord Delamere protests to government; offers to mediate

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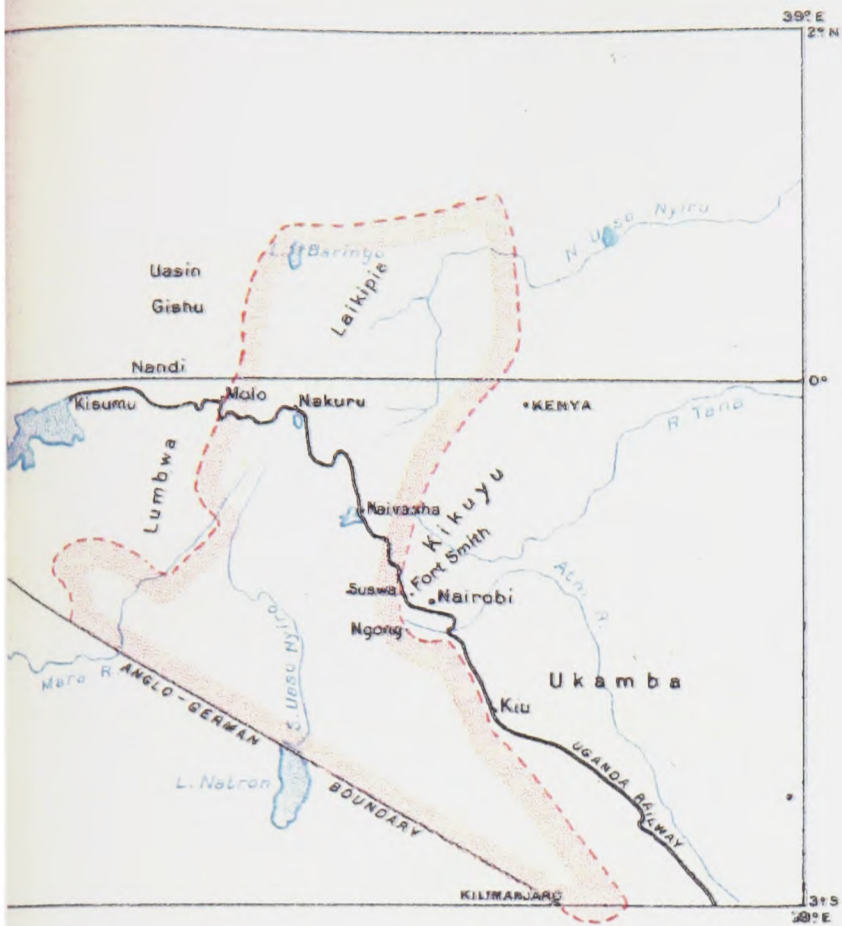
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## Maps

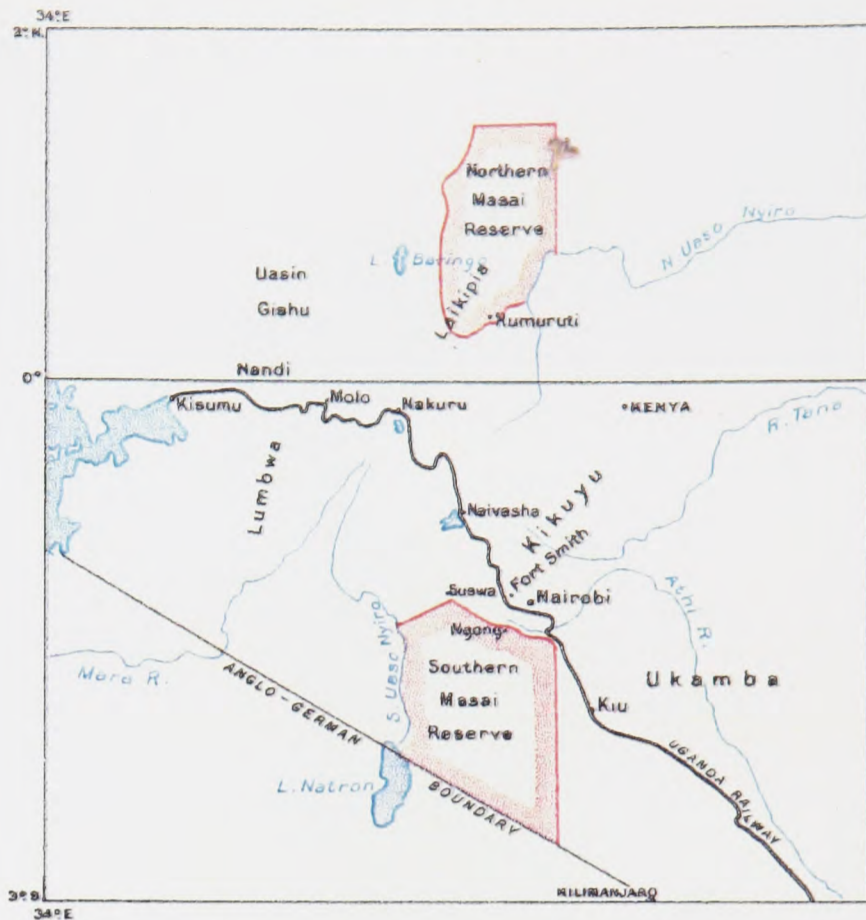
1. 'Map to illustrate "The Masai, Their Language & Folklore"', from Hollis's book of the same name, published 1905. Maasai sections and placenames are written in red, and the buff-coloured areas indicate Maasailand.
2. 'Distribution of the Masai in the East Africa Protectorate' at four points in their history. From Sandford, *Administrative history* (1919), facing p18.
3. 'The Masai Reserve', frontispiece in Sandford, *ibid*.
4. 'Map to illustrate the early history of the Masai', facing p9, Sandford, *ibid*.



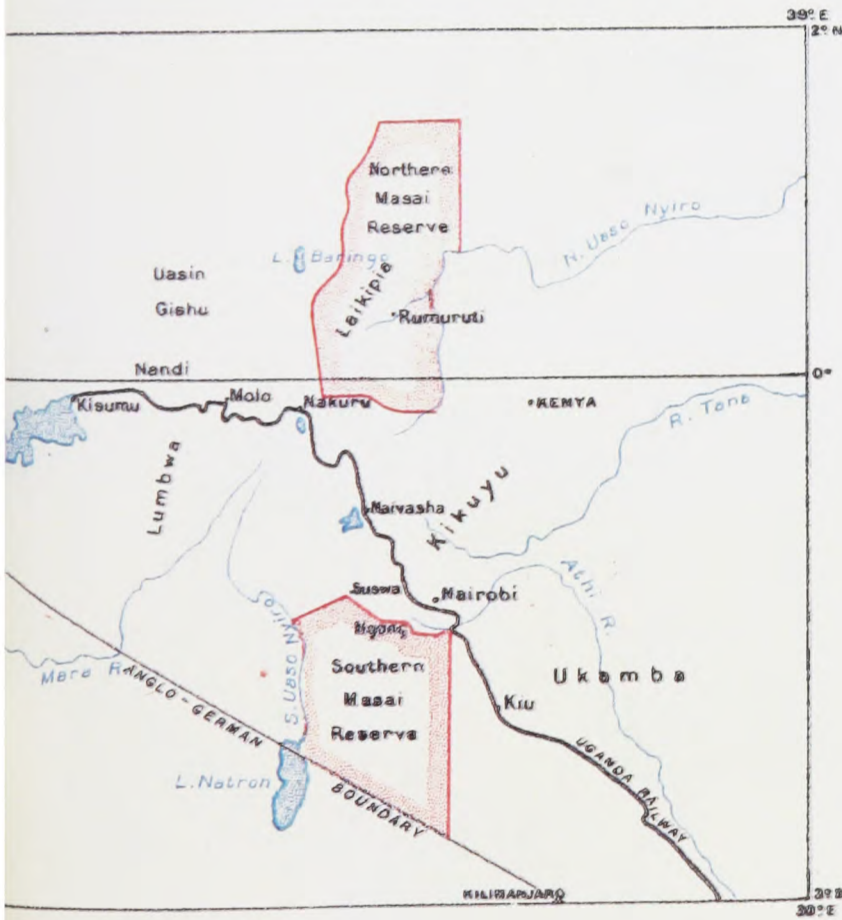
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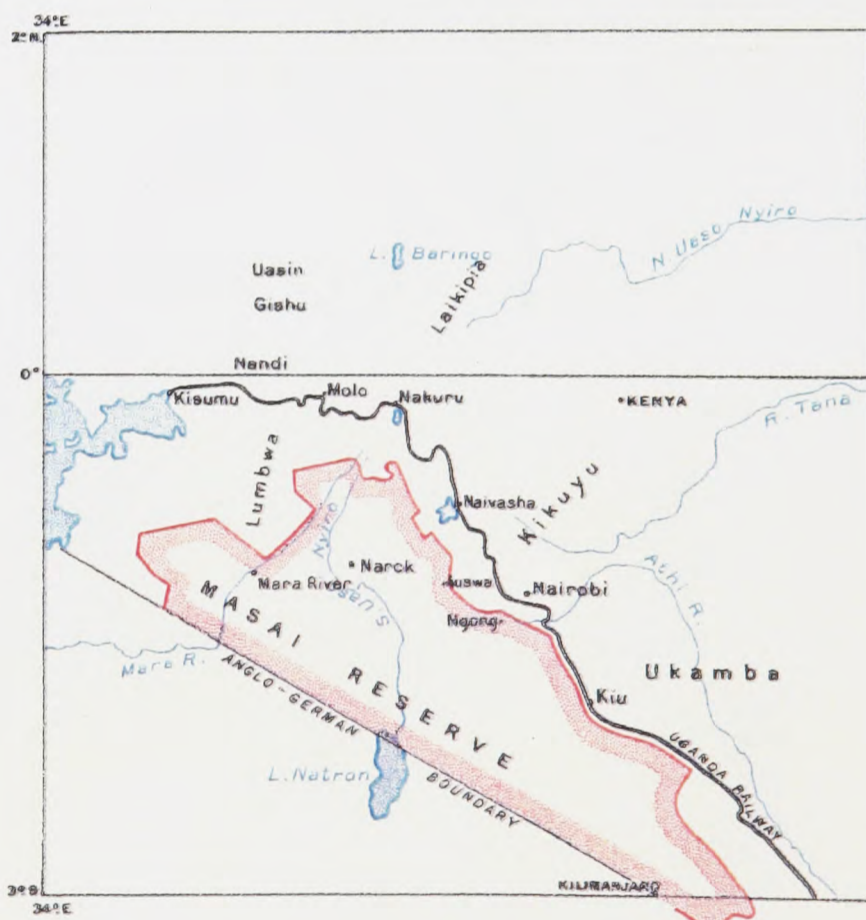
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DISTRIBUTION OF THE MASAI IN THE EAST AFRICA PROTECTORATE.

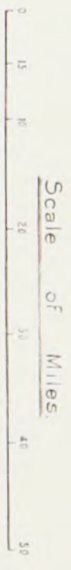
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# MASAI RESERVE

Scale, 1:1,000,000

or 16 Miles = 1.014 Inches



GERMAN EAST AFRICA



MAP TO ILLUSTRATE  
THE  
EARLY HISTORY  
OF THE  
MASAI

Scale 1:3,000,000

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