

5 It was a dream. Then the sounds grew louder. Nyagar threw the blanket off his ears and listened. Yes, he was right. Heavy footsteps and voices were approaching. He turned round to wake up his wife. She was not there. He got up and rushed to the door. It was unlocked. Where was Nyamundhe? 'How could she slip back to her hut so quietly?' he wondered. 'I've told her time and again never to leave my hut without waking me up to bolt the door. She will see me tomorrow!'

10 'Ero, ero, there, there!' The noise was quite close now – about thirty yards away. Nyagar put a sheet round his well-developed body, fumbled for his spear and club, and then left the hut.

15 'Piti, piti. Piti, piti.' A group was running towards his gate. He opened the gate and hid by the fence. Nyagar did not want to meet the group directly, as he was certain some dangerous person was being pursued.

Three or four men ran past the gate, and then a larger group followed. He emerged from his hiding-place and followed them.

'These bastards took all my six bulls,' he heard one voice cursing.

'Don't worry – they will pay for it,' another voice replied.

20 Nyagar had caught up with the pursuing crowd. He now realised that the three or four men he had seen run past his gate were cattle thieves. They rounded a bend. About thirty yards away were three figures who could only be the thieves.

'They must not escape,' a man shouted.

'They will not,' the crowd answered in chorus.

25 The gap was narrowing. The young moon had disappeared, and it was quite dark.

'Don't throw a spear,' an elder warned. 'If it misses, they can use it against us.'

The thieves took the wrong turning. They missed the bridge across the River Opok, which separated the people of Masala from those of Mirogi. Instead, they turned

right. While attempting to cross the river, they suddenly found themselves in a whirlpool. Hastily they scrambled out of the water.

‘Ero, ero,’ a cry went out from the pursuers.

5 Before the thieves could find a safe place at which to cross the river, the crowd was upon them. With their clubs they smote the thieves to the ground. The air was filled with the howls of the captured men. But the crowd showed no mercy.

During the scuffle, one of the thieves escaped and disappeared into the thick bush by the river.

‘Follow him! Follow him!’ someone shouted.

10 Three men ran in the direction in which he had disappeared, breathing heavily. The bush was thick and thorny. They stood still and listened. There was no sound. They beat the bush around with their clubs – still no sound. He had escaped.

15 Another thief took out his knife and drove it into the shoulder-blade of one of the pursuers, who fell back with the knife still sticking in him. In the ensuing confusion, the thief got up and made straight for the whirlpool. To everybody’s amazement, he was seen swimming effortlessly across it to the other side of the river.

Nyagar plucked the knife out from Omoro’s shoulder and put his hand over the wound to stop the bleeding. Omoro, still shaken, staggered to his feet and leaned on Nyagar. Streaks of blood were still running along his back, making his buttocks wet.

20 One thief was lying on the grass, groaning. As the other two had escaped, the crowd were determined to make an example of this one. They hit him several times on the head and chest. He groaned and stretched out his arms and legs as if giving up the ghost.

25 ‘Aa, aa,’ Omoro raised his voice. ‘Let not the enemy die in your hands. His spirit would rest upon our village. Let him give up the ghost when we have returned to our huts.’ The crowd heeded Omoro’s warning. They tore green leaves from nearby trees and covered the victim completely with them. They would call the entire clan in the morning to come and bury him by the riverside.

30 The men walked back home in silence. Omoro’s shoulder had stopped bleeding. He walked, supported by two friends who volunteered to take him home. It was still not light, but their eyes were by now accustomed to the darkness. They reached Nyagar’s home – the gate was still ajar.

‘Remember to be early tomorrow,’ a voice told him. ‘We must be on the scene to stop the women before they start going to the river.’

5 Nyagar entered his home, while the others walked on without looking back. The village was hushed. The women must have been awake, but they dared not talk to their husbands. Whatever had happened, they thought, they would hear about it in the morning. Having satisfied themselves that their husbands were safely back, they turned over and slept.

10 Nyagar entered his hut, searched for his medicine bag and found it in a corner. He opened it, and pulled out a bamboo container. He uncorked the container, and then scooped out some ash from it. He placed a little on his tongue, mixed it well with saliva and then swallowed. He put some on his palm and blew it in the direction of the gate. As he replaced the bamboo container in the bag, his heart felt at peace.

15 He sat on the edge of his bed. He started to remove his clothes. Then he changed his mind. Instead he just sat there, staring vacantly into space. Finally he made up his mind to go back to the dead man alone.

He opened the door slowly, and then closed it quietly after him. No one must hear him.

He did not hesitate at the gate, but walked blindly on. ‘Did I close the gate?’ he wondered. He looked back. Yes, he had closed it – or it looked closed.

20 Apart from a sinister sound which occasionally rolled through the night, everything was silent. Dawn must have been approaching. The faint and golden gleams of light which usually herald the birth of a new day could be seen in the east shooting skywards from the bowels of the earth. ‘He must have a lot of money in his pocket,’ Nyagar said aloud. He knew that stock thieves sold stolen cattle at the earliest opportunity.

25 The others were foolish not to have searched him. He stopped and listened. Was somebody coming? No. He was merely hearing the echo of his own footsteps.

30 ‘Perhaps the other two thieves who had escaped are now back at the scene,’ he thought nervously. ‘No, they can’t be there – they wouldn’t be such idiots as to hang around there.’

The heap of green leaves came in sight. A numb paralysing pain ran through his spine. He thought his heart had stopped beating. He stopped to check. It was still beating, all right. He was just nervous. He moved on faster, and the echo of his footsteps bothered him.

When Nyagar reached the scene of murder, he noticed that everything was exactly as they had left it earlier. He stood there for a while, undecided. He looked in all directions to ensure that no one was coming. There was nobody. He was all alone with the dead body. He now felt nervous. 'Why should you disturb a dead body?' his inner voice asked him. 'What do you want to do with money? You have three wives and twelve children. You have many cattle and enough food. What more do you want?' the voice persisted. He felt even more nervous, and was about to retreat when an urge stronger than his will egged him on.

'You have come all this far for one cause only, and the man is lying before you. You only need to put your hand in his pockets, and all the money will be yours. Don't deceive yourself that you have enough wealth. Nobody in the world has enough wealth.'

Nyagar bent over the dead man, and hurriedly removed the leaves from him. His hand came in contact with the man's arm which lay folded on his chest. It was still warm. A chill ran through him again, and he stood up. It was unusual for a dead person to be warm, he thought. However, he dismissed the thought. Perhaps he was just nervous and was imagining things. He bent over the man again, and rolled him on his back. He looked dead all right.

He fumbled quickly to find the pockets. He dipped his hand into the first pocket. It was empty. He searched the second pocket-that, too, was empty. A pang of disappointment ran through his heart. Then he remembered that cattle traders often carried their money in a small bag strung with a cord round their neck.

He knelt beside the dead man and found his neck. Sure enough there was a string tied around his neck, from which hung a little bag. A triumphant smile played at the corners of his mouth. Since he had no knife with which to cut the string, he decided to remove it over the man's head. As Nyagar lifted the man's head, there was a crashing blow on his right eye. He staggered for a few yards and fell unconscious to the ground.

The thief had just regained consciousness and was still very weak. But there was no time to lose. He managed to get up on his feet after a second attempt. His body was soaked in blood, but his mind was now clear. He gathered all the green leaves and heaped them on Nyagar. He then made for the bridge which he had failed to locate during the battle.

He walked away quickly – the spirit should not leave the body while he was still on the scene. It was nearly dawn. He would reach the river Migua in time to rinse the blood off his clothes.

Before sunrise, the clan leader Olielo sounded the funeral drum to alert the people. Within an hour more than a hundred clansmen had assembled at the foot of the Opok tree where the elders normally met to hear criminal and civil cases. Olielo then addressed the gathering.

- 5 'Listen, my people. Some of you must have heard of the trouble we had in our clan last night. Thieves broke into Omogo's kraal and stole six of his ploughing oxen.'

'Oh!' the crowd exclaimed.

Olielo continued, 'As a result, blood was shed, and we now have a body lying here.'

'Is this so?' one elder asked.

- 10 'Yes, it is so,' Olielo replied. 'Now listen to me. Although our laws prohibit any wanton killing, thieves and adulterers we regard as animals. If anyone kills one of them he is not guilty of murder. He is looked upon as a person who has rid society of an evil spirit, and in return society has a duty to protect him and his children. You all know that such a person must be cleansed before he again associates with other
15 members of society. But the white man's laws are different. According to his laws, if you kill a man because you find him stealing your cattle or sleeping in your wife's hut, you are guilty of murder – and therefore you must also be killed. Because he thinks his laws are superior to ours, we should handle him carefully. We have ancestors – the white man has none. That is why they bury their dead far away from their
20 houses.'

'This is what we should do. We shall send thirty men to the white man to tell him that we have killed a thief. This group should tell him that the whole clan killed the thief. Take my word, my children. The white man's tricks work only among a divided people. If we stand united, none of us will be killed.'

- 25 'The old man has spoken well,' they shouted. Thirty men were elected, and they immediately left for the white man's camp.

More people, including some women, had arrived to swell the number of the group. They moved towards the river where the dead thief lay covered in leaves, to await the arrival of the white man.

- 30 Nyamundhe moved near her co-wife. 'Where is Nyagar? My eye has not caught him.'

His co-wife peered through the crowd, and then answered, 'I think he has gone with the thirty. He left home quite early. I woke up very early this morning, but the gate was open. He had left the village.'

Nyamundhe recollected that as they entered the narrow path which led to the river, their feet felt wet from the morning dew. And bending across the path as if saying prayers to welcome the dawn, were long grasses which were completely overpowered by the thick dew. She wanted to ask her co-wife where their husband could have gone but, noticing her indifference, she had decided to keep quiet.

‘I did not like that black cat which dashed in front of us when we were coming here,’ Nyamundhe said to her co-wife.

‘Yes, it is a bad sign for a black cat to cross one’s way first thing in the morning.’

They heard the sound of a lorry. They looked up and saw a cloud of dust and two police lorries approaching.

The two lorries pulled up by the heap of green leaves. A European police officer and four African officers stepped down. They opened the back of one of the lorries and the thirty men who had been sent to the police station by the clan came out.

‘Where is the clan elder?’ the white officer demanded.

Olielo stepped forward.

‘Tell me the truth. What happened? I don’t believe a word of what these people are saying. What did you send them to tell me?’

Olielo spoke sombrely and slowly in Dholuo, pronouncing every word distinctly. His words were translated by an African police officer.

‘I sent them to inform you that we killed a thief last night.’

‘What! You killed a man?’ the white man moved towards Olielo. The other policeman followed him.

‘You killed a man?’ the white officer repeated.

‘No, we killed a thief.’ Olielo maintained his ground.

‘How many times have I told you that you must abandon this savage custom of butchering one another? No one is a thief until he has been tried in a court of law and found guilty. Your people are deaf.’ The white man pointed at Olielo with his stick in an ominous manner.

‘This time I shall show you how to obey the law. Who killed him?’ the white officer asked angrily.

‘All of us,’ answered Olielo, pointing at the crowd.

‘Don’t be silly. Who hit him first?’

5 The crowd was getting restless. The people surged forward menacingly towards the five police officers.

‘We all hit the thief,’ they shouted.

‘If you want to arrest us, you are free to do so. You’d better send for more lorries.’

‘Where is the dead man?’ the white man asked Olielo.

10 ‘There,’ Olielo replied, pointing at the heap of leaves.

The police moved towards the heap. The crowd also pushed forward. They wanted to get a glimpse of him before the white man took him away.

15 The last time a man had been killed in the area, the police took the corpse to Kisumu where it was cut up into pieces and then stitched up again. Then they returned it to the people saying, ‘Here is your man – bury him.’ Some people claimed that bile is extracted from such bodies and given to police tracker dogs; and that is why the dogs can track a thief to his house. Many people believed such stories. They were sure that this body would be taken away again by the police.

20 The European officer told the other police officer to uncover the body. They hesitated for a while, and then obeyed.

Olielo looked at the body before them unbelievably. Then he looked at his people, and at the police. Was he normal? Where was the thief? He looked at the body a second time. He was not insane. It was the body of Nyagar, his cousin, who lay dead, with a sizable wooden stick driven through his right eye.

25 Nyamundhe broke loose from the crowd and ran towards the dead body. She fell on her husband’s body and wept bitterly. Then turning to the crowd, she shouted, ‘Where is the thief you killed? Where is he?’

30 As the tension mounted, the crowd broke up into little groups of twos and threes. The women started to wail; and the men who had killed the thief that night looked at one another in complete disbelief. They had left Nyagar entering his village while they

walked on. They could swear to it. Then Olielo, without any attempt to conceal his tear-drenched face, appealed to his people with these words, 'My countrymen, the evil hand has descended upon us. Let it not break up our society. Although Nyagar is dead, his spirit is still among us.'

- 5 But Nyamundhe did not heed the comforts of Jaduong' Olielo nor did she trust the men who swore that they had seen Nyagar enter his village after the incident with the thieves. She struggled wildly with the police who carried the corpse of her husband and placed it on the back of the lorry to be taken to Kisumu for a post-mortem. A police officer comforted her with the promise that a village-wide-enquiry
10 would start at once into the death of her husband.

But Nyamundhe shook her head. 'If you say you will give him back to me alive, then I will listen.'

Nyamundhe tore her clothes and stripped to the waist. She walked slowly behind the mourners, weeping and chanting, her hands raised above her head:

- 15 *My lover the son of Ochieng'*

 The son of Omolo

 The rains are coming down

 Yes, the rains are coming down

 The nights will be dark

20 *The nights will be cold and long.*

 Oh! the son-in-law of my mother

 I have no heart to forgive,

 I have no heart to pardon

 All these mourners cheat me now

25 *Yes, they cheat me*

 But when the sun goes to his home and

 Darkness falls, they desert me.

In the cold hours of the night

Each woman clings to her man

There is no one among them

There is none

5 *There is no woman who will lend me a*

Husband for the night

Ah, my lover, the son of Ochieng'

The son-law of my mother.