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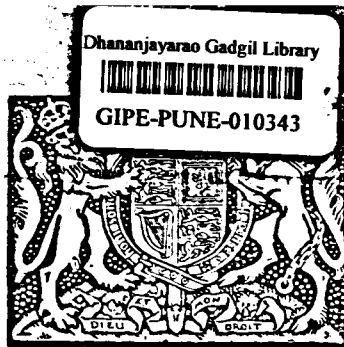
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REPORT
of the
KENYA LAND COMMISSION

SEPTEMBER, 1933

*Presented by the Secretary of State for the Colonies
to Parliament by Command of His Majesty
May, 1934*

LONDON
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
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Note.—All expenditure in connexion with the Commission, other than the cost of printing this Report, was borne by the Government of Kenya. The cost of printing and publishing this Report is estimated at £1,040.

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THE EVIDENCE*

VOLUME I.

Evidence relating to the Kikuyu Province.

VOLUME II.

Evidence relating to the Masai, Ukamba, Northern Frontier, Turkana, Rift Valley and Nzoia Province.

VOLUME III.

Evidence relating to the Nyanza and Coast Provinces; the European Highlands; the working of the Lands Trust Ordinance; Economics and evidence of general application, including the evidence taken in London except that part of it which relates to the Kikuyu Province.

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APPENDICES

APPENDIX I

Extracts from Documents and Evidence Relating to the Question of the Extent of Kikuyu Territory in the period 1895-1902

NOTE.—The following extracts from files, documents and evidence are quoted for purposes of ready reference, but it is of course obvious that the conclusions reached by the Commissioners are based on the whole of the evidence. There is much important evidence which does not lend itself to quotation in short extracts.

SECTION A.

ON THE SUBJECT OF THE BOUNDARY WOOD.

(Referring to Sections 32-61 of the Report.)

Extracts from *Through Masailand* (Joseph Thomson), 1883-84:—

Page 308.—"The Masai have made repeated attempts to penetrate into the country, but they have found that the Kikuyu were more than a match for them in their dense forests."

Map from *Through Masailand* (Joseph Thomson):—

"The position of the words 'High Forest Region' shows that the forest existed along the eastern boundary, where there is now very little trace of it, as well as on the other sides."

Extracts from *Discovery by Count Teleki of Lakes Rudolf and Stephanie* (Von Hohnel), published in 1894 (the extracts relate to 1887):—

Page 289.—"The Kikuyu do not venture out of the forests for fear of the Masai."

Page 302.—"The narrow belt of primeval forest which forms a natural frontier encircling the whole of Kikuyuland."

Page 330.—"Our camp on the ridge was near the eastern frontier of Kikuyuland, about 2½ to 3 miles from the wood which seems to encircle the whole district."

Page 332.—"The next two days we marched in a north-easterly direction, at a distance of about 3½ to 4½ miles from the boundary wood."

Page 352.—"The industrious natives have cleared away almost every trace of a forest from the interior, leaving only a belt as a frontier buttress from one to two hours' march deep."

Extract from *Early Days in East Africa* (Sir Frederick Jackson), relating to 1891:—

Page 169.—"Our camp just outside the protective belt of forest and natural boma of Kikuyu."

Extract from *The Rise of Our East African Empire* (Lord Lugard), 1893:—

Page 419.—"It (Kikuyu) is surrounded by a belt of very fine timber forest."

APPENDIX I—*contd.*

Extract from *Kenya from Chartered Company to Crown Colony (Hobley)*:—

Page 140.—“Much of the land so allocated (to settlers) was a buffer zone between the Masai and Kikuyu.”

Extract from *British Mission to Uganda in 1893* (Sir Gerald Portal):—

“We left the open plain and plunged into the darkness of a dense belt of forest which forms the natural boundary of the regions inhabited by the treacherous, cunning and usually hostile people of the Kikuyu.”

Extract from *British East Africa or IBEA* (P.L. McDermott), 1895:—

Page 423.—“Encircled by a dense belt of forest, which affords effective protection to the people from their enemies.”

Extract from *James Hannington* (Rev. E. C. Dawson), 1885:—

Page 342.—“August 25th: Arrived in the evening at Ngongo a Bagas. This place is situated on the borders of Masai land and the country of the Kikuyu. . . . The Kikuyu inhabit the forest-clad uplands, which here abut upon the plains of the Masai country. . . .”

Page 343.—“The bishop was very anxious to hold some intercourse with the Kikuyu, but they dared not venture down to his camp. He therefore went up to them with an escort of only ten men. Even then, he failed to gain their confidence. So far from attempting to do him any violence, the unhappy Wa-Kikuyu fled before him everywhere.”

Page 334.—“After waiting two hours, a single man came out from the forest, with fresh leaves in his hand, as a mark of submission and peace. He said the Chief was close by, and wanted to know whether we had come to fight or to buy grain. We explained . . . Three men next stepped out of the wood, told us the Chief was coming, and disappeared. Then the Chief came towards us, a man of about fifty years old, and half-drunk, reeling to and fro like a ship in a storm. . . . They refused to eat *muma* with us, and clamoured for the presents, which I gave them; after that they promised to bring food for sale. Off they went, and in a quarter of an hour buying and selling began . . .”

Page 347.—“Things went for a whole very smoothly, though our famishing men were hard to restrain; till suddenly the cry of ‘Masai’ was raised, and a number of warriors leapt from the jungle with spears and shields. It was a false alarm, but the Kikuyu took fright, and again the market was stopped . . . The apparently desolate forest was in reality swarming with the Kikuyu; but they live in impenetrable fastnesses. Even the Swahili traders, with all their pretences, have not succeeded in peeping into their huts, and the formidable Masai cannot cope with them in the recesses of their own forest highlands. On Monday, the 7th, a more successful attempt was made to purchase food. The Bishop again went out with about a hundred men, whom he caused to sit in a circle while he dealt with the natives. The plain was soon crowded with the Kikuyu, who pressed in on every side. Our men, who had no trust in them, each had his loaded gun by his side. It was, however, almost impossible to prevent things from being stolen by these thievish people . . .”

APPENDIX I—*contd.*

Extract from *Through Masailand* (Joseph Thomson):—

Page 407.—(At Ngongo Bagas): “We had to try to get into connexion with the Kikuyu to buy food. It was not an easy matter. . . . The large numbers of Masai who came to the camp by their presence prevented their enemies venturing down to us. . . . A fight resulting in several deaths took place.”

Extracts from *The Genesis of a Colony* (R. O. Preston):—

Of the forest near Nairobi, he states: “Those people (the Kikuyu) lived in fear and trembling of the Masai, and would not venture out of their forest country. When therefore the rails arrived in their country, and the hordes of railway workmen appeared on the scene, the Kikuyu felt safer and ventured out more.”

Of the Escarpment Forest, he states: “The Masai constantly preyed on their timid neighbours and were ever on the alert to drive off any sheep or cattle that might stray a short distance from the herds. Lying on the plains for days, they would watch their opportunity and silently stealing up the hill would drive the wanderers down the mountain. When a Kikuyu herdsman caught sight of a Masai anywhere in their vicinity, he would sound the warning cry that would at once be taken up by all the women in the fields for miles along the escarpment, and the herdsman would hurriedly gather their flocks together and make for safety, further up the mountain.”

From the evidence of Hassan bin Jumbe (*Evidence*, p. 244):—

“I was on a *safari* with Count Teleki, who was known to the natives as Dakitumbo. He went to Ndoro in Masai country, about four days' march from the Kikuyu border. Nyeri was then Kikuyu country and the Uaso Nyiro was the Kikuyu boundary in the north and the Chania was the boundary between Masai and Kikuyu in the south. Count Teleki met the Samburu people near Rudolf.”

From the evidence of Hindi bin Hamisi (*Evidence*, p. 242):—

“Mr. Thomson went to Ngongo Bagas. The place was inhabited by Masai, who were in fact spread over the whole countryside, including Thathini. The *manyatta* of the Laibon Lenana was at Keya. On two occasions I visited Ngongo Bagas: once with Mr. Jackson, and once with Bishop Hannington, and saw Masai there but no Kikuyu. If we wanted food, we used to follow the Kikuyu with thirty or forty riflemen, and buy food at their market at Dagoretti, which was then in Masai country; so was Karen Estate, so was Mararoi.”

SECTION B.

ON THE EXTENT OF KIKUYU OCCUPATION ON
PLAINS BEYOND THE BOUNDARY WOOD.

(Referring to Sections 45-51 of the Report.)

Mr. C. W. Hobley, C.M.G., speaking of 1894:—

“We . . . camped on the future site of Nairobi Town. It was an open plain with relics of old Masai villages, and there were many skulls of Masai who had died in a smallpox epidemic a few years previously. There was no evidence of the Kikuyu having established any villages or cultivation on the plains outside the forest belt.”

APPENDIX I—*contd.*

Colonel Ainsworth, C.M.G., D.S.O., C.B.E., writes that in 1892 he recovered a number of Masai women and children, who had been captured by Akamba, and wishing to hand them back set out to find the Masai. He continues:—

“ We eventually arrived within the vicinity of the place we know now as Muthaiga, where some kraals were located. Here I handed over the women and children. . . . As I wanted to buy some donkeys for transport, the Masai took me to some kraals located near the Kamiti River. I went short distances up some of the forest glades. I, however, saw no cultivation and no natives other than the Masai.”

But in another part of his memorandum he records:—

“ Long before 1898, those sections of the Masai who had been in the habit of occupying the grazing along the forest area had become considerably weakened through pleuro amongst their cattle, and smallpox. During 1895, it was necessary to take the remnants of the Kapte and Matapatu clans under the direct protection of Government, and they were moved temporarily to a place near Fort Smith, but early in 1896 we moved them to Ngong. . . . From this time on, the grazing north of the Nairobi River was less and less used by the Masai, but up to about 1898 a few kraals were to be seen on the higher land now known as Nairobi Hill.”

SECTION C.

ON THE SUBJECT OF THE NORTHERN BORDER
NEAR NYERI.

(Referring to Sections 73-87 of the Report.)

Senior Chief Wambugu (*Evidence*, p. 83):—

“ Another old man called Wangai Kigira used to go to the junction of the Amboni and Gathingurengai Rivers for the same purpose (sacrifice).”

Evidence of Chief Enderi (*Evidence*, p. 85):—

“ Our grandfathers used to tell us that the boundary with the Masai was the Amboni River.”

Evidence of Chief Nduini (*Evidence*, p. 107):—

“ The boundary of the Kikuyu was the Amboni. . . .”

Q. “ Were the Dorobo before the Kikuyu?”

A. “ Neither was there before the other. When we went to hunt we used to find their fires. Our great-grandfathers used to tell us that they found Dorobo living on the other side of the river, but there was a market where we used to sell food to them. They used to wander about, and even went as far as Chief Murigo's home to hunt.”

Evidence of Kithegi Kagwamba (*Evidence*, p. 109):—

“ These Europeans camped at Munyu Airitu. It was Kikuyu country. Now it is on Mr. Tuke's farm, between the Nairobi and Sagana Rivers.”

Evidence of Wambugu Mwigwa (*Evidence*, p. 110):—

Q. “ Did you tell Mr. Evans that in your young days there were no Kikuyu north of the junction of the Chania and Sagana Rivers?”

A. “ Yes, I did.”

APPENDIX I—*contd.*

Revision Case No. 23/29, Nyeri: Statement by Muhoya Kagumba (the defendant):—

“ Before the Government came, all that land was bush, and nobody went there because of lions and elephants and the Masai. When my father went in, although he was not the first man who went into the bush, nobody else had established himself in that part, and no *ithaka* had been fixed.” (*Note.*—The land in question was in Ihururu *githaka*, near Nyeri Hill.)

Extract from *King of the Wakikuyu* (John Boyes), p. 132:—

“ Arriving at last at Kakeri's village, we were met by the chief himself and some of the elders of the tribe.”

Evidence of Mr. John Boyes (*Evidence*, p. 729):—

The Chairman made reference to a passage in Mr. Boyes' book, reading, “ There is now a fort and Government station at his old place at Nyeri, where I had first come across him,” and asked:—

Q. “ Could you swear if that was the actual spot? ”

A. “ No, I could not.”

Extract from *King of the Wakikuyu* (John Boyes), p. 151:—

“ It was Wangombe's boast that Mount Kenya belonged to him, and the Wanderobo were his people, and joined him if there was a fight.”

Evidence of Mr. John Boyes (*Evidence*, p. 729):—

Q. “ Had Karuri got a lot of people? ”

A. “ Yes; but after I crossed the Chania River there were no more Kikuyu. Wangombe lived on the south-west slopes of Kenya on a hill near Ragati River at Kargena.”

Evidence, p. 730:—

“ Near Nyeri, the Chania River was considered the boundary, but Kikuyu went to graze their cattle on the north side after the Masai had shifted.”

Evidence of Brother Benedetto. (*Evidence*, pp. 546, 547):—

“ When I came here in 1903 there were no natives on the whole of our present farm. There were some Masai on the polo ground. . . . I hear that the Aithirandu Clan were on the west of Nyeri Hill. I never heard of anybody claiming the other side. . . . Before we came here, the Aithirandu Clan claimed the west side of Nyeri Hill, at, I think, the line they marked on the other side of the Chania River. The name ‘Muthari’ means ‘place of division’ in Kikuyu.”

SECTION D.

ON THE WESTERN FRONTIER.

(Referring to Sections 95-128 of the Report.)

Evidence of Mr. F. W. Isaac (*Evidence*):—

“ The forest was the hiding-place of their live stock. They were pasturing in the forest glades.”

Q. “ Could they pasture cattle in the forest itself? ”

A. “ No, not cattle, but they could pasture goats. All those forests are divided up, and you will get open glades suddenly in the middle of the forest.”

APPENDIX I—*contd.*

“ At the back (of the Aberdare Forest) it would have been entirely Dorobo. The disputes which arose, which I can remember, were largely between Wa-Kikuyu and Dorobo. . . . They were scattered. If they were hungry they would go and steal the honey, and periodically the Kikuyu would steal theirs back again to get even. Then there would probably be a murder.”

Extract from a Memorandum by the Fort Hall Native Council (*Evidence*, p. 119):—

“ The boundaries on the west of Fort Hall District were in the earliest times as follows:—

“ From the junction of Chania and Kiboro Rivers (which was the boundary of Kikuyu and Masai, who met with the Masai at a place called Gatura-ini).

“ From Kiboro River to the junction of Ibuteti and Chania Rivers right up to Gathara-ini to the junction of Gathara-ini and Turasha Rivers, thence to Mutarakwa or Gitamaiyu (where Kikuyu of Fort Hall and Nyeri were making their sacrifices before proceeding to Masai Reserve).”

Evidence of Lokomore Ole Mbirya (Kakanyuki; Masai) (*Evidence*, p. 238):—

“ I showed you four different *manyattas*. One at Uplands (Ngaroya's), one (my own) at Escarpment, two at the junction of Limuru and Kikuyu roads, one between two hills, in the valleys. I swear that all these were in Masai country and were not Kikuyu country.”

Evidence of Turuthi wa Githei (Dorobo) (Comments on above), (*Evidence*, p. 239):—

“ Most of the evidence given by these Masai is quite untrue. . . . They (the witnesses) said they had their *manyattas* at Escarpment (Lari) and Uplands. They never had their *manyattas* there.”

From the evidence of Abdulla bin Omari (*Evidence*, p. 243):—

“ Mr. Hall and I saw Lelian at Uplands. His *manyatta* was just below the station, and he herded his cattle above it. Where Escarpment Station now is was purely Masai country. The Masai were at Kijabe when Mr. Dick was killed, and indeed their country stretched from Kijabe to the Kinangop, and on to Naivasha. The Kikuyu stayed in the forest because they were afraid of the Masai.”

Evidence of Mr. Battiscombe (*Evidence*, p. 408):—

Regarding 1907 or thereabouts: “ The greater part of the forest round the Lari Swamp . . . was claimed by a native chief . . . to have been bought from the Dorobo, but his claim was not recognized by Government. . . . I think they still claim a great deal of that forest, but the claim has never been recognized (the southern end of the forest surrounding Uplands Bacon Factory). He claimed the whole of the forest.”

“ There was cultivation by Kikuyu. They were encroaching in the forest. The Railway had been constructed, and the country settled, and there was nothing to worry the natives; I think they were increasing their cultivation then. . . . The Kikuyu were all eating into the forest. . . . To a certain extent, secondary forest grew up behind them, but they were continually going on all the time.”

APPENDIX I—*contd.*

Q. "Did you ever see any signs of boundaries having been cut or indicated by marking trees?"

A. "No. I have no recollection of any having been pointed out to me, or having come across one. I do think it is possible that the forest was cut up into sections, but that was for purposes of elephant (ivory) and honey-gathering."

Evidence of the Hon. Charles Dundas (regarding 1911) (*Evidence*, p. 419):—

Q. "Would they have used the forest for any distance in?"

A. "Oh, yes, they would go a long way in. And there are also certain grasses and, if I recollect rightly, also mosses which they used for the bedding of stock and so on. Undoubtedly, I should think they might justifiably claim forest territory of which they had the absolute use before we came."

Evidence of Mr. A. G. Baker (regarding 1907) (*Evidence*, p. 447):

"(On the Aberdare Range) there were constant encroachments by the Kikuyu, who were continually burning and destroying the forests, eating their way in. . . They like every other year to get on to fresh land; they like to get new forest land. I think it was a general move westwards, as far as I could tell."

Q. "I see you say in your memorandum that there were a large number of pockets, as it were, of cultivation in the forest?"

A. "Yes. Generally speaking, it was only within, say, half a mile of the edge. They did not go very far in."

Q. "Where there any traces of cultivation well into the forest?"

A. "Not many. It was all practically on the edge."

Q. "Was there any grazing inside the forest itself?"

A. "Very little. The Kikuyu had very few cattle in those days. . . . (goats) were going into the little glades. They were working in. They would go into the glades and work into the forest, and eat up all the young trees. . . . (there were) quite a lot in those days. There were a good many sheep. Generally speaking, there was not much grazing in the forest. It is a wet tropical forest, and it is naturally very thick. It is only as a result of fires or destruction by human beings or animals that you get much grass at all."

Q. "Did you see any signs of the forest being demarcated in any way between various sections of the tribe?"

A. "Not that I saw."

Q. "Did you find beehives in the forest?"

A. "Yes; I should say they would be a good way in."

SECTION E.

ON THE LIMURU FARM AREA.

(Referring to Sections 129-137 of the Report.)

Extract from *Discovery by Count Teleki*, etc. (p. 315):—

"On September 12th, we started again. . . the path leading, as before, over many ridges and streams, the whole district being covered with fairly steep hills, extending north-west and south-east with a south-easterly trend. . . . The country is almost bare of trees, but

APPENDIX I—*contd.*

very well cultivated, the more humid valleys with sugar-cane, more rarely with bananas or colocasia; the hill slopes with potatoes, beans, millet, tobacco, and so on. . . . Count Teleki at the head of the caravan had the worst of it, for he had to clear his way through the natives, who always gathered in force at the streams. . . ."

"The next day's march (September 13th) took us over the highest ridge of Kikuyuland, and we camped at a height of about 6,800 feet, the maximum reached by us so far. The flat summit of the ridge was now completely overgrown with a species of fern from 6½ to 8 feet high, forming whole thickets. . . . The camp was besieged once more by hundreds of natives."

"On September 14th we resumed our march amid scenery very much the same as that just passed through, except that there was less cultivation, with more grass, bush and ferns. The country was, however, still well populated, and we passed several little settlements, consisting of from three to about twenty huts, either hidden in the woods or nestling against the slopes of the mountain in the midst of banana plantations. . . . The number of natives who attended our march increased to thousands as we proceeded, the women and children dashing off in terror at the slightest incident, whilst the warriors pressed more closely upon the caravan. . . . (A fight ensued, followed by a ceremony of blood-brotherhood.) We also paid for the use of our camping ground."

From the evidence of Hindi bin Hamisi (*Evidence*, p. 243):—

"Near Limuru there was a swamp which the Masai called Mangao (Kiboko), and there was a *boma* nearby belonging to Neilyani. I myself never saw these Masai at Limuru, although I am certain of my facts because we Swahili intermarry with the Masai, and they are our brothers."

Evidence of Hon. A. de V. Wade, Chief Native Commissioner:—

"I have often heard Mr. Hope talk about what happened in the Kiambu area. He mentioned the existing boundary, with particular reference to Farm 123 and the 'corridor'. I asked him about that, and old maps on which this farm used to be marked 'Native Reserve'. He said: 'The reason I reserved that farm was that I realized I had been giving away too much grazing, so I secured what I could at the last moment, and made that reserve with the corridor to it.' He said, generally in regard to that bit, and the Limuru farms: 'If we had known then what we know now we could not possibly have done it.' It was a source of very bitter regret to him."

Q. "When he made that statement, did you understand him to mean that, if he had realized what the nature of the Kikuyu native was, he would not have done it?"

A. "That is what he meant when he was talking about these Limuru farms. He knew nothing about the Kikuyu system of land tenure; he thought there was room for the natives elsewhere, and that no injustice would be done. They had compensation."

Evidence of Omar Mohamed (*Evidence*, p. 1865):—

"At Limuru in the old days there were Dorobo. They were Kikuyu Dorobo."

APPENDIX I—contd.

Evidence of Lengimojik, Masai (*Evidence*, p. 235):—

“All this Kikuyu land I showed you was ours. Where the Kikuyu Railway Station is now, all that country from Maguga down to the Kikuyu Railway Station and down to Fort Smith was Masai country, including the Ondiri Swamp and Naikumu, and all the country we went through till we got to Kiboko Swamp belonged to Masai.”

SECTION F.

ON THE SOUTH-WESTERN FRONTIER NEAR DAGORETTI.

(Referring to Sections 142-155 of the Report.)

Extract from *Through Masailand* (Joseph Thomson), p. 310:—

“(Setting out from Ngongo Bagas) We traversed one of the most lovely woodland scenes. . . . Roads ten to twenty feet broad . . . penetrated the woods in every direction. Every here and there these roads opened out on a beautiful park or charming glade. Everywhere were evidences of the presence of elephants, although we saw none. These fine footpaths were a great puzzle to me at first. . . . On inquiry, I found that they had been formed by the continual passage of the great herds of the Masai between the different open reaches in the forest.”

Extract from *The Rise of our East African Empire* (Lord Lugard), 1893:—

Page 326.—“I spent some time in examining the surrounding country (i.e. from Fort Smith) towards the forest under the guidance of the local chief, Eiyeki, and his brothers, and eventually selected a charming site at a little distance from the cultivation and villages. A clear mountain stream flowed at the foot of the slope; beyond was dense forest; in rear was another stream. Timber and fuel were of course in abundance. The name of the place was Dagoretti.”

Page 332.—“(In building the fort at Dagoretti) we paid the penalty of disturbing the virgin soil, in a certain amount of fever in the caravan.”

Extract from the private diary of Captain F. D. Lugard (now Lord Lugard):—

“To-day we settled up with Eiyeki and gave him a handsome present for the ground, etc. Altogether, to various chiefs, headmen, etc., everything included and deducting the value of 5 sheep bought, I estimate we had given the local value of 14 goats for presents, land, etc. I think this very fair on both sides.”

Extract from *Soldiering and Surveying in British East Africa* (Major J. R. L. MacDonald, R.E.) (1891-94), p. 111:—

“In 1890, the Company decided to form a station near Kikuyu . . . and Captain Lugard was entrusted with this task. . . . Lugard decided on a place called Dagoretti. He chose the site more for political than military considerations, as he considered that there would be less chance of friction with the natives if the fort was not actually located among their clearings. By this means he also hoped to be able to influence the Masai, who could hardly venture to visit a station in the midst of their hereditary enemies, although they might go to Dagoretti with safety.”

APPENDIX I—*contd.*

From a judgment by Mr. Justice Maxwell (Supreme Court Case 4358/20 of 17th November, 1920: Kimani and Kitosho, sons of Kahoto, *versus* Kioi wa Nagi).—

“Up to that year (1899), and probably after, two rival bands of Masai used to come to this neighbourhood raiding. In one, probably the last such raid, Kahoto, the putative father of both plaintiffs, was killed, ‘one harvest before the famine’. According to one old gentleman, in 1899 the Masai and the Dorobo were ‘fighting with tongues and not with spears’. I cannot be far wrong then in assuming that after the raid in which Kahoto was killed there was an armistice, and that ‘peace was signed’ some few months later.”

“And one of the conditions of peace was that the Masai were to have all that part of my imaginary square south of the Neangara River and the Dorobo were to move over to the north of it. . . .”

“I am satisfied that it is an historical fact. The entries in the Dagoretti record book allude to it. Ellagombe (a Masai) and Thinde Nuanambe (Dorobo) . . . speak of it quite clearly.”

(*Note.*—The sketch plan at the head of it makes it clear that the section of the Neangara River in reference is a stretch of approximately five miles immediately to the north of Dagoretti *boma*.)

Evidence of Mr. Johnstone Kenyatta (*Evidence*, p. 426):—

“The Ngong is a boundary. . . . The Masai call it Ngong, and we call it Gitiba. . . . Take people like the missionaries who are near to the boundaries, like Dr. Arthur. When he built his mission house there he would have started teaching the Masai, or he would have got his land from the Masai. I think that is a proof showing that the land along there was occupied by Kikuyu people . . .”

“Wayaki was not very far away from Dagoretti, and not very far from the Ngong River. All that part used to be Kikuyu land. You have asked me about my personal experience. I remember when I was a young boy . . . it must have been some time ago, because there was no *boma* in Dagoretti; we used to take our sheep and goats to the Gitiba, where there were salt-licks. . . . I know the land there used to belong to Kikuyu. Gitiba is south-west of Dagoretti on the way to Ngongo Bagas, but nearer to Ngongo Bagas.”

Evidence of Chief Koinange (*Evidence*, p. 245):—

“What was really known as the boundary between the Masai and Kikuyu was the Mbagathi River.”

From the evidence of Hindi bin Hamisi (*Evidence*, p. 244):—

“The Kikuyu who brought food to the Dagoretti market lived across the Karura River. There were no Kikuyu where the Scotch Mission now is. There were Masai living there. I remember quite clearly that we moved them from what is now the Scotch Mission land owing to the fact that they were infected with smallpox.”

Evidence of Mr. C. R. W. Lane (relating to 1896) (*Evidence*, p. 400):—

“South of the Railway there were natives in the vicinity of Dagoretti. . . . Before the move to Laikipia there were Masai all round Lake Elmenteita and Nakuru, and they were moved up to Laikipia with the Naivasha Masai. The Kikuyu then spread from the vicinity of Dagoretti towards Ngong, occupying lands which hitherto had belonged to the Masai.”

APPENDIX I—*contd.*

Evidence of Dr. J. W. Arthur (*Evidence*, p. 456):—

“They (the Kikuyu) spread south until they reached the Dagoretti area. . . . Even at the time the mission came there was a good deal of forest there that is not there now. The mission itself stands absolutely on the south-westernmost point of the Kikuyu country.”

4th September, 1912: Provincial Commissioner, Naivasha (Mr. J. W. T. McClellan), writing to the Provincial Commissioner, Nairobi (on the subject of the Kikuyu claiming the source of the Mbagathi River as “Kikuyu water”):—

“If there is likely to be friction over this water source, I would suggest that the Kikuyu be removed to the line just below the Dagoretti Station, which was their boundary in 1902.”

13th February, 1912: Mr. M. W. Beech, Assistant District Commissioner, Dagoretti, writing to Mr. F. G. Hamilton, District Commissioner, Ngongo Bagas:—

“In the event of further dispute, I am prepared to furnish indisputable evidence proving that the country really belongs to the Kikuyu as far as the Ngong Hills.”

18th March, 1913: Provincial Commissioner, Naivasha (Mr. McClellan), writing to Chief Secretary:—

“I know the country in question and the respective rights of Kikuyu and Masai probably better than anyone, as I selected the Dagoretti Station site (i.e. the new station at Dagoretti, which was made after the old station made by Captain Lugard had been destroyed), in order to be on the dividing line as nearly as possible between the Kikuyu and the Masai. Mr. Hobley, however, having only Kikuyu with him, went over a line agreeable to them, which, as gazetted, gave Kinanjui, a man with no hereditary claim whatever, the lands on which the Masai kraals stood, including Lenana's, in 1902. We therefore have not only deprived the Masai of grazing land . . . but have now taken away their water supply by giving it to the tribe they most despised, i.e. the Kikuyu.”

15th December, 1912: District Commissioner, Ngongo Bagas, to Provincial Commissioner, Naivasha (regarding the fence erected near the Mbagathi):—

“On the Kikuyu side of this fence is a vast amount of land which was undoubtedly Masai. I was shown to-day the site of an old kraal of Lenana's, perhaps a mile from the fence, where Kinanjui now keeps a large herd of cattle, which I saw grazing.”

8th April, 1913: Provincial Commissioner, Nairobi (Mr. C. W. Hobley), writing to Chief Secretary:—

“I would point out that the area immediately north of the line was not occupied by the Kikuyu on their own initiative, but the Quarantine Board, with the approval of Government, moved some 10,000 head of stock into that area off the European farms, and there was no other area to move the cattle to . . . No land was given to Kinanjui. Kinanjui is only one among many Kikuyu stockowners . . . he has never claimed hereditary rights . . .”

APPENDIX I—*contd.*

31st May, 1913: Provincial Commissioner, Nairobi (Mr. S. L. Hinde), writing to Chief Secretary:—

“ I have no hesitation in stating that Mr. McClellan is right in that the Masai certainly in 1898, when I was stationed at Ngong, occupied the banks of the Mbagathi River and several miles to the north of this river. Their stock route ran north-west to within a couple of miles of the Sclater Road, about two hours' march west of what is now Kikuyu Railway Station.”

SECTION G.

ON THE NORTH-EASTERN FRONTIER, NEAR FORT SMITH AND TOWARDS NAIROBI.

(Referring to Sections 156-162 of the Report.)

Evidence of Mr. Hobley (*Evidence*, p. 442):—

“(1894, starting from Nairobi) There was no evidence of the Kikuyu having established any villages or cultivation on the plains outside the forest belt. Within about half a mile of our camp we entered the forest. We passed through a quarter or half a mile of forest, and then passed an open area which in later years became the sports ground. There was no occupation in this stretch. We then passed through another belt of forest, perhaps a mile thick, and then entered a scrub-covered area, with occasional villages of Kikuyu which extended to what is now Fort Smith. At Fort Smith, we found Mr. F. G. Hall in command. This station had been founded a couple of years previously. There was a considerable amount of Kikuyu cultivation and occupation in the vicinity . . .”

“Dagoretti had been vacated by Mr. George Wilson owing to an attack by the natives. In the vicinity of this fort (Fort Smith) there was also a considerable settlement of Masai. I understood that this section had quarrelled with the main Masai, and they had been brought there by Mr. Hall for shelter.”

Extract from Memorandum by Colonel Ainsworth (*Evidence*, p. 494):—

“Early in 1893, the Kikuyu of Luguru and the area round Fort Smith attempted the same tactics which were successful in the case of Dagoretti; they also endeavoured to invest the station. Mr. Purkiss was successful in getting a message through to Machakos, upon receipt of which I left at once with a mixed force to help Purkiss. We proceeded via Muthaiga, and duly arrived at Fort Smith. The arrival of this force was the signal for the Kikuyu to disperse. It was only the fact that between Muthaiga and Fort Smith very few villages existed until close to Fort Smith that enabled us to arrive at our destination without any hostile opposition on the part of the Kikuyu.”

Evidence of Mr. Lane (*Evidence*, p. 400):—

“1898. There were dense forests on either side of the road from Nairobi to Fort Smith. All caravans had to close up here, as there were always natives in the bush to spear the stragglers. Very soon this country was brought under administration by the late Mr. Frank Hall, and caravans were able to pass through unmolested. I have often ridden through the valleys down to Nairobi, shown on the north of the Uganda Railway, and I found native stock grazing in those valleys. I cannot remember whether there was any cultivation. I know they were grazing lands.”

APPENDIX I—*contd.*

Evidence of Hindi bin Hamisi (*Evidence*, p. 243):—

“Mr. Hall told one section of the Masai to live at Fort Smith, and they built their *manyattas* there. The Kikuyu were then some distance off, although at the time the Fort was built by Major Smith it was then in Kikuyu country. There was a Masai *manyatta* where the present Agricultural Showground is, near Kabete. This was before the Loita fighting. Lord Delamere actually built his house at Loresho, which was in Kikuyu country.”

Evidence of Abdulla bin Omari (Swahili) (*Evidence*, p. 243):—

“There was a Masai *manyatta* where the present Agricultural Showground is near Kabete. This was before the Loita fighting.”

Evidence of Ole Pidis (Kaputie Masai, age about 50-60) (*Evidence*, p. 237):—

“When Mr. Hall was here, Kikuyu were on the Showground. They were right up to Fort Smith; going to Fort Smith all that was full of Kikuyu. They were like grass at this place called Ngechi. At the time when the white people came to this country, some Kikuyu had crossed over on the other side of the Nairobi River, and were cutting down forest.”

Evidence of Mr. John Patterson (*Evidence*, p. 744):—

“Mr. Watson and myself went to Kikuyu . . . in September, 1895. We stayed in Kikuyu until October. During that time we examined the country round Fort Smith. . . . From Nairobi to Fort Smith the greater part of the Kikuyu country was forest, intersected with small open glades, and in one part of the country of which I am speaking these glades were occupied by Masai and Dorobo, who were grazing their cattle. The Masai *manyattas* were all over these plains. Also at that time, the Kikuyu forest extended from Nairobi round the edge of the country to Fort Hall.”

Evidence of Mr. T. A. Wood (*Evidence*, p. 742):—

“(1902) I took up a piece of land on the Karura River-Limuru Road—the road that goes through the top half of Muthaiga, north-west of the Karura Forest Reserve (*vide* map 19/1). When I took up that land there were one or two natives living on it. This was in 1902. Just a few Kikuyu.

“I was taking up a piece of land for residential purposes on the other side of Ainsworth Bridge; the house which is behind the one called ‘Daraja’. . . . There were one or two native kraals there, and I paid compensation to the natives at Mr. Ainsworth’s suggestion.”

Q. “Kikuyu natives?”

A. “Yes.”

“(Regarding Eastleigh) I do not remember anyone being there at all. It was all black cotton soil. There was a small settlement now known as Pangani, which Government are now trying to remove. Natives of all kinds were there.”

Q. “The plot which you had at Karura, did you see any native occupation round you?”

A. “Very little; just odd ones here and there.”

“(Regarding the country from Nairobi to Ruiru, flanking the Fort Hall Road, 1904-05): That part of the country seemed to be very empty in those days. That part was given out to European settlers, mainly because it was bare then . . .”

APPENDIX I—*contd.*

Q. "You do not recollect any signs of native occupation near the Showground?"

A. "I do not remember seeing any. If there had been, I should have seen them. . . . It was a sort of buffer area between Masai and Kikuyu."

Evidence of Father Bernhard (*Evidence*, p. 721):—

"(Regarding 1901) A man, Gathuku wa Chege, claims one mile by two miles of land on St. Austin's Mission Estate. . . . Gathuku occupied hardly three acres of that land, huts and cultivated land together. But even to that he had only the Chief Kinanjui's permission to use it, as it was Kinanjui's, and the chief gave it to the mission. . . ."

"The old aerodrome (Dagoretti and Ngong Roads) is claimed by the Kikuyu and some individuals to be theirs, whereas all know that it was not occupied by Kikuyu, and was in Masai area." (The witness goes on to explain that the Masai who were living there when he came were refugees, and that the nearest Kikuyu were on Mr. Thomson's estate.)

"Kinanjui, then the chief, and a blood-brother of the Masai, was acknowledged by the Masai and Kikuyu as being the chief controller of land on the south side of the Nairobi River. . . ."

Q. "Was there no occupation on the mission land?"

A. "Only the chief, Kanathego, Njuguna and his people."

Q. "Did your land consist entirely of forest?"

A. "Yes. Just a few huts dotted here and there. There were very few *shambas* and a few cut trees."

(*Note*.—The impression conveyed by this evidence is that Kinanjui obtained this land as being an acknowledged chief and also as having established friendly relations and blood-brotherhood with the Masai, and that other Kikuyu were only there by his permission; in that case, the beginning of this settlement could not well be earlier than 1895.)

Evidence of Mr. McQueen (*Evidence*, pp. 716-718):—

"I arrived in 1896. . . . I remained at Fort Smith for some time, and returned to Nairobi in March, 1898. . . . We first located the Kikuyu round where the Scott Laboratory is now. . . . There were no Kikuyu natives near the French Mission nor along by Kilimanj—all Masai.

"In 1898, I built my house, by the Cemetery. It was the first European house in Nairobi. I had to pay Sh. 5 a month for my plot. One Masai *manyatta* was to the right and one to the left. . . . I was on the plains, but right up against the forest.

"In 1897, I went out with Mr. Hall, of Fort Smith, on an elephant hunt. I should say we were about eight miles north of Fort Smith. . . . There were plenty of Kikuyu there."

Q. "Did you notice any difference in where the Kikuyu were from the time in October, 1896, when you first arrived at Fort Smith, and when you came from Uganda in 1902?"

A. "Rather. They were stretching down that way, in spite of having lost large numbers from the famine."

APPENDIX I—*contd.*

Q. "Were there more in 1902 than 1896?"

A. "Yes; spreading towards Nairobi and Ngong.

Evidence of Mr. Sandbach Baker (*Evidence*, p. 653):—

Q. "Were the Kikuyu at Government House?"

A. "That was getting on to the boundary. They were down below Government House, but there were Masai to the north of the Ngong River and to the south of Nairobi. The Kikuyu were certainly on both sides of the Nairobi River, i.e. above Nairobi, because the French Mission were the first people to start round there, and they were working in the Kikuyu country. That is from memory."

Evidence of Canon Leakey (regarding the land round the site of the Church Missionary Society Mission at Kabete, 1902) (*Evidence*, p. 847):—

"The first thing my predecessor, Dr. MacGregor, did when I arrived was to show me the boundaries . . . We bought only from the *mbari* of Muthemba. . . . The whole land in the neighbourhood was parcelled up into *mbaris*."

(The witness goes on to state that two miles east of the mission land at Kabete was the boundary of Mr. Cooper's land, and that natives named Kariuki wa Muti and Mingu had land on or near the site of the Government farm. He regarded the land as having been held in clan ownership.)

Evidence of Dr. H. A. Boedeker (regarding 1896) (*Evidence*, p. 695):—

"We marched in a straight line to the Nairobi River and camped at the present causeway where the Limuru Road begins, which was then dense forest, which began at that point. After leaving the last camp, there was no sign of cultivation until we reached the place where the Scott Laboratory now stands. We saw a very few Kikuyu huts on both sides of the road, but on approaching Fort Smith the huts began to increase in numbers and there were more signs of cultivation. There was a good deal of forest on both sides of the road; not continuous, but in patches. Where the Kabete Veterinary Laboratory now is was all open grazing land, which was being grazed by Kikuyu people round there."

Evidence of Omar Mohamed, a Bajun (*Evidence*, p. 1865):—

"When we came up from Mombasa we knew Fort Smith. The Masai had not reached Fort Smith. Nairobi in the old days was Masai country up to Ngong. Near to Fort Smith we found Kikuyu. . . . There were a lot of *shambas* at Fort Smith."

Summary of points in a letter written by Mrs. Hinde, widow of Mr. S. L. Hinde, at one time a Provincial Commissioner:—

"In 1898, the forest extended, and was actual forest, to the Parklands side of the Nairobi River; there were also a considerable number of trees on the Nairobi River side. The first stretch of the road to Fort Smith was through part of this forest, and there was also forest between Fort Smith and Ngong, sparse on the Fort Smith side but fairly dense from Dagoretti on and between Ngong and Nairobi. The forest was irregular in patches, and it had always been the right of the Masai to graze their cattle along the edges of the forest during the dry weather when there was not sufficient grass on the plains.

APPENDIX I—*contd.*

Since the Kikuyu had, in those days, their villages and their cultivation in the forest (for fear of the Masai raids), clashes during the drought were frequent. These were stopped, and the position was regulated by the partition of the land and the definite boundaries fixed. The Masai retained their right over certain stretches of the forest—the outer fringe. The boundary was very uneven, but it was accepted by Lenana for the Masai and by Kinanjui for the Kikuyu, and it was honourably kept.

“Ngong in 1898 was undisputed Masai territory; the Wanderobo were not hunting there, as the game was easily approached, which was never the case in regions where the Wanderobo were hunting.”

SECTION H.

ON THE EASTERN FRONTIER.

(Referring to Sections 163-214 of the Report.)

Evidence of Mr. F. W. Isaac (regarding 1892) (*Evidence*):—

“There was nothing at all on the Athi Plains. They had all been wiped out with smallpox. It was absolutely bare. There was nothing but game.”

Extract from letter from District Commissioner, Kiambu, No. 346/21/13 of April, 1913, to the District Commissioner, Fort Hall:—

“... Some questions have arisen as to the date on which the Masai evacuated this part of the Kikuyu Reserve, and it has been suggested that Kibalabala might possibly be able to throw some light on this question. Could you very kindly obtain from him the approximate date on which the Masai used the salt-lick which is close to this station; whether he can remember the Masai herding their cattle there; or how it was they gave it up. Any information on this question I shall be grateful for.”

Letter from District Commissioner, Embu, to Provincial Commissioner, Kikuyu Province, dated 30th April, 1913:—

“Kibalabala states that the salt-lick near Kiambu was never used by the Masai, except possibly when they raided the Kikuyu. He says it was a Kikuyu salt-lick.”

Evidence of Abdulla Ambari (Swahili) (*Evidence*, p. 1865):—

“I helped build Fort Hall with Mr. Hall. . . . Going from Nairobi to Fort Hall, Ruiru was the first halt. Between Nairobi and Ruiru I did not see any people or *shambas* on the right; on the left-hand side, I saw *shambas* up on the hills. Ndarugu was the second day's halt. On the left again we saw *shambas* up on the hills; nothing on the right. The third day's halt was Punda M'ilia. I only saw people on the left-hand side up on the hills. On the fourth day we arrived at Fort Hall. On that day we saw people and *shambas* on both sides of the road. We crossed the Maragua. Between Punda M'ilia and the Maragua there were people. There were more on the left-hand side; on the right there were a few. It was before we reached Maragua.”

Evidence of Omar Mohamed (*Evidence*, p. 1865):—

“In the old days we crossed the country where Kiambu Boma is now. We saw Kikuyu there. There were small *shambas*—not very many of them. . . . At Kiambu it was heavy forest; the big trees had not been cut down.”

APPENDIX I—*contd.*

Evidence of Mr. C. R. W. Lane (*Evidence*, pp. 401, 402):—

“Leaving my camp standing, I left at night and went down the valleys to what is now known as Kiambu. I took the natives by surprise, and found their cattle there. Those lands in the vicinity of Kiambu were grazed over by a few head of cattle, sheep and goats belonging to the Kikuyu. At that time the Kikuyu had very few cattle.”

From the evidence of Abdulla bin Omari (*Evidence*, p. 243):—

“Returning from Fort Hall, we followed more or less the present track, only we went round by Kilimaboga (Donyo Sabuk). Karura was said by the Masai to be on their boundary with the Kikuyu. Muthaiga is Masai country. Actually, Mr. Jackson camped at Mepiran, which is near the old King’s African Rifles lines beside the Power Station—about half a mile from Muthaiga. It was forest country; inside were the Kikuyu, and outside was entirely controlled by the Masai.”

Evidence of Mr. C. B. Hausberg (*Evidence*, p. 391):—

“(Regarding 1899; on *safari* from Nairobi.) We followed the plain. The present road follows the Railway to Fort Hall, but we followed the plains along the base of the foothills—in a more or less straight line from Nairobi, marching east of the present Thika Station—“The chief signs we saw of natives there were skulls and bones lying on the plain, the result of a scrap either between Masai and Wakamba or between the Masai and Kikuyu—probably the latter, I should think. From Thika we marched practically northwards for about 15 miles to Punda Milia.”

Q. “What was the condition with regard to occupation of the natives there?”

A. “There was none at all.”

Evidence of Mr. John Boyes (regarding 1901) (*Evidence*, p. 725):—

“The donkeys were missing . . . We went all round Parklands, looking for them, and saw no one at all—no Masai, Kikuyu, or any other natives. . . .”

Q. “Were the cattle allowed to graze in the Masai country?”

A. “No; they would only graze on the edge of the country.”

Evidence of Mr. R. Weekes (regarding 1903) (*Evidence*):—

“I remember trekking from Nairobi to Fort Hall. I saw no natives at all. . . . There was little (cultivation) as far as I can remember. I would not say there was any on this side of the Maragua River.”

Evidence of Lord Phillimore (regarding 1904) (*Evidence*, p. 414):—

“From the time I left Nairobi until I reached the Thika River, where there was at that time a rope and cradle crossing, I cannot remember having seen any evidence of native cultivation or native herds, and uncommonly few natives on the track, if any.”

(The witness remembered that at one point he “must have been able to see a breadth of quite ten miles of country”.)

Evidence of Lord Cranworth (regarding 1906) (*Evidence*, p. 479):—

“On the way from Nairobi to Fort Hall there was no cultivation on the route at all, and I do not think there was a single native. I never saw one.”

APPENDIX I—*contd.*

Evidence of Rev. Dr. J. W. Arthur, O.B.E. (regarding 1908) (*Evidence*, p. 460):—

“ My memory is that there was not a great deal of cultivation, especially between Thika and Fort Hall.”

Q. “ If a witness came before this Commission and said that in 1904 he went from Nairobi to Fort Hall and saw practically no signs of any natives until he got to the Maragua, would you think that was wrong? ”

A. “ I do not think it is an over-wide statement.”

Extract from Memorandum by Loyal Kikuyu Patriots of South Nyeri (*Evidence*, p. 174):—

“ In 1907 and 1908, the Kikuyu cattle were grazed on the following plains: Below Kiambu, Kamiti, Thika, Thuthia, and onward.”

Extract from Memorandum by the Fort Hall Local Native Council (*Evidence*, p. 117):—

“ The boundaries were: From the junction of Tana and Thika Rivers along the banks of the Thika River to a place called Gathithiuni, thence to Mururi-ini, thence to the junction of the Thika and Kabuko Rivers, thence to the junction of the Thika and Chania Rivers, thence up-stream on the Chania River to the intersection of the Fort Hall Reserve. From the junction of the Tana and Thika Rivers with the Tana River, thence following the Tana River up-stream to the South Nyeri Reserve boundary.”

SECTION I.

GENERAL EVIDENCE FROM THE KIKUYU ON THE QUESTION OF THE BOUNDARIES.

The following maps illustrative of the boundaries as claimed have been reproduced opposite pages in the evidence as stated below:—

1. By Senior Chief Koinange, page 380.
2. By Mr. Johnstone Kenyatta, page 434.
3. By the Central Kikuyu Association (Mr. Harry Thuku), page 218.

General descriptions of the boundaries have also been offered by:—

Senior Chief Wambugo, *Evidence*, p. 83.

Senior Chief Koinange, *Evidence*, p. 167.

Memorandum by Nyeri Local Native Council, *Evidence*, p. 91.

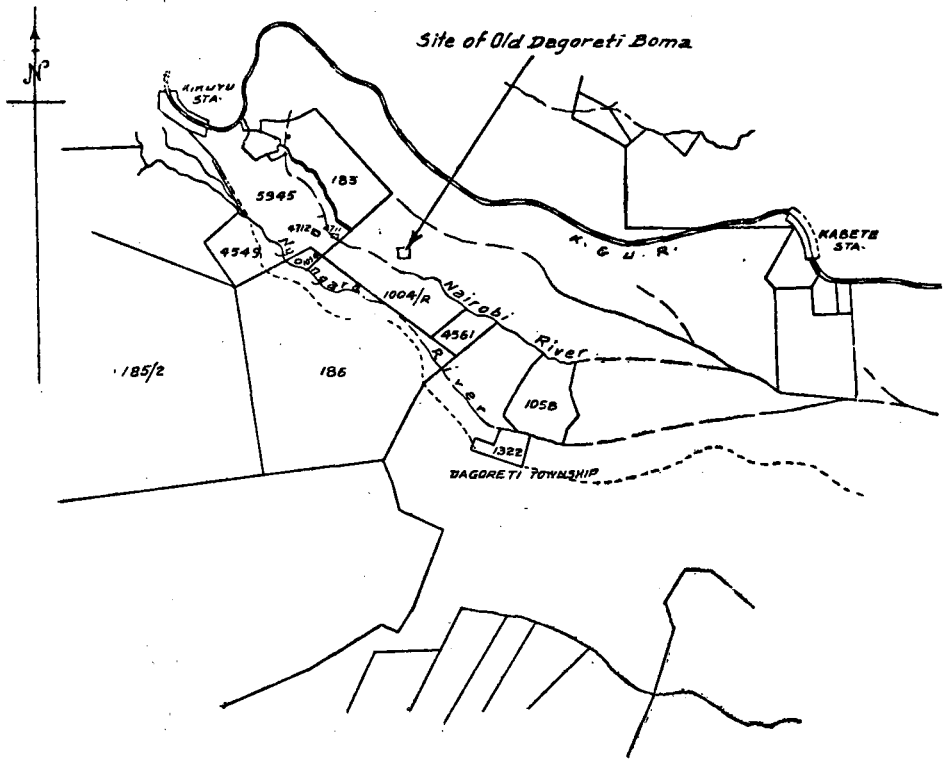
Memorandum by Progressive Kikuyu Party, *Evidence*, p. 97.

Memorandum by Fort Hall Local Native Council, *Evidence*, p. 117.

Memorandum by Loyal Kikuyu Patriots, South Nyeri, *Evidence*, p. 174.

Memorandum by Kikuyu Central Association, *Evidence*, p. 192.

(*Note.*—The general descriptions do not lend themselves to quotation in the form of extracts.)



APPENDIX II

Extracts from the Crown Lands Ordinances, 1902 and 1915

From the 1902 Ordinance.

“30. In all dealings with Crown land regard shall be had to the rights and requirements of the natives, and in particular the Commissioner shall not sell or lease any land in the actual occupation of the natives.

“31. (1) The Commissioner may grant leases of areas of land containing native villages or settlements without specially excluding such villages or settlements, but land in the actual occupation of natives at the date of the lease shall, so long as it is actually occupied by them, be deemed to be excluded from the lease.

“(2) The Commissioner may allot for the purpose of native settlements or villages portions of the land so leased, and when and so long as these portions are so occupied, they shall be deemed to be excluded from the lease.

“(3) Any land within an area leased which has been in the occupation of natives shall, on ceasing to be so occupied, pass to the lessees.

“(4) Disputes between lessees of land and natives occupying land within or near the area leased shall be referred to the Collector of the district.

“(5) Claims by lessees for reduction of rent on account of the diminution of the amount of land leased, or for other compensation on account of the exercise of the powers conferred by this section, and claims by the Commissioner for an increase of rent on account of the vacating of land formerly occupied by natives, shall be referred to the arbitration of a Judge of the High Court, under section 525 of the Indian Code of Civil Procedure.

“(6) Any doubts that may arise as to whether any land is or is not included in any native settlement or village, or in lands allotted for that purpose, shall be decided by the Collector of the district.

“(7) Either the lessee of the land or the natives, if dissatisfied with the decision of the Collector, may appeal to the Sub-Commissioner of the province, whose decision shall be final.”

From the 1905 Ordinance.

“86. (1) The Governor may grant leases or areas of land containing native villages or settlements without specially excluding such villages or settlements, but land in the actual occupation of natives at the date of the lease shall, so long as it is actually occupied by them, be deemed to be excluded from the lease.

“(2) Any land within an area leased which has been in the occupation of natives shall, on ceasing to be occupied, pass to the lessee:

APPENDIX II—*contd.*

Provided that the Senior Commissioner for the time being of the province in which such land is situated shall certify that the natives have ceased to occupy such land of their own will and accord without any duress on the part of the lessee.

“(3) Any doubts that may arise as to whether any land is or is not included in any native settlement or village, or in lands allotted for that purpose shall be decided by the Senior Commissioner.

“(4) Either the lessee of the land or the natives, if dissatisfied with the decision of the Senior Commissioner, may appeal to the Governor.”

APPENDIX III

The Extent of Land now in Occupation by Missions, which has been "Taken from Kikuyu."

(The reference is to section 541 of the Report.)

The following Mission Stations fall wholly or partly within the area which we have found to have been Kikuyu Territory, but have been excluded from the native reserve:—

1. <i>Church of Scotland Mission.</i>	<i>Acres</i>
Of the 3,000 acres of the Church of Scotland Mission Station at Kikuyu, the portion which falls within the area found to have been Kikuyu territory is 2,000 acres	2,000
2. <i>Consolata Catholic Mission.</i>	
Of the Consolata Catholic Mission Station at Nyeri the portion which falls within the area found to have been Kikuyu territory is 2,227 acres, of the Consolata Catholic Mission Station at Limuru the whole (644 acres) falls within the area found to have been Kikuyu territory	2,871
3. <i>The White Sisters Mission.</i>	
Of the White Sisters Mission 5,150 acres fall within the area which we have found to have been Kikuyu territory, but is a part which we have found to have been, as to half of it, "lost by abandonment." The amount fully within the area "taken from the Kikuyu" is therefore 2,575 acres	2,575
4. <i>The White Sisters (St. Austin's Mission).</i>	
Of the St. Austin's Mission Station the part which falls within the area which we have found to have been Kikuyu territory is 374 acres	374
5. <i>The Church Missionary Society.</i>	
The Church Missionary Society's Station at Kabete falls wholly within the area which we have found to be Kikuyu territory	19
6. <i>Mission Islands in the Reserve.</i>	
(Vide section 223 (a), Item 11).	
There are several mission stations held on lease in the reserve, but these are not excluded from the reserve and are therefore not counted in this total. Only areas held on freehold are counted. They comprise L.O. 1150 (30 acres) and L.O. 1067 (32 acres), and other small areas making up the total of approximately 100 acres or 0.16 square miles	100
Total	7,939

APPENDIX IV

VALUATION OF AREAS

(Referring to Sections 223 and 224 of the Report.)

Concerning Items 1 and 2 of Section 223 (b).

The part of Mwea which ranks as given by Government is 174.45 square miles. We find that it is of small use for agriculture, but is passable grazing land, and we consider that, after allowing for its somewhat remote position, we can class $4\frac{1}{2}$ acres of it as being equal to 1 acre of good agricultural land of the Kiambu average. It therefore provides a set-off equivalent to 38.76 square miles of such agricultural land.

Note.—The evidence as to the value to be attached to this land is conflicting, and we have found difficulty in coming to a valuation. After considering all the circumstances, Mr. Hemsted would have set the proportion as five acres to one, and Captain Wilson (who has made a personal inspection of part of it) would put it at four to one. We have agreed to value it at $4\frac{1}{2}$ acres to 1, which the Chairman regards as a fair assessment. He is satisfied, from the evidence of Captain Grant, who has stated that the natives consider the land to be better than any land except one part, in Ukamba, together with the evidence of Mr. La Fontaine and Mr. Leckie that, in view of the fact that the Machakos district already has a population of 125 to the square mile, the area is capable of supporting a considerably larger population than that which Mr. Fazan in his evidence has attributed to it.

Concerning Item 3 of Section 223 (b).

We find that Ndeiya should be regarded as falling into four parts:—

- (a) Twelve square miles of agricultural land.
- (b) Twenty-four square miles of good to average grazing land, some of which is arable.
- (c) Eighteen square miles of second-class grazing land, but of no agricultural value.
- (d) Twenty square miles suitable for goat pasture, but indifferent for cattle.

In regard to (a).—We consider the twelve square miles of agricultural land as in other respects fit to be set off, acre for acre, against the land lost, but taking into account the difficulties about water, which have been overcome by bore-holes, and the expense of upkeep of these bore-holes, we consider that a deduction of one square mile is equitable, making the set-off value eleven square miles.

In regard to (b).—We consider a set-off of three acres of the land against one to be equitable. For purposes of set-off this area then becomes eight square miles.

In regard to (c).—We consider a set-off of eight acres of the land against one to be equitable. For purposes of set-off this land counts as 2.25 square miles.

APPENDIX IV—*contd.*

In regard to (d).—We consider a set-off of twelve acres to one to be equitable. This land therefore counts as 1.67 square miles.

The total value of Ndeiya for set-off purposes is therefore: $11 + 8 + 2.25 + 1.67 = 22.92$ square miles.

In making the above assessment we have followed Mr. S. F. Deck, Provincial Commissioner (*vide* Evidence, pp. 938-939). It is remarkable that another and independent valuation made for us agrees with Mr. Deck's total to within 0.04 of a square mile.

In regard to items 4, 5, and 6, we find that they may be reasonably set off acre for acre, since they are good agricultural land. Their total area is: 17.29 square miles.

The total set-off on the basis becomes:—

	<i>Square Miles.</i>
Mwea	38.76
Ndeiya	22.92
Items 4 to 6	17.29
	78.97

Say, 79 square miles.

This figure has to be set off against 109.50 square miles "taken by Government", and the balance of loss to the Kikuyu is thus rendered $30\frac{1}{2}$ square miles, or 19,520 acres.

APPENDIX V

Description of Blocks Recommended to be Added to the
Kikuyu Native Reserve as Native Lands Class A.*(Vide Section 466 of the Report).*

NYERI DISTRICT.

<i>Locality</i>	<i>Description</i>
1.—Nyeri Hill	As surveyed : 770 acres.
2.—Mount Kenya Forest Reserve: The tongue of forest near Chief Muriago's village.	Being the area of Forest Reserve which lies west and south west of the track which runs from the foot-bridge on the Little Hombe River to the foot-bridge on the Muthira River and thence to the Forest Reserve Boundary as shown on Sheet "J" (Mt. Kenya Forest Reserve, October, 1922) : 1,125 acres.
3.—Mount Kenya Forest Reserve: Between Sagana River and Kagati Plain.	An area between the Sagana River and the Kagati Plain marked "bush and scattered trees and grass" on Sheet "J" (Mount Kenya Forest Reserve, Oct., 1922), and extending northwards till it encloses an area of approximately 500 acres, exclusive of the steep slope down to the Sagana River, which is recommended to remain in the forest reserve.
4.—Mount Kenya Forest Reserve: The Narkothi Hill Area.	An area in the Mt. Kenya Forest Reserve between Narkothi Hill and Castle Forest Station, bounded on the south by the native reserve and on the north by a line to be cut and beacons so as to enclose an area of approximately 2,000 acres.
5.—Aberdares: The Gikira River area.	An area approximately rectangular, comprising 500 acres, between beacons 196 and 197, and adjoining the reserve.
6.—In the Aberdares: Four areas in the Tusu Division.	<p>(i) An area of approximately 350 acres south of the line adjoining beacons 179 and 178 in the Tusu District of the Aberdare Forest Reserve.</p> <p>(ii) An area of approximately 160 acres between beacons 183 and 185.</p> <p>(iii) An area of approximately 400 acres between beacons 186 and 187.</p> <p>(iv) An area of approximately 850 acres between beacons 189 and 196.</p> <p>The Commissioners make no recommendations as to the precise delimitation of the areas.</p>

APPENDIX V—*contd.*

<i>Locality</i>	<i>Description</i>
7.—Part of L.O. 325/R, Saba Saba, Limited.	1,000 acres of L.O. 325, south of L.O. 326; boundaries as may be arranged. The Commissioners make no recommendations as to the precise delimitation.
8.—L.O. 1957 and 1958 near Saba Saba, Limited.	As surveyed: 893 acres.
9.—L.O. 4961	As surveyed: 669 acres.
10.—In the Aberdares: The Bathi River area.	As shown on the map illustrating the Tigoni and Kithirioni Exchange proposals at p. 24 of the printed Evidence: 1,556 acres.
11. In the Mugaga Forest area	(i) An area of approximately 1,440 acres in the north west of the Mugaga Forest Reserve, bounded on the north and west by the native reserve in the approximate position shown on the map following s. 542. (ii) An area of approximately 2,460 acres in the south-west of the Mugaga Forest Reserve, bounded on the west and south by the native reserve; the position being approximately as shown on the map following s. 542.
12.—In the Ngubi Forest area	All the Ngubi Forest Reserve which lies south of a line starting from the point where the Limuru-Naivasha main road enters the forest reserve, and thence running in a general westerly direction south of the plantations to an unnamed hill at the south-western corner of the cedar plantations and thence north-westerly to meet the reserve boundary of the north-west corner of Forest Compartment 74: 800 acres.
13.—In the Ngarariga area ..	A corridor from the Ngarariga Native Reserve to the main native reserve from the south-east end and running south-east, and comprising 200 acres.
14.—In the Dagoretti Forest area.	Two areas known as Riu in the north-western part of the Dagoretti Forest Reserve, adjoining the Ndenja location of the native reserve, and a corridor of approximately 100 acres joining them to the land agreed to be surrendered to the native reserve by the Church of Scotland Mission: Altogether 670 acres.
15.—Part of L.O. 185 and 186: the Church of S. Mission.	An area of 2,000 acres, approximately as shown on the plan produced by the Mission in evidence; the precise position to be as may be arranged between Government and the Mission.
16.—L.O. 295/2/R	Eighty acres of the White Sisters' land. As surveyed.

APPENDIX V—*contd.*

<i>Locality</i>	<i>Description</i>
17.—Part of L.O. 134/4 ..	The part which lies eastward of a line joining the south-eastern corner of L.O. 5876 with the north-eastern corner of L.O. 134/5: 250 acres.
18.—Part of the British East Africa Wattle Estate in the Dagoretti area.	As shown on the map at page 20 of the printed Evidence: 78 acres.
19.—L.O. 1322 Dagoretti ..	Dagoretti Township as surveyed: 50 acres.

The above areas comprise 18,201 acres, and there remains a balance of 2,199 acres to be made up as may be convenient, *vide* s. 480.

The boundaries of the above areas have, in several cases, been left vague, since the Commissioners wish to indicate the general locality but to leave the boundaries entirely to the discretion of Government without any special recommendation.

APPENDIX VI

A Short Description of the Githaka System

(Being a Series of Extracts from the Report of the 1929 Committee on Native Land Tenure in Kikuyu Province.)

I.—General Description of the Githaka System.

"The Githaka System in its integrity is simply the methods of clan and patriarchal control expressing themselves in relation to the land." (Chapter 3, para. 3.)

II.—The Muramati.

"The immediate control lies with a responsible person living on the *githaka*, called the *muramati* (administrator), who is usually the eldest son of the senior branch of the *mbari* resident there. . . . The *muramati* is very chary of interference with the shares of the various occupant families, but it is admitted that, if one family were to diminish and another to increase abnormally, in the last resort, after consultation with the group and the members affected, he has powers of readjustment." (Chapter 1, paras. 19-23.)

"It is stated that, when the tribal system is intact, the *aramati* hold an important and special position in providing the people with their natural leaders and rulers, and that their disappearance, which would be the natural result of subdivision, would aggravate the problem which is created by the fact that 'the young men as a class have ceased to respect their elders.'" (Chapter 3, para. 31.)

III.—General Efficiency of the Githaka System.

It is represented as being the greatest possible tribute to the Githaka System that "there are several places in the Nyeri and Fort Hall districts where one may stand and see more than a thousand acres at a stretch with scarcely an acre uncultivated, and the disputes which occur, though complicated and troublesome, are surprisingly few." (Chapter 1, para. 22.)

Note.—On the other hand, evidence given to the Commission indicates that disputes are far more frequent than they used to be, and that far too much time and money is spent in litigation.

IV.—Disintegrating Tendencies in Kiambu District.

"The Kikuyu of Kiambu district have definitely departed from normal Kikuyu custom and admit the sale outright either of a whole *githaka* or a part of a *githaka*. If the present tendencies were to continue unchecked for another generation, it may be conjectured that in this area the *githaka* would by that time have given place to the small holding as the unit of land tenure. . . . Subdivision is in full swing, and though we have not yet got to the individual family (man, wife, and children), and to the small holding . . . definite progress has been made in that direction." (Chapter 1, paras. 25, 29.)

Note.—In all districts of the province, except Kiambu, this disintegration of *ithaka* is prevented by the device of redeemability (Chapter 1, para. 23).

APPENDIX VI—*contd.*V.—*The Position of Tenants.*

“ Tenants (*ahoi*) have no security in theory and may be evicted at will. Hitherto, this has been tempered in practice by the basis of friendship on which the whole transaction rests. As the commercial spirit grows, the basis of friendship and quasi-feudal dependence disappears, and the position of tenants becomes precarious.”

VI.—*Native Aspirations.*

“ Native opinion appears to be united in considering that the cardinal point is that *ithaka* shall be recognized:—

“ (a) That owning *mbari* shall be secure in the possession of their land both for the present and for the future.

“ (b) That disputes arising shall be settled with due regard for and due knowledge of native law and custom.

“ It is, however, not impossible that in the Kiambu area some of the more sophisticated natives join with these objects another which is not on all-fours with them, namely, the hope that registration will tend to confirm the ‘owner’ in the absolute proprietorship of land and facilitate transactions of buying and selling, and they probably have in view the development of private ownership with full title.” (Chapter 1, para. 35.)

VII.—*Individualism and the Githaka System.*

“ When we observe an evolution in progress which is tending more and more in the direction of individual tenure and away from the controls of tribalism, we shall conclude that, although the process may mark an advance, it is not a ratification of the *Githaka* System, but a departure from it.” (Chapter 3, para. 3.)

VIII.—*Causes of Evolution towards Individualism.*

“ The principal causes of the evolution towards individualism are stated to be: (a) The fixation of boundaries; (b) The growth of population; (c) Money; and (d) Permanent crops.” (Chapter 3, paras. 4-8.)

IX.—*Modern Requirements to which the Githaka System is Ill-adapted.*

A formidable list of modern requirements is given to which the *Githaka* System is stated to be unsuited. It comprises: Townships, trading centres, permanent buildings, requirements of social service, the proper use of grazing, proper security for tenants, and the development of small holdings. It is not suggested in the Report that these things cannot exist under the *Githaka* System, but it is stated that difficulties arise in reconciling the *Githaka* System with them. (Chapter 3, para. 9 *et seq.*)

APPENDIX VII

The Method of Tenure for School and Church Plots in the Kikuyu Reserve

(Note.—This Appendix has been written at the request of the Commissioners by Mr. Fazan. Vide section 1543 of the Report.)

Plots for Mission Schools and Churches.

The Director of Education has pointed out in his evidence that the initial impetus in starting a school generally comes from the natives. Somebody builds a building generally on his own *githaka*, and invites a mission to take it over as a school. In these initial stages the mission is prepared to accept the position that it has no rights in the land, and that the local body of its African adherents has only such rights as native law and custom allow. In process of time complications may arise, and have in fact arisen in many cases. The *githaka* holder may die, and his successor may be less well-disposed to the mission. Or some question may arise as to the inheritance of the property, or there may be a dispute about church doctrine. In any case a time comes when some greater security of tenure is felt to be required.

The first point of disagreement now arises. What should next be done? The administrative officers of the province favour the proposal, in respect of a school as apart from a church, that there should be two alternative courses open to the Native Council:—

- (i) To set apart a plot, on which the Council would build and own the buildings, and the mission would only have a teacher's contract.
- (ii) To set apart a plot and then lease it to the mission or to a corporate body of its adherents for the purpose of a school to be conducted by the mission.

In either case the work of compensating the right-holder would devolve on the Council, but in the second case it would reimburse itself from rent.

The Director of Education expressed the opinion that the first of these alternatives, if accepted, would tend to commit Government to a policy of State education, a consideration which must not be allowed to depend on a land issue. Mr. Dougall, Educational Adviser to Protestant Missions, agreed with him. Mr. Calderwood, representing the Church of Scotland Mission, agreed as to the tendency but recommended the course in spite of it. (Evidence, pp. 2994.)

It is agreed on all hands that there is a serious objection to the method by which the Native Council builds and owns the buildings, because the school may also be used as a church. The proposal of Mr. Calderwood, speaking as one of the delegates of the Kenya Missionary Council, was that in such a case a corner of the plot should be leased or set apart on special terms to the African adherents of the mission as a church plot while the remainder would be set apart for

APPENDIX VII—*contd.*

a school. But this course would heavily compromise the Council if ever it should desire to make a change in its teaching arrangements and give the contract to another institution.

In regard to the method of lease, to which the Director of Education sees no objection so far as his Department is concerned, the views of the Missionary Council are that, while at present missions are not likely to avail themselves of it on account of the native opposition to be expected, it might be found that their local native adherents, after forming themselves into a corporate body with a recognized method of succession, could obtain a lease without incurring odium. I understand that in such case there would be no objection if the part of the plot which is leased as a school and the part leased as a church should carry separate conditions, a course which has been recommended by a resolution of the Kiambu School Area Committee.

The delegates of the Kenya Missionary Council have suggested that something simpler than a lease should be devised, and that at all events there should be no need for survey. Moreover they point out that the right-holder would often prefer to receive no compensation, and they suggest that the full economic rental as provided in section 10 of the ordinance should not be required.

A system exists in the Nyeri District by which the Native Council has set aside plots after agreement with the right-holders, who in most cases have agreed to forgo any compensation. The plot has then been allocated to a mission as a combined school and church plot, and a resolution of the council exists declaring that, if after three years' trial the school is held to be fulfilling a useful function, the right-holder should cease to have any power to evict. This system is said by the District Commissioner to be working well.

In regard to the Kiambu District, yet another method has been suggested. Mr. Calderwood proposes that, since outright sale is admitted by native custom in that district, the native adherents of a mission in any locality should be able to buy land for school purposes without approaching the Local Native Council. He agreed that, if the consent of the Provincial Commissioner should be made necessary before a sale under native custom is recognized, it would probably be a useful administrative practice that such consent should not be given unless the applicants had enrolled themselves as a corporate body with a recognized method of succession.

I have been asked to give my own conclusions, and shall now do so. In reaching them I have been guided not only by the evidence and memoranda, but also by records contained in the minutes of Local Native Council meetings and School Area Committee meetings.

The Initial Stage.—I agree with the general opinion that with very small schools the buildings should be held to belong to the native adherents and that no security is required beyond what native custom affords to a tenant.

APPENDIX VII—*contd.*

The Stage when more Security is required.—Altogether five methods have been proposed:—

(i) Setting the plot apart, the Native Council arranging to compensate the right-holder, generally by an annual compensation resembling a rent, whereafter the Council would build such buildings as are required, and give the teaching contract to a mission.

I agree with the objection that this method, if made general, would very probably lead to State education, and therefore do not think it satisfactory except perhaps in a few particular instances. I also agree that practical complications would arise, especially in regard to churches. The method therefore is not generally to be recommended.

(ii) Setting the plot apart in the same way as above, but with the difference that the Council does not build the buildings itself, but permits a mission or the local adherents of the mission to build them, and the right-holder cannot evict after the first three years.

If nothing is paid to the right-holder, it is obvious that the arrangement can only be made with his consent. If he requires payment, especially in the form of annual compensation, which would have to be recovered from the mission, the method is practically indistinguishable from lease.

So long as the right-holders are content and the method suits the requirements of the district (Nyeri) where it is found, there is much to be said for it. But it does not appear by what right the Council can declare that the right-holder may not evict after three years, especially if he has received no compensation. The method appears likely to break down as soon as it is seriously challenged.

(iii) Setting the plot apart and then leasing it to a mission or to a corporate body of mission adherents. The Local Native Council would compensate the right-holder by an initial "sweetener" and annual compensation, and would reimburse itself from the rents.

Apart from the native objections this method appears to be perfectly sound. The Native Council is practically only the go-between or guarantor between the lessee and the right-holder.

A simple method of marking-out could easily be devised, and there is no need for survey. I see no reason why the right-holder should be required to accept anything less in compensation than the full economic rental of the land, but, if he wishes to be generous, he is at liberty to return it.

I do not think that native prejudices should be allowed to stand in the way. A lease is perfectly fair and is the method of tenure contemplated in the ordinance. While some missions may desire to avoid unpopularity by arranging for their native adherents rather than the governing body to apply for the lease, there are probably other missions which would not agree. No principle of land tenure is involved in the issue, and I see no reason why the same method of lease should not be applied uniformly whether the applicants are white or black.

APPENDIX VII—*contd.*

(iv) The same as No. 3 above, but distinguishing between schools and churches, the lease being in two sections carrying different conditions.

The proposal is supported by a resolution of the Kiambu School Area Committee and appears to be generally sound. It is interesting to note that a similar provision was made by the Government of the Cape Province of the Union of South Africa in 1909:—

“In 1909 the Cape Government decided that applications for joint church and school purposes would not be considered, but that sites would be approved for the single purpose—church or school—only” (extract from a Government memorandum entitled “Occupation of Church, School and Mission Sites in Native Areas”; 1918).

(v) The proposal that in the Kiambu District the native adherents of a mission should be able to form themselves into a corporate body and buy land for a church or a school, subject to the approval of the Provincial Commissioner.

I see no reason why the proposal should not be considered, but I find no record of any discussion on the point, and therefore prefer to give no opinion. As the sum total of the whole matter, I consider that lease is the proper method, and should be applied wherever possible, and native opinion should be educated to that end. Meanwhile other expedients may be justified upon occasion.

I have dealt with this question at some length because of the difficulties which have been experienced.

APPENDIX VIII

THE MASAI AGREEMENTS

(Referring to Sections 645 and 650 of the Report.)

AGREEMENT, DATED 10TH AUGUST, 1904, BETWEEN HIS MAJESTY'S COMMISSIONER FOR THE EAST AFRICA PROTECTORATE AND THE CHIEFS OF THE MASAI TRIBE.

We, the undersigned, being the Lybon Chiefs (representatives) of the existing clans and sections of the Masai tribes in the East Africa Protectorate, having this 9th day of August, 1904, met Sir Donald Stewart, His Majesty's Commissioner for the East Africa Protectorate and discussed fully the question of a land settlement scheme for the Masai, have of our own free will, decided that it is for our best interests to remove our people, flocks and herds into definite reservations away from the railway line, and away from any land that may be thrown open to European settlement.

We have, after having already discussed the matter with Mr. Hobley at Naivasha and Mr. Ainsworth at Nairobi, given this matter every consideration, and we recognize that the Government, in taking up this question, are taking into consideration our best interests.

Now we, being fully satisfied that the proposals for our removal to definite and final reserves are for the undoubted good of our race, have agreed as follows:—

That the Elburgu, Gekunuki, Loita, Damat and Laitutok sections shall remove absolutely to Laikipia, and the boundaries of the settlement shall be, approximately, as follows:—

On the north, by the Loroghi Mountains.

On the west, by the Laikipia (Ndoror) Escarpment.

On the south, by the Lesuswa or Nyam and Guaso Narok Rivers.

On the east, by Kisima (approximate).

And by the removal of the foregoing sections to the reserve we undertake to vacate the whole of the Rift Valley, to be used by the Government for the purposes of European settlement. Further, that the Kaptei, Matapatu, Ndogalani and Sigarari sections shall remove into the territory originally occupied by them to the south of Donyo Lamuyu (Ngongo), and the Kisearian stream, and to comprise within the area the Donyo Lamuyu, Ndogalani, and Matapatu Mountains, and the Donyo Narok, and to extend to Sosian on the west.

In addition to the foregoing, Lenana, as Chief Lybon, and his successors, to be allowed to occupy the land lying in between the Mbagathi and Kisearian streams from Donyo Lamuyu to the point where both streams meet, with the exception of land already occupied by Mr. Oulton, Mr. McQueen, and Mr. Paterson.

APPENDIX VIII—*contd.*

In addition to the foregoing, we ask that a right of road to include certain access to water be granted to us to allow of our keeping up communications between the two reserved areas, and, further, that we be allowed to retain control of at least five square miles of land (at a point on the slopes of Kinangop to be pointed out by Legalishu and Masakondi), whereat we can carry out our circumcision rites and ceremonies, in accordance with the custom of our ancestors.

We ask, as a most important point in this arrangement, that the Government will establish and maintain a station on Laikipia, and that officers whom we know and trust may be appointed to look after us there.

Also that the Government will pay reasonable compensation for any Masai cultivation at present existing near Nairobi.

In conclusion, we wish to state that we are quite satisfied with the foregoing arrangement, and we bind ourselves and our successors, as well as our people, to observe them.

We would, however, ask that the settlement now arrived at shall be enduring so long as the Masai as a race shall exist, and that European or other settlers shall not be allowed to take up land in the Settlements.

In confirmation of this Agreement, which has been read and fully explained to us, we hereby set our marks against our names as under:—

Lenana, Son of Mbatian, Lybon of all the Masai.

Masakondi, Son of Aruriu, Lybon at Naivasha.

Signed at Nairobi, 15th August, 1904:—

Lemani, Elmura of Matapatu.

Leteregi, Elmura of Matapatu.

Lelmurua, Elmura of Ndogalani.

Lakombe, Elmura of Ndogalani.

Lisiari, Elmura of Ndogalani.

Mepaku, Head Elmoran of Matapatu.

Lambari, Leganon of Ndogalani.

Naivasha, representing Elburgu, Gekunuki, Loita, Damat and Laitutok:—

Legalishu, Leganan of Elburgu.

Olmugeza, Leganan of Elburgu.

Olainomodo, Leganan of Elburgu.

Olotogia, Leganan of Elburgu.

Olieti, Leganan of Elburgu.

Lanairugu, Leganan of Elburgu.

Lingaldu, Leganan of Elburgu.

Ginomun, Leganan of Elburgu.

Liwala, Leganan of Gekunuki.

Lembogi, Leganan of Laitutok.

APPENDIX VIII—*contd.*

Signed at Nairobi, 15th August, 1904:—

Sabori, Elmura of Elburgu.

We, the undersigned, were interpreters in this Agreement:—

C. W. Hobley (Swahili).

Mwe s/o Lithugu (Masai).

Lybich s/o Keretu (Masai).

Waziri bin Mwynbego (Masai).

I, Donald Stewart, K.C.M.G., His Majesty's Commissioner for the East Africa Protectorate, hereby agree to the foregoing, provided the Secretary of State approves of the Agreement, and in witness thereof I have this 10th day of August, 1904, set my hand and seal.

D. Stewart.

We, the undersigned officers of the East Africa Protectorate Administration, hereby certify that we were present at the meeting between His Majesty's Commissioner and the Masai at Naivasha on the 9th August, 1904, and we further heard this document fully explained to them, and witnessed their marks affixed to same:—

C. W. Hobley, Acting Deputy Commissioner.

John Ainsworth, His Majesty's Sub-Commissioner, Ukamba.

S. S. Bagge, H.M. Sub-Commissioner, Kisumu.

J. W. T. McClellan, Acting Sub-Commissioner, Naivasha.

W. J. Monson, Acting Secretary to the Administration.

I, Donald Stewart, K.C.M.G., His Majesty's Commissioner for the East Africa Protectorate, hereby further agree to the foregoing parts of this Agreement concerning Kapte, Matapatu, Ndogalani and Sigarari Masai, provided the Secretary of State approves of the Agreement, and in witness thereof I have this 15th day of August, 1904, set my hand and seal.

D. Stewart.

We, the undersigned officers of the East Africa Protectorate, hereby certify that we were present at the meeting between His Majesty's Commissioner and the Masai at Nairobi on the 15th August, 1904, and we further heard this document explained to them, and witnessed their marks affixed to same:—

C. W. Hobley, Acting Deputy Commissioner.

John Ainsworth, His Majesty's Sub-Commissioner, Ukamba.

T. T. Gilkison, Acting Land Officer.

W. J. Monson, Acting Secretary to the Administration.

I, the undersigned, hereby certify that I translated the contents of this document to the Masai Lybich, who, I believe, interpreted it correctly to the Masai assembled at both Naivasha and Nairobi.

John Ainsworth, His Majesty's Sub-Commissioner.

APPENDIX VIII—*contd.*

AGREEMENT OF 1911.

AGREEMENT.

We, the undersigned, being the Paramount Chief of all the Masai and his regents and the representatives of that portion of the Masai tribe living in the Northern Masai Reserve, as defined in the agreement entered into with the late Sir Donald William Stewart, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, His Majesty's Commissioner for the East Africa Protectorate, on the ninth day of August, One thousand nine hundred and four, and more particularly set out in the Proclamation of May thirtieth, One thousand nine hundred and six, and published in the Official Gazette of June first, One thousand nine hundred and six, do hereby on our own behalf and on behalf of our people, whose representatives we are, being satisfied that it is to the best interest of their tribe that the Masai people should inhabit one area and should not be divided into two sections as must arise under the agreement aforesaid whereby there were reserved to the Masai tribe two separate and distinct areas of land, enter of our own free will into the following agreement with Sir Edouard Percy Cranwill Girouard, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Distinguished Service Order, Governor and Commander-in-Chief of the East Africa Protectorate, hereinafter referred to as "the Governor":

We agree to vacate at such time as the Governor may direct the Northern Masai Reserve which we have hitherto inhabited and occupied and to remove by such routes as the Governor may notify to us our people, herds and flocks to such area on the south side of the Uganda Railway as the Governor may locate to us the said area being bounded approximately as follows, and as shown on the attached map:—

On the south by the Anglo-German frontier.

On the west by the Ol-orukoti Range, by the Amala River, otherwise called Ang-are-dabash or Eng-are-e-'n-gipai, by the eastern and northern boundaries of the Sotik Native Reserve, and by a line drawn from the most northerly point of the northern boundary of the Sotik Native Reserve to the south-western boundary of the land set aside for Mr. E. Powys Cobb, on Mau;

On the north by the southern and eastern boundaries of the said land set aside for Mr. E. Powys Cobb, and by a straight line drawn from the north-eastern boundary of the said land to the highest point of Mount Suswa, otherwise called Ol-doinyo-Onyoke;

On the east by the Southern Masai Native Reserve, as defined in the Proclamation dated June eighteenth, One thousand nine hundred and six, and published in the Official Gazette of July first, One thousand nine hundred and six.

Provided that nothing in this agreement contained shall be deemed to deprive the Masai tribe of the rights reserved to it under the agreement of the August ninth, One thousand nine hundred and four afore-

APPENDIX VIII—*contd.*

said to the land on the slopes of Kinangop whereon the circumcision rites and ceremonies may be held.

In witness whereof and in confirmation of this agreement which has been fully explained to us we hereby set our marks against our names as under:—

Mark of *Segi*, Son of *Ol-onana* (*Lenana*), Paramount Chief of all the Masai.

Mark of *Ol-le-Gelesho* (*Legalishu*), Regent during the minority of *Segi*, head of the *Molelyan* Clan, and chief spokesman (*Ol-aigwenani*) of the *Il-Kitoip* (*Il-Merisho*) age grade of the *Purko* Masai.

Mark of *Ngaroya*, Regent during the minority of *Segi*, of the *Aiser* Clan.

Mark of *Ol-le-Yeli*, head of the *Mokesen* Clan of the *Purko* Masai, and one of the spokesmen (*Ol-aigwenani*) of the *Il-Kitoip* (*Il-Merisho*) age grade of the *Purko* Masai.

Mark of *Ol-le-Turere*, head of the *Mokesen* Clan of the *Purko* Masai.

Mark of *Ole-le-Malit*, one of *Masikondi's* representatives, of the *Lughumae* branch of the *Aiser* Clan of the *Purko* Masai.

Mark of *Ol-le-Matipe*, one of *Masikondi's* representatives, of the *Lughumae* branch of the *Aiser* Clan of the *Purko* Masai.

Mark of *Ol-le-Nakola*, head of the *Tarosero* Clan of the *Purko* Masai.

Mark of *Ol-le-Naigisa*, head of the *Aiser* Clan of the *Purko* Masai.

Mark of *Marmaroi*, uncle and personal attendant of *Segi*.

Mark of *Saburi*, the Prime Minister of the late Chief *Ol-onana* (*Lenana*), and principal elder of the Southern Masai Reserve.

Mark of *Agali*, uncle of *Segi*, representing the *Loita* Masai.

Mark of *Ol-le-Tanyai*, of the *Tarosero* Clan, chief spokesman (*Ol-aigwenani*) of the *Lemek* (*Meitaroni*) age grade of the *Purko* Masai.

The above set their marks to this agreement at Nairobi on the fourth day of April, nineteen hundred and eleven.

A. C. Hollis, Secretary, Native Affairs.

Ole-le Masikondi, head of the *Lughumae* section of the *Aiser* Clan, chief elder of the *Purko* Masai, called in the former treaty *Ol-Oboni* of the *Purko* Masai.

Ole-le-Batiet, head of the *Aiser* Clan of the *Purko* Masai on *Laikipia*, *Ol aigwenani* of the age known as *Il Merisho*.

APPENDIX VIII—*contd.*

The above set their marks to this agreement at Rumuruti on the 13th day of April, 1911.

E. D. Browne, Assist. District Commissioner, Laikipia.

Witness: *A. J. M. Collyer*, District Commissioner, Laikipia.

His mark: *Ol-le-Lengiri*, of the Aiser Clan, Purko Masai.

His mark: *Ol-le-Gesheen*, head of Tamosero Clan of Purko Masai.

His mark: *Ol-le-Salon*, brother of *Ol-le-Kitokosh*, as a deputy for *Ol-le-Kitokosh*.

The above set their marks to this agreement at Rumuruti on the 19th day of April, 1911.

E. D. Browne, Assist. District Commissioner, Laikipia.

We, the undersigned, certify that we correctly interpreted this document to the chiefs, regents and representatives of the Masai who were present at the meeting at Nairobi.

A. C. Hollis, Secretary, Native Affairs.

Ol-le-Tinka, of the Il-Aiser Clan.

We, the undersigned, certify that we correctly interpreted this document to the representatives of the Masai at Rumuruti.

A. J. M. Collyer, District Commissioner.

Ol-le-Tinka (his mark).

In consideration of the above, I, Edouard Percy Cranwill Girouard, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Member of the Distinguished Service Order, Governor and Commander-in-Chief of the East Africa Protectorate, agree on behalf of His Majesty's Government, but subject to the approval of His Majesty's Principal Secretary of State for the Colonies to reserve for the exclusive use of the Masai tribe the area on the south side of the Uganda Railway as defined above and as shown on the attached map, which area is coadunate with the Southern Masai Native Reserve and to further extend the existing Southern Masai Native Reserve by an addition of an area of approximately three thousand and one hundred square miles, such area as shown on the accompanying map the approximate boundaries being on the south, the Anglo-German Frontier, on the west the eastern boundary of the aforesaid Southern Masai Reserve: on the north and east by the Uganda Railway zone from the Athi River to Sultan Hamud railway station, thence in a line drawn from the said station to the north-west point of the Chiulu Range, thence along the Chiulu Range to the south-eastern extremity thereof, thence by a straight line to the meeting point of the Eng-are Rongai and the Tsavo Rivers, thence by the Eng-are Rongai River to the Anglo-German Frontier; and to undertake on behalf of His Majesty's Government to endeavour to remove all European settlers from the said areas and not to lease or grant any land within the said areas (except such land as may be required for mining purposes or for any public purpose) without the sanction of the paramount chief and the representatives of the Masai tribe.

APPENDIX VIII—*contd.*

In witness whereof I have hereunto set my hand and official seal this twenty-sixth day of April, One thousand nine hundred and eleven.

(L.S.)

Signed, sealed and delivered by the within-named Sir Edouard Percy Cranwill Girouard, in the presence of *A. C. Hollis*.

E. P. C. Girouard.

We, the undersigned, were present at a meeting between His Excellency the Governor and the Masai at Nairobi on the fourth day of April, One thousand nine hundred and eleven, and we heard this document explained to the chief and the representatives of the Masai, who entered into this agreement of their own free will and with full knowledge of the contents thereof.

R. M. Combe, Crown Advocate.

C. W. Hobley, Provincial Commissioner, Ukamba.

John Ainsworth, Provincial Commissioner, Nyanza.

C. R. W. Lane, Provincial Commissioner, Naivasha.

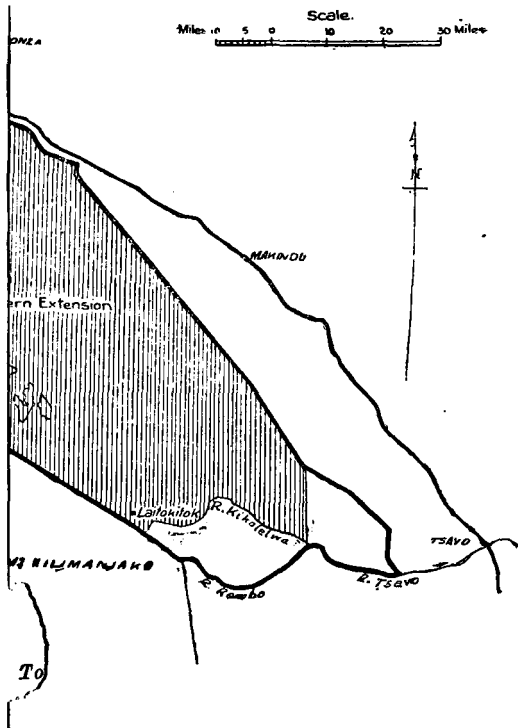
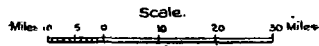
S. L. Hinde, Provincial Commissioner, Naivasha.

J. W. T. McClellan, Provincial Commissioner, Kenya.

A. C. Hollis, Secretary for Native Affairs.

C. C. Bowring, Treasurer and M.L.C.

Machako.



APPENDIX IX

Rainfall Records for Solai, Nakuru and Kabarnet*(Referring to Section 961 of the Report).*

	Solai	Nakuru	Kabarnet
<i>Year</i>	<i>Inches</i>	<i>Inches</i>	<i>Inches</i>
1914	..	38·16	..
1915	...	35·61	..
1916	56·88	44·68	80·84
1917	60·65	68·21	92·41
1918	32·21	24·49	24·12
1919	44·52	40·92	53·76
1920	..	38·53	44·65
1921	..	25·62	40·50
1922	42·83	34·67	48·25
1923	47·48	44·75	67·85
1924	37·14	29·05	39·96
1925	38·64	26·45	44·85
1926	49·68	36·21	66·21
1927	26·03	25·60	32·44
1928	30·29	28·96	36·24
1929	40·68	28·22	42·00
1930	52·15	50·89	55·76
1931	31·64	34·14	43·80
1932	45·41	38·94	44·24

APPENDIX X

Extracts from Official Reports concerning the Effects of the Present (1933) Drought

(Referring to section 1991 of the Report.)

KIKUYU PROVINCE.

Extract from a report dated 13th June, 1933, from District Commissioner, Nyeri.

In South Nyeri the position is briefly as follows:—

- (a) No mortality worth mention has occurred in the native stock.
- (b) The condition of grazing could hardly be worse: it is eaten down to the ground or dried up and withered.
- (c) Natives are feeding banana stems extensively to their stock to supplement grazing.
- (d) There is no milk supply at all.

Extract from a report dated 21st June, 1933, from Agricultural Officer, Fort Hall.

In all the higher locations the grazing, though drying up badly, is adequate for the present.

In the lower locations the position is more serious, particularly in Ndamaiyu's. No deaths of stock due to starvation have been reported, but it is thought that, even if good rains fall in the near future, the grass has suffered too much to make any rapid growth, and the grazing will be inadequate to support the head of stock. If the rains do not break soon and no stock are moved from this location, the mortality will be very heavy.

The position in Kigwaine's, though not so serious as in Ndamaiyu's location, is causing grave concern, and unless good rains fall within the next few weeks, mortality of stock will be considerable.

In the intermediate locations, as Waweru's, the position though less serious is sufficient to cause some concern.

Extract from a report dated 17th June, 1933, from District Commissioner, Kiambu.

There is at present a serious shortage of grazing in this reserve and the situation is aggravated considerably by the lack of water in the Ndeiya grazing area.

Up to the present no extensive mortality has been reported but when the stock is in poor condition as at present, it is usual for some enzootic disease or other to take hold and cause serious mortality.

From what I have seen of this reserve, I am left with the impression that it must be seriously overstocked even in normal seasons.

APPENDIX X—*contd.*

Extract from a report dated 26th June, 1933, from District Commissioner, Embu.

In this district to date there has been no mortality amongst stock of a serious nature.

It can be said that there is no fear of a serious mortality as yet.

Report dated 20th June, 1933, from the District Commissioner, Meru.

Grazing in this district is rapidly becoming scarce and a serious shortage will undoubtedly be felt by native stock-owners in the near future.

No mortality has as yet occurred.

MASAI PROVINCE.

Extract from a report dated 15th June, 1933, from District Commissioner, Narok.

The present state of this district is drier than I have ever seen it at the end of the dry weather. The furrow which supplies Narok Station with water is dry, and rivers such as the Mara are reduced to the merest trickles.

Grazing is almost non-existent.

Up to date there has, I think, been very little mortality among the stock from starvation, but this is now beginning and if we only get 3.9 inches of rain within the next four months (which is the average rainfall for the months of July, August, September and October over a period of ten years) I am afraid the mortality amongst stock will be very considerable.

Rain has fallen in the Trans Mara country and I do not anticipate that this area will suffer from the drought.

Extract from a report dated 14th June, 1933, from District Commissioner, Kajiado.

The stock of this district are generally speaking still in fair condition owing to good rains in January, grazing, however, is becoming scarce throughout the district.

Mortality from starvation is expected to increase steadily up to a figure of at least two thousand a month until the arrival of the short rains.

Extract from a report dated 23rd June, 1933, from the Acting Provincial Commissioner, Ngong.

A deputation has been received to-day from the Kekonyukie living in the neighbourhood of Weikei and the Kedong.

They state that their grazing is becoming so exhausted owing to the drought, that heavy mortality amongst their cattle is expected.

APPENDIX X—*contd.*

KAMBA PROVINCE.

Extract from a report dated 16th June, 1933, from District Commissioner, Machakos.

The effects of the drought upon grazing in most of the locations of the Ulu Reserve are becoming serious, but at the moment I do not anticipate that there will be much general mortality among stock due to starvation.

Large numbers of cattle have been and are still being moved to the Yatta, where grazing is plentiful . . .

Extract from a report dated 17th June, 1933, from District Commissioner, Kitui.

So far no information has been received of the mortality of any stock in the Kitui Reserve due to the drought, but there is a decided shortage of grazing . . .

I am, however, emphatically of the opinion that the district is not normally overstocked, nor are the people wealthy in cattle or goats.

NORTHERN FRONTIER PROVINCE.

Extract from a report dated 27th June, 1933, from Provincial Commissioner.

At the moment the Leroki Plateau area is as bare as it was in 1929 and I am in the same position as was Mr. R. W. Hemsted then in being compelled to allow the Samburu cattle to graze on the south bank of the Uaso. Naturally, I have not allowed their villages to cross. Though the losses in cattle at the moment are not too heavy, they will probably become exceedingly so as the drought continues. It is true that such mortality aids overstocking but I doubt if the Samburu have more stock than necessary for their existence, due regard being given to the nature of the area in which they have to live. I wish that the Land Commission could visit it now.

TURKANA PROVINCE.

Extract from a report dated 18th July, 1933, from the Provincial Commissioner.

When mortality amongst stock is caused by lack of grazing, it reduces the head to a number which is always slightly in excess of the carrying capacity of the pasture available at the time. This number increases if the pasture improves and so the evils of overgrazing remain, and the improvement which will be of short duration gives place eventually to even more deplorable conditions than those obtaining before . . . It is only when stock are killed off by disease (*see* recent reports by Professor Swynnerton on the tsetse fly) to such an extent that their numbers drop considerably below the grazing capacity of the area that the pasturage is given the chance to recover . . . We must therefore expect a very serious depreciation of

APPENDIX X—*contd.*

the grazing in Turkana during the next few years. This if unchecked will gradually cause to set in the desert conditions which are already to be observed in some parts of Turkana and compel the remaining population to concentrate on the banks of the rivers . . . Have we any reason to suppose that the forces of nature which gave rise to the Sahara and caused the once pastoral peoples who inhabited that area to pass in the course of many generations into the fellahin of Egypt and the Lower Nile will not continue to act in the same manner?

If we accept this principle then we must:—

- (a) Hasten the process of agriculturization and lessen the hardship of the transitional stage.
- (b) Take active steps against these processes by reconditioning and control of stock.

Whichever we do, nature will in the end win.

Extract from a report dated 20th June, 1933, from District Commissioner, West Suk.

I have just returned from a *safari* to Sook location which is one of the main cattle locations in this district, and it was appalling to see the condition of all cattle, specially the young cows and heifers which at this time of the year should have had good grazing for the past six weeks and be in fair condition.

Since the last rains in 1932, there has only been one shower and I fail to see any grass whatsoever on the plains. Cattle that were being herded on the plains were feeding on bushes and weeds, and in certain parts there were no edible weeds and bushes and the natives were seen to be cutting the branches of trees which were devoured by their stock. Most of the grass on the hill-sides had already been consumed, but I noticed a little in places which were inaccessible to stock. Sheep are also in very poor condition, but the goats appeared all to be thriving.

The mortality in the stock locations of this district have been estimated by the natives at 60 per cent, but I am inclined to think this is exaggerated and an estimate of 35 per cent would be nearer the figure.

Report dated 28th June, 1933, from the District Commissioner, South Turkana.

My general impression after a three weeks *safari*, just completed, in the Karpedde area, is that from a third to a half of cattle, sheep, goats and donkeys have died; camels have been spared to a very great extent. Some natives have lost even a larger proportion.

I would say that the rest of the district has suffered even heavier losses, all stock—except camels—are in very poor condition, and if rains do not fall soon the mortality will exceed 75 per cent to 80 per cent.

APPENDIX X—*contd.*

It is harder to say what effect the drought will have on grazing; grass roots are left in areas where grass grows, and given good rains, not too heavy but general, they will spring up again; as however most of the so-called "grazing" is shrub and bushes, with general rains it will recover.

Extract from a report dated 8th July, 1933, from the District Commissioner, North Turkana.

The drought this year is the worst within living memory of the oldest members of the tribe, and the search for grazing and water has driven the Turkana northwards and westwards, to such an extent that the southern and eastern parts of the district are to all intents and purposes depopulated.

Grazing, in the accepted sense of the word as meaning "grass" is now practically non-existent except for scattered and dried up patches . . .

What may be described as camel and goat grazing remains in a limited and much reduced quantity, and is steadily deteriorating. This consists of edible thorn, small shrubs, and scrub.

Many water-holes have dried up, and what poor grazing remains, is in certain areas, useless owing to lack of water.

Large quantities of cattle, sheep and goats, have already died from starvation . . . I should estimate (the losses) at not less than twenty per cent of the total stock owned by Turkana in this district.

RIFT VALLEY PROVINCE.

Extract from a report dated 13th June, 1933, from the Provincial Commissioner.

Baringo District (Kamasia, Njemps and Suk) is a complete desert.

The only feed is thorn trees and bushes.

The cattle mortality is very heavy, and the ground round the *bbomas* is strewn with carcasses.

It is impossible to estimate the mortality, but it may easily reach 50 per cent.

Extract from a report dated 17th June, 1933, from the District Commissioner, Baringo.

I estimate that more than half the cattle in Baringo District have died, quite possibly more. If the drought continues probably nearly three-quarters of the cattle will die. The condition of sheep is bad, and there is a heavy mortality here also, possibly 50 per cent. Goats are standing the strains better, but here again there is considerable loss. Young stock of all kinds are dying through lack of milk.

APPENDIX X—*contd.*

NZOIA PROVINCE.

Extract from a report dated 26th June, 1933, from the Provincial Commissioner.

In the Elgeyo portion of the reserve the mortality owing to drought has been heavy. Some owners have lost up to 50 per cent of their stock; and I estimate that in the grazing area lying on the plateau between Sergoit rock and the Tambach escarpment about 15 per cent of the cattle have died.

Shortage of water rather than lack of grazing has been mainly responsible for the mortality.

There have been no losses from drought in the Cherangani area.

Rain has fallen in the Elgeyo area during the last week: and conditions there will probably improve from now onwards.

In the Nandi Reserve a belt of about six miles wide on the eastern boundary suffered from shortage of grazing for about a month, owing mainly to injudicious burning of grass. There was a slight mortality till rain fell on 24th April, since when there has been ample grazing.

Extract from a report dated 24th June, 1933, from Provincial Commissioner.

I have had replies from all District Commissioners which confirm my own opinion that no part of the province is at present overstocked and no mortality has occurred amongst cattle owing to drought.

But if the question of overstocking is leading up to that of culling I would like to state again that I consider a very large number of inferior stock should be culled and I am in favour of it being done compulsorily. We want to build up the native herds by keeping only selected animals and all "weeds" should be done away with and so leave more grazing for better beasts.

APPENDIX XI

Figures showing Results Obtainable in Bush Clearing by Organized Native Labour

(The reference is to Section 2021 of the Report.)

The undermentioned facts are of interest with regard to what could be achieved if natives were induced to turn out in large numbers in their reserves for the purpose of clearing bush for the improvement of pasture and the destruction of fly. They are based on actual results obtained in clearing land of the light thorn scrub which is typical of that which obtains in most of the semi-arid native areas.

One man (after he has had time to get accustomed to the work) can dig out 140 trees to a depth of 14 inches as his day's work, and finish by 1 p.m.

On this basis, five men would clear an acre of typical bush country in one day.

If 1,000 men were turned out daily they could clear 250 acres per diem, or a total of 50,000 acres in 250 working days. It is, of course, unlikely that results such as this would be obtained in a native reserve, where conditions as to supervision, etc., cannot be fairly compared with those obtaining on a private estate, but the figures do show what real and appreciable results should be obtained from organized effort in bush clearing.

APPENDIX XII

Details of the Figures given in the Table at Section 1966, showing Areas Included in the 1928 Sub-Committee's Definition of the European Highlands, but now Recommended to be Excluded.1.—*Kikuyu.*

Item (i).—13,781 acres of forest reserve.—This figure is the sum of the items 1-6 and 10-14 of the table at Section 466.

Item (ii).—2,480 acres of mission land.—This figure is the sum of the items 15 and 16 of the table at Section 466, plus L.O. 388/1, 400 acres surrendered by the Africa Inland Mission—Section 463 (i).

Item (iii).—50 acres of township reserve.—This figure represents item 19 of the table at Section 466.

Item (iv).—1,328 acres of alienated farms.—This figure is the sum of items 7, 17, and 18 of the table at Section 466.

Item (v).—2,002 acres of unalienated Crown land.—This figure is the sum of items 8 and 9 of the table at Section 466, plus L.O. 4450, 440 acres—*see* Section 463 (i).

Note.—The Mwca area is not included in this tabulation, because it was not included in the Sub-Committee's amended definition (*see* Section 1958).

2.—*Masai.*

Item (i).—9,290 acres of forest reserve.—*See* Section 695. (*N.B.*—Of the area there recommended to be added to the Masai, 9,290 acres are forest reserve, the remaining 4,762 acres being unalienated Crown lands.)

Item (ii).—230 acres of alienated Crown land.—Part of Mr. Colville's farm (*see* Section 697).

Item (iii).—4,762 acres of unalienated Crown land.—*See* Section 695, and note on item (i) above.

3.—*Kamba.*

Item (i).—100 acres of alienated farm land.—Ngalini Farm (*see* Section 773).

Item (ii).—720 acres of unalienated Crown land.—Mwani Hill (*see* Section 775).

4.—*Kerio.*

Item (i).—3,850 acres of forest reserve.—*See* Section 1007 (Area D).

Item (ii).—213,518 acres of unalienated Crown land.—Churo, reckoned as 140 square miles (*see* Section 939); 100 square miles adjoining the Njemps country (*see* Sections 942 and 969); 74 square miles recommended to be evacuated by the Uasin Gishu Masai and added to the Kerio Native Reserve (*see* Section 967); 12 square miles of the Cherangani extension (*see* Section 1020); 920 acres, L.O. 1168 (*see* Section 970); 1,129 acres, Area E (Section 1007); and 2,829 acres.

APPENDIX XII—*contd.*

of L.O. 1869 (Section 1009). The total of these areas is 326 square miles and 4,878 acres. In order to express the whole in acres, the 326 square miles have been taken to represent exactly 209,640 acres, although the areas are not so precisely determined that a statement in acres is, strictly speaking, admissible. After adding in the remaining 4,878 acres, the total becomes 213,518 acres.

5.—*Nandi.*

Item.—1,920 acres of unalienated Crown land.—Exclusion caused by the amendment of the Cogle Line as recommended (*see* Section 1068).

6.—*Lumbwa.*

Item.—94,960 acres of unalienated Crown land.—In Section 1176, it is recommended that Chepalungu be added to the Lumbwa Native Reserve, except for 10,000 acres, which remain in the European Highlands. At Section 1168, the total area of Chepalungu is given as approximately 164 square miles. The total of 94,960 has been obtained by multiplying 164 by 640, and deducting 10,000. It must, however, be remembered that the true area has not been precisely ascertained, and the margin of error is considerable.

7.—*Kavirondo.*

Item.—4,500 acres of unalienated Crown land.—At Section 1087 (3) it is recommended that some 40,000 acres of moorland on Mount Elgon be added to the Kavirondo Native Reserve. Of this area, some 4,500 acres are at present included in the Trans Nzoia administrative district, and so fall within the Sub-Committee's definition of the European Highlands. The recommendation would have the effect of excluding these 4,500 acres from the European Highlands.

8.—*Northern Frontier Province.*

Item.—104,000 acres of unalienated Crown land.—At Section 810 it is recommended that the Mukogodo area be detached from the Kikuyu Province and added to the Northern Frontier Province for the purpose of administration, and that it should be an area in which natives should have prior but not exclusive rights. Hence it is shown as excluded from the European Highlands.

In the above section it is stated that the determination of the area should be left to Government. In order to avoid compromising the issue, the area shown on the map for diagrammatic purposes has been drawn so as to split the difference equally between the two principal proposals, and the area in the table corresponds with the diagram. It is obvious, however, that the margin of error is very large.

APPENDIX XIII

Recommendations Involving Direct Expenditure

(Referring to section 2041 of the Report.)

1. The purchase of land.

Item (i).—At section 466 it is recommended that the following areas be purchased or acquired by exchange:—

(a) Part of L.O. 325/R, Saba-Saba, Ltd.	1,000 acres
(b) L.O. 295/2/R	80 „
(c) The eastern end of L.O. 134/4	250 „
(d) Part of British East Africa Wattle Estate	78 „

Total ... 1,408 acres

Since the cost of acquisition would clearly form the subject of negotiation between Government and the owners, we shall refrain from setting down any figure as an estimate, for fear of prejudicing the transactions. But we take these items into account in reaching our estimate of the total cost of our recommendations, which will be found at the end of this appendix.

The same remarks apply to other items below, for which we give no separate estimate.

Item (ii).—At section 1068 a recommendation is made for a modification of the Cogle line involving the acquisition of three farms on the south-west corner of the allotment. Two of the three farms belong to one owner, who is willing to exchange them for land of equal value in the block marked Sarora, while the owner of the third farm has expressed his readiness to exchange it for unalienated Crown land in the North Nyeri District. No direct expenditure of money is involved, except possibly for incidental costs of survey.

Item (iii).—At sections 1254, 1255 it is recommended that Wundanyi Estate, 1288 acres, be purchased for addition to the Dabida native reserve, and at section 1253 it is stated that the price asked is £5,000.

2. Compensation to natives in respect of their rights under section 86 of the Crown Lands Ordinance.

At section 367 it is recommended that £2,000 should be paid in respect of compensation to Kikuyu for loss of rights to land outside the reserve.

3. Compensation to detribalized or detached natives in respect of their removal from areas in which they are at present resident.

Item (i).—At section 398, read in conjunction with section 395, it is recommended that the natives to be moved from Tigoni be compensated in a manner which would include: compensation for ordinary round hut in the form of exemption from one year's tax on the hut; cash compensation *ad valorem* for a better class hut or house; compensation for planted trees (i.e. gums and wattles) at a cash valuation;

APPENDIX XIII—*contd.*

compensation for wire fencing, if any, at a cash valuation. The number of persons living in Tigoni is stated in section 389 to be 607, according to a count made in 1932.

Item (ii).—At section 399 it is recommended that Kithirioni, an area of seventy acres, be treated in the same way as Tigoni.

Item (iii).—At section 591 (7) it is recommended that Pangani village, Nairobi, be evacuated by sections. At section 488 the number of houses is stated to be 320; at section 491 (1) the opinion is expressed that £15 may be an approximate estimate of the average value of a house, and at section 591 (ii) it is recommended that compensation should be allowed for disturbance as well as for the value of the houses.

Item (iv).—At sections 603 and 606-608 we have made alternative proposals regarding Kibira settlement, Nairobi, and have expressed the general opinion that the second of them is preferable. In reaching our total estimate of costs we have assumed that the second alternative will be adopted. This will entail compensation for 320 houses *ad valorem* and compensation for disturbance as stated in the section under reference.

Item (v).—At section 923 it is recommended that the Uasin Gishu Masai be moved to the Trans-Mara area. The incidental costs should not be large, and only a small token sum has been included in our estimate.

4. *Compensation to certain Dorobo in respect of their proposed removal.*

Item (i).—At section 375 a recommendation is made which would involve the movement of certain Dorobo living in the forests adjacent to the Kikuyu Native Reserve, mainly in the Kijabe area. It is recommended that the Administration should charge itself with the task of finding accommodation for them, and incidental monetary costs should be very small.

Item (ii).—At section 982 it is recommended that, in order to facilitate the move of the Mau Dorobo, their stock might be exchanged, through Government, for immune animals. An amount has been set down in our estimate to cover any incidental losses in connexion with this and other arrangements in connexion with moving the Mau and Tinet Dorobo.

Item (iii).—At section 1086 it is recommended that the El Gonyi be moved and that all those who have resided in the farm area continuously for a period of three years should receive compensation. The total number of El Gonyi reported to be in the farm area is about 1,900 (*see* section 1079).

5. *Compensation to the Nandi Tribe in respect of Certain Stand Premia which were waived in Kipkarren and Kaimosi.*

At Section 1067, it is recommended that compensation of £5,000 be paid.

APPENDIX XIII—*contd.**6. The Fencing of Chematum Salt-lick (see Sections 1153 and 1154).*

The length of fencing required has been estimated by the Survey Department to be about $2\frac{1}{4}$ miles of fencing (allowing for fencing round the salt-lick and both sides of the road of access). The Chief Veterinary Officer advises that the capital cost should be about £50 a mile, and the recurrent annual cost about 15 per cent of the capital cost.

7. The Upkeep of the Small Furrow to the Morania Furrow.

At Section 569, it is recommended that Government should meet the full cost of the supply-furrow to the Morania furrow, both in respect of initial cost and maintenance. A perusal of the Public Works Department files shows that in 1927 the Meru Local Native Council contributed £100 towards the costs and, according to the recommendation, there would be a liability to reimburse the Meru for this sum. It is believed that the cost of maintenance will be about £50 per annum.

8. The Leasing of Certain Farms for the Kamasia.

At Section 968, it is recommended that Government should open negotiations for leasing farms Nos. 488, 489, 490, 5249, 5276, 6262, 5461, and 493, comprising some twenty-three square miles, for a period of ten years, and allow the Kamasia to use them.

9. Rent of the King's African Rifles Lines at Meru.

This is a recurrent cost, which may perhaps be in the region of £20 per annum or thereabouts.

10. The Re-creation of the Office of Recorder of Titles.

No recommendation has been made as to the salary of the post, and the sum which we have allowed for the purposes of making an estimate is set down without any wish to prejudice the issue. It is assumed that £1,200 per annum will cover salary and other emoluments.

Total Cost.

It is estimated that the capital cost of these items would be about £36,000 (the whole ten years' rental under Head 8 being regarded as a capital charge). The recurrent annual charges are estimated at £1,300.

Cost of the Commission.

The cost of the Commission has not been included in the above figures, which deal only with the cost of the recommendations. As nearly as can be ascertained at the time of writing, the total cost of the Commission, apart from the cost of printing and publishing the Report, is £5,950.

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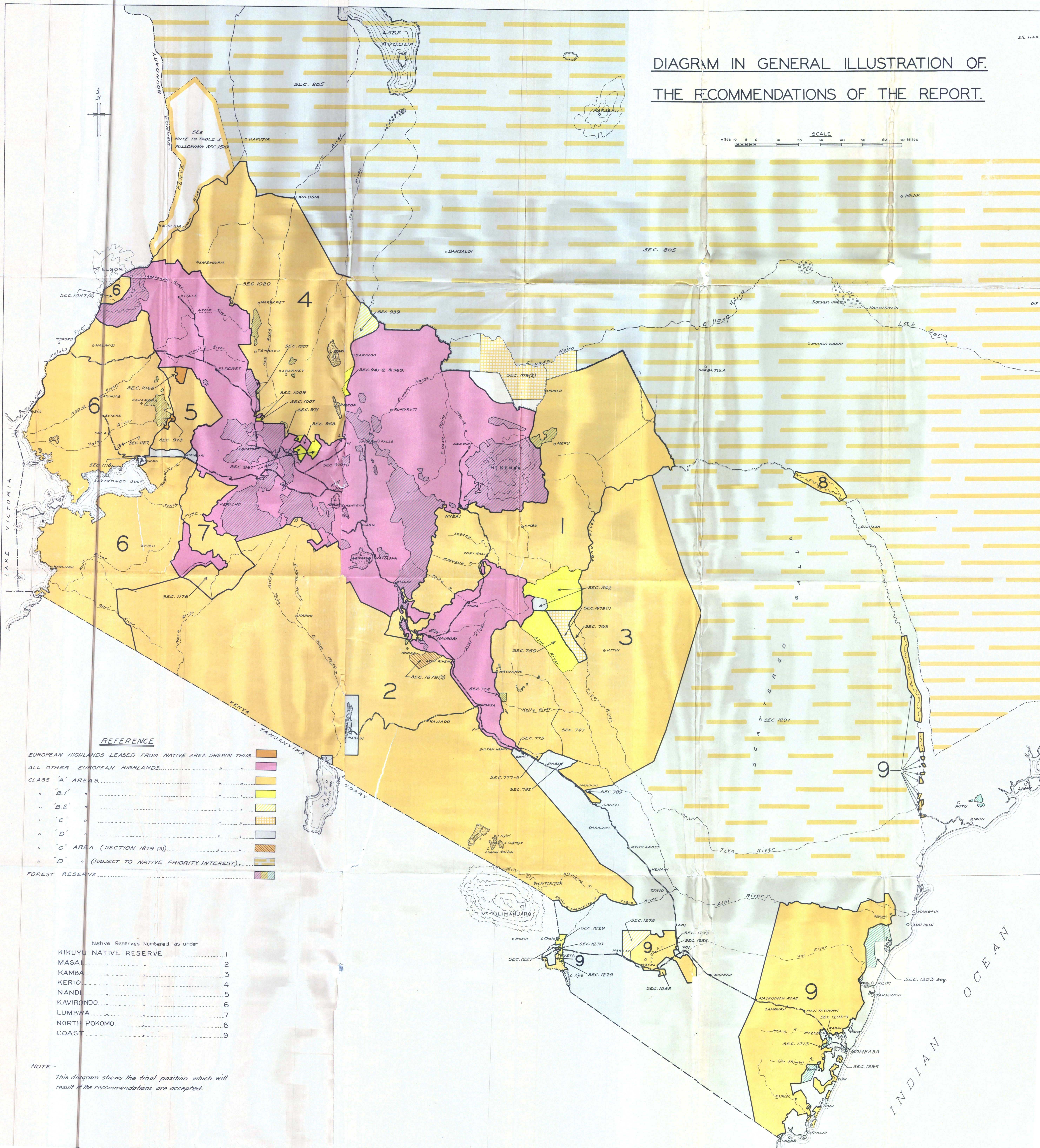
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DIAGRAM IN GENERAL ILLUSTRATION OF THE RECOMMENDATIONS OF THE REPORT.

SCALE
Miles 0 10 20 30 40 50 60 70



REFERENCE

- EUROPEAN HIGHLANDS LEASED FROM NATIVE AREA SHOWN THUS: [Color swatch]
- ALL OTHER EUROPEAN HIGHLANDS: [Color swatch]
- CLASS 'A' AREAS: [Color swatch]
- " 'B.1' " : [Color swatch]
- " 'B.2' " : [Color swatch]
- " 'C' " : [Color swatch]
- " 'D' " : [Color swatch]
- " 'C' AREA (SECTION 1879 (a)) : [Color swatch]
- " 'D' " (SUBJECT TO NATIVE PRIORITY INTEREST) : [Color swatch]
- FOREST RESERVE : [Color swatch]

- Native Reserves Numbered as under
- KIKUYU NATIVE RESERVE 1
 - MASAI 2
 - KAMBA 3
 - KERIO 4
 - NANDI 5
 - KAVIRONDO 6
 - LUMBWA 7
 - NORTH POKOMO 8
 - COAST 9

NOTE - This diagram shows the final position which will result if the recommendations are accepted.

DIAGRAM IN GENERAL
ILLUSTRATION OF THE
RECOMMENDATIONS OF
THE REPORT ENCLOSED



REPORT
of the
KENYA LAND COMMISSION

SEPTEMBER, 1933

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to Parliament by Command of His Majesty
May, 1934*

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