

1936

38086

38086

CO 533/466
KENYA

Petition

Xikuyu people

Previous

See 28005/36
(Land Commission)

Subsequent

1938

R. 297 16/3

Mr. Grossmith 1/4

Mr. Parkin 2/4

Mr. Hood 15

Sir J. Shackleton 7/4/36

R. 297 22/9/35

Mr. Grossmith 7/6

Mr. Parkin 24/7/37

M. Flood 31-12

Sir C. Cottonby 31-12

Sir C. Parkinson 5/1/38

See J. Stiel 6

Sir C. Parkinson 1/1/38

C.D. 308

297

FILE A.

1. Governor's Conf. 20 — 20 Feb. 1936

The memorial from the Kikuyu people regarding Kenya Land Comm. Report, native representation in the Legis. Council, & salaries of native teachers & comments in detail on specific points raised.

-1 Petitions
Lund
rough

FOR Parliamentary questions regarding this Petition see 38005/36 P.C. sub file (Nos. 2 and 3).

Mr. Paskin
Mr. Lloyd

We spoke about this.

I have summarized the contents of the petition & the Governor's observations in a separate note. Items (2) (6) & (9) in particular, present certain difficulties which will have to be examined in the light of the new Native Land Trust Ordinance & the Highlands Order in Council.

pla

As a first step? we might write to Mr. E. J. Williams, M.P. as in draft herewith.

A. J. Paskin
14/36

yes: it would be well if the Secy. would send a letter to Mr. Williams to let him know what happened. The petition was on its way when the question was asked.

V. I. W. Lloyd

15-6

Need not trouble Mr. S. J. personally

V. I. W.

17/14/36

at end

18.3.36
310 20.4.36
W. Williams
DESTROYED UNDER STATUTE

4. Copy of Petition addressed to the Governor, 13th. May, 1936, by members of the Kikuyu Loyal Patriots Assocn. regarding Land Commission recommendations.

No. 4 relates to the Kikuyu rights or claims outside the Reserves and is addressed to the D.C., Kiambu, in accordance with General Notices 412 and 460 (copies herewith).

The intention of the Notices was to ascertain those actual individuals whose rights to continue to live on alienated land will be extinguished by the proposed Native Lands Order-in-Council (vide paragraph 13 of Cmd. 4580), and who will be entitled to monetary compensation in accordance with Section 1835 of the Land Commission Report.

Apparently the Kikuyu are opposed to a settlement on these terms, but H.M.G. has accepted the Commission's recommendation in Section 1834 of the Report and the Governor is endeavouring to implement it.

There is also a further petition dated the 29th of April which has been sent to the Governor for transmission to the Secretary of State. This petition contains the Kikuyu objections to the recommendations in Section 1834 of the Land Report. There is no substance in these objections and there seems no reason to interfere with the action now proceeding in Kenya. The petitioners also refer to the earlier petition of the 5th of

Enclosure to No. 1 on the file.

November

November which has not yet been considered. See the Note at No 1A on the file

17.6.36.

(sent on separately)

This file, together with a file containing various memoranda from the various "right holders" who in accordance with the recommendations of the Land Commission, will be required to move from the lands on which they have been living, was circulated for a long time with the H.P. relating to the Commission's recommendations to the Commission. In the meantime no reply has been sent to the memorial in No. 1.

I have published a J.P. for comment. I have not thought it necessary to deal in detail with the various points on which the Kikuyu are dissatisfied with the recommendations of the Land Commission, which I have dealt with then in general terms in para 3 of the J.P.

J.P. Parker
24/12/37

This is another of the small matters to the Land Commission. That commission went at great length into the claims of the Kikuyu and considered what they considered to be a reasonable "settlement". The attitude of the petitioners is "we don't like it, begin all over again".

That of course is impossible. The Europeans might equally say the same. So right-and-so- the Indigo. H.M.C. has made up its mind and announced its decision and the only thing to do is to go on. Part of my trouble over this has been to find anything in the stuff which is deserving of serious consideration. There isn't any. The demand in No. 4 for "Black & White Highlands" is just silly. Of course it is framed with one eye on people here.

The Gov's despatch & the summary in No. 1a show how little there is in it, apart from the Carter Commission.

J. G. Gled
3/12

Sir Carlisle

I agree to the draft, but I think we should add that if the Governor considers that to communicate a reply to the Kikuyu at this date would reopen questions which he may have reason to believe have been satisfactorily settled, he is at liberty to withhold his assent to the proposed reply or he may think fit.

W. G. Gled 31.12.37

Secretary of State.

I think I must send on to you this memorial from the "Kikuyu" people. It is very out of date as it was forwarded by Sir Joseph Byrne in a despatch of the 20th February, 1936 (No.1). Accordingly, in the reply which is now submitted, it is left to the Governor (see para.9) to decide precisely what action he will take at this late date.

The one point in the memorial which made me uneasy is that regarding Mount Kenya. The memorial says that Mt. Kenya has always been looked upon by the Kikuyu people as the dwelling place of God, and, as such, has been regarded by the Kikuyu as sacred. (I recollect hearing something to the same effect when I was in Kenya in 1917). The memorialists say that they wish, therefore, that the mountain should not be put into the Highlands, and that even if it cannot be included in the Kikuyu Reserve, it should be treated as Crown land.

The comment which we have on this from Sir A. Wade in another despatch is recorded on page 6 (tabbed X) of Mr. Grossmith's memorandum (No. 1A). One needs to go carefully where any question of traditional rights or custom arises, more particularly if any form of religious tradition is involved. I think that para.8 of the draft despatch is as far as we can go, but I thought it desirable that the matter should be more fully explored, and I asked the Department, therefore,

therefore, to draft also a letter to Mr. Pilling
which, inter alia, would cover this point.

see

5.1.38.

with 6-1-38

14/5/38
5. To Pilling — S.O. — comm — 14.1.38.

6. To: Kanya Conf. — 1. comm — 19 JAN 1938

114

C. O.

C. D.
7 - JAN
11
13

38086/5/36

Revised copy 6/5

4/1/38

R. 308

Mr. Paskin 24/12/37

Mr. Flood 31/12.

Mr.

Sir H. Moore.

Sir G. Tomlinson.

X Sir C. Bottomley 31/12

Sir J. Shuckburgh.

X Permi. U.S. of S 5/1/38

Parly. U.S. of S.

Secretary of State. *Wri 6.1.38*

And (1) - 1938 file

Downing Street,
19. January, 1948.

Sti

Sir,

I have the honour to refer to Sir Joseph Byrne's confidential despatch No. 20 of the 20th of February 1936, transmitting a memorial dated the 5th of November, 1935, addressed to my predecessor on behalf of "the Kikuyu people", and ~~now that the land legislation is proceeding, I am in a position to return a reply, which has not been possible before.~~

(1)

2 DRAFTS

KENYA,
GOVERNOR
CONFIDENTIAL.

2. Subsequently I received a copy of a further memorial dated the 29th of April, 1936, which was addressed to the Secretary of State for the Colonies through the Governor, but which does not appear to have been transmitted to me by Sir Joseph Byrne.

(enclosure to 4).

FURTHER ACTION.

3. In so far as these memorials pray

for a reconsideration of the decisions which have been taken on the recommendations in the Report of the Kenya Land Commission, the memorialists may be informed that I am unable to meet their wishes, that I recognise that certain of these decisions involve inconvenience to some of the natives concerned, but that having regard to the arrangements which are being made to extend and preserve the native lands, I consider that these decisions are in the best interests of the Kikuyu tribe as a whole as well as of the Colony generally. If a reply on these lines is returned they should also be reminded of the steps which are being taken to minimise any hardships which certain of their number may suffer in consequence of their being required to move from the land on which they have been living.

4. As regards their observations in regard to the recommendation, ^{which is made} in paragraph 165C of the Report of the Commission, that the system of land tenure in the Native Lands

should

C. O.

Mr.
Mr.
Mr.

Sir H. Moore,
Sir G. Tomkinson,
Sir C. Bottomley,
Sir J. Shuckburgh,
Parlt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

DRAFT.

FURTHER ACTION.

[The Governor says he wishes to be sure there is good land before he moves any] . . .

should be guided in the direction of private tenure, proceeding through the group and the family towards the individual holding, they may be informed that I hope that the constitution of the Native Lands Trust Board will ensure that the development in the system of native tenure will proceed on lines which will be in the best interests of the natives, though it is not possible to say whether a system of private tenure will appear, or if it does what form it will take.

5. As regards their observation that there is not at present sufficient land for the accommodation of any resident native labourers who may be required to leave European farms on which they have been employed, the memorialists may be informed of the steps which are being taken to remedy this deficiency.

6.

memorial, on which he may think it desirable

to let it be known what view the Secretary

of State has taken.

In making this alternative suggestion we had particularly in mind the representations relating to the sacred associations of Mount Kenya; as to which it seemed to us that it might well be desirable that some assurance should be given, even if no reply was returned to the memorial as a whole. The terms of the suggested assurance were of course based on paragraph 3 of Wade's Confidential despatch No. 92A of the 4th of July,

(40 on 38005/3/35)

1935, but the assurance is intended to relate not only to "the traditional rights in regard to cutting firewood and building poles", which are mentioned in that despatch (though not in the memorial) but also, (and more particularly) to ~~any~~ customary rights, if any, e.g. rights of access, as regards religious usages. I do not know whether there are any such customary rights which can be covered by any form of words, or whether the veneration of Mount Kenya does not involve

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Sir H. Moore.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

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Secretary of State.

DRAFT.

about us
should like
to have
more detailed
info as to
the religious
significance
of Mount
Kenya to
the Kikuyu
or other natives.

involve any particular observances.

If however any statement is made on this matter, whether by way of a reply to the memorial or otherwise, the Secretary of State would be glad if the terms of the suggested assurance could be amended, if necessary, to cover all that is intended.

We should also be glad to learn, in due course what action the Governor decides to take on this memorial, whether by way of a direct reply or otherwise; and in any

Yours sincerely

(Sgd) J. S. Patten

FURTHER ACTION.

GENERAL NOTICE No. 412

KENYA LAND COMMISSION REPORT.

SECTIONS 360-379, 1829-1836 AND 1854.

WITH a view to putting into effect the recommendations contained in the above sections of the Land Commission Report, an investigation is being made into claims of right by Kikuyu natives living on alienated land. Any Kikuyu native who claims to have rights on such land based on uninterrupted occupation from before the date of alienation until the year 1982, should give notice of his claim not later than 30th April, 1936, to the District Commissioner, Kiambu.

Kiambu,
9th April, 1936.

A PHILLIPS,
District Officer,
for District Commissioner, Kiambu.

25/

GENERAL NOTICE No. 460

KENYA LAND COMMISSION REPORT.

SECTIONS 360-379, 1829-1836, 1854. INVESTIGATION OF KIKUYU CLAIMS OF RIGHT ON ALIENATED LAND

With reference to General Notice No. 412 published in the Official Gazette of 14th April, 1936, the period within which notice of claims must be given is hereby extended to 31st May, 1936.

Kiambu,
24th April, 1936.

A PHILLIPS,
District Officer
for District Commissioner, Kiambu

THE HON. MR. A. PHILLIPS
SECRETARY TO THE D.C. KIAMBAA
THE EDITOR OF E.A.S. NAIROBI,
For information & publication please.

At a Baraza held at Kiambaa on 9.5.36 by members representing Kikuyu Loyal Patriots Association, K.C.A., K.L.B.A. and members of Githaka owners. The following resolutions was ~~passed~~ passed.

- I. That this Baraza requests the Government that instead of giving compensation in money should, where the Githaka of Githaka in question has been dispossessed, buy back the lands, and, where the owners are still living on their lands they should not be disturbed, but Government should take some steps to refund the money to the purchasers.
- II. That instead of the Government giving compensation to various Local Native Councils, they should buy back the lands occupied by the Europeans who are living in the midst of the Kikuyu Reserve.
- III. That this Baraza strongly object to the Reservation of "WHITE HIGHLANDS", and in case of His Majesty's Government accedes to the Europeans request of the so called "WHITE HIGHLANDS", the Kikuyus should not be debarred from buying lands, if able to do so, in the "WHITE HIGHLANDS", and this Baraza suggest that this reservation should be called "BLACK AND WHITE HIGHLANDS".
- IV. THAT THIS Baraza requests the Government to appoint at once a Surveyor to survey the land in the Native Area in order that Groups, Family or Individual owners should be given their "FREEHOLD TITLE DEEDS".
- V. That while making this suggestion in Resolution IV we still inform the Government that we do not accept the conclusions arrived at by the Kenya Land Commission's report as already communicated to His Majesty's Government through the Kenya Government.

The Baraza has authorised the Chairman Senior Chief Koinange wa Mbiyu to sign and to forward this to the proper channel.

SD. KOINANGE MBIU.

COPY TO:-

The Right Honourable,
The Secretary of State for the Colonies

London for information and necessary direct to you in the form
action please. The above case is one of the kind
The Government
Nairobi.

THE KIKUYU JOINTS ASSOCIATIONS.

KIKUYU,

P.O. BOX NO.50

KENYA, NAIROBI 29th April 1936.

THE RIGHT HONOURABLE,
THE SECRETARY OF STATE FOR THE COLONIES,
L O N D O N.

THRO' HIS EXCELLENCY THE GOVERNOR,
GOVERNMENT HOUSE,
N A I R O B I.

Sir,

RE. KENYA LAND COMMISSION'S RECOMMENDATIONS.

With reference to the District Officer Kiambu's Circular (Settled Area) dated 1st April 1936 and in Official Gazette on 9.4.1936, to All Kikuyu Natives who were the owners of the lands that were given to European Farmers, and who become squatters on the same lands after it was given to the Settlers, requesting them to submit their claims to him, not later than 30th April 1936!

Furthermore, we beg to state that in 1934 we cabled to the Secretary of State for the Colonies protesting against the Kenya Land Commission's recommendation to the Home Government not to accept the Kenya Land Commission's report as follows:-

" We representatives Kikuyu tribe convey our sincere thanks for
" Land Commission recording lengthy evidence patiently, but
" strongly protest against your accepting report without giving
" us enough time study and lodge objection respectfully beg no
" action be taken immediately".

Also see our letter dated 13.10.34 to the Right Honourable the Secretary of State for the Colonies protesting against the Kenya Land Commission Report and requesting Her Imperial Government that, may permit us to send two of our elders to London, to be present when the recommendations will be put forward.

On 5.11.1935, we submitted a petition for and on behalf of the Kikuyu people to the Secretary of State for the Colonies, London, through His Excellency the Governor of Kenya requesting the Home Government to look upon our petition sympathetically and see that the Justice is administered.

See attached copy. Nothing was done to reply our petition.

Kenya Land Commission Evidence pp.220, one of witness George K. Ndegwa gave evidence before this Commission at Kiambu for and on behalf of the Kikuyu Central Association and Kikuyu people that:-

" Some European have given their evidence before you and (state) stated that this country originally belonged to the Masai people, but I want to point out to you that ~~we~~ even before the advent of the white people in this country we were living together, the Masai and the Kamba, and I am quite certain that if the land we are now claiming was in the hands of Masai and Kamba this Commission would not be sitting.

" Since the Commission started all the people have pleased with it and now I ~~hear~~ that the Chairman told the people that they should not suppose that the land which has already been alienated will be restored for their use. I don't think it was quite fair to tell them because a judge should not tell the judgement before he comes to it".

That is a prejudgement.

we have learned through the public newspapers, that, the Kenya Land Commission Report is already accepted by the both Home Government and Kenya Government.

Our land was never won by conquest, by the force of arms nor even by peaceful penetration.

This Commission has been chronicled in order to eradicate the "Land Rights" from those people who originally owned them before the White people came. Many of the owners of those lands, through compulsion, thereupon left their lands, It is therefore wanted that those people who refused to depart up to now, should leave theirs in the same way as those who were enforced before: when the Europeans deprived of the Wakikuyu's lands most of the owners homes were even set on fire. See K.L.C's Report Section 1857-8-

" The necessity for the recommendation has been sufficiently illustrated in the part of our report which deals with the Kikuyu. It is not too much to say that relations between the races are becoming embittered because of the extravagant pretensions they have certain legitimate grievances, which we have been at pains to rectify. But their claims and pretensions were exaggerated out of all proportion to the truth, and we find it of this tribe. Our investigations have satisfied us that, as a tribe, they have certain legitimate grievances, which we have been at pains to rectify. But their claims and pretensions were exaggerated out of all proportion to the truth, and we find it essential to the future well-being, both of the tribe in particular and of the country at large, that the settlement now proposed should be definite and final, and therefore it was absolutely essential to be rid of such potential fruitful sources of trouble as section 86 of the Crown Lands Ordinance. Moreover, if we are to consider what facilities natives ought to have in respect of land outside the reserves, it is essential the existence of ill-defined nebulous claims".

was

(Check the sheet from a copy of the evidence by)

PREJUDGEMENT. When the Kenya Land Commission Sir Morris Carter opened the meeting at Kiambu, he told us that he was sent out here by the Home Government to take evidence from various witnesses and not to give any decision, but even so, they spoiled their report by their statement in Kenya Land Commission Report section 485 where they persuading the Imperial Government to accept their decision as final:-

" It is of the utmost importance that the settlement with the Kikuyu should be definite and final and that, when these recommendations have been carried out, the matter of their past grievances should never again be reopened. If finality is not secured, our labours and those of many officers who have been working at the problem for many years will have been in vain. It is absolutely essential for the peaceful administration of the Kikuyu that these grievances should be finally put to rest. Unless we are sure that this will be done, we shall regret having set our signatures to this report".

DISTRICT OFFICER KIAMBU, SETTLED AREA. A. PHILIPS. He was appointed to investigate claims by Kikuyu natives based on uninterrupted occupation of land on European farms since before alienation, and if such claims are valid, to arrange their compensation and after that the Kenya Government remove them from the land, and take them to Mwea or Yatta etc. where no water and unhealth places, and they would suffering always. See K.L.C. S. 485, 360-379, 1829, 1836, 1854 and Evidence pp.144 to 147.

The Kenya Land Commission found that there are 110,000 people who owned such lands; and no consideration for such people is heeded sympathetically so far, in respect of their future permanent abode and Agriculture? The only a single soul or two.

We implore you, the Governor of Kenya that you may allow us the Kikuyu to appeal to you as a Civil Court's Cases and to appeal to the Home Government, because the Kenya Land Commission Report, as it behaves now, is not sufficing it is rather discouraging and this is the reason, the members of his Commission were:-

MR.R.W.HEMSTED LATE P.C. IN KENYA. (a) He was there to keep what the Kenya Government had done in past, and also during the bereavement of lands he was the distributor, and he has a farm at Ngong.

CAPT. F.O'B. WILSON SETTLER (b) This Gentleman was one of those Europeans who were granted lands, the Settler here. He has a large farm at Machakos.

MR. S.H. FAZAN LATE D.C. KIAMBU, The Secretary of the Kenya Land Commission, was one of the Kenya Government's Officers. When he was D.C. Kiambu, he told us frankly that he would consult the Commission and cause them to decide that there is no native in this country who have any right to claim any land (Githaka) whatsoever, and he said that he would see the commission to abolish any native communal grazing areas. Therefore this commission given their decision according to all what they were guided by the Secretary's ill-defined and nebulous précis prepared two years before the arrival of this Commission.

For these reasons, there is no one who can give judgement against himself!

Together with that the Commissioners themselves found that we have rights.

S.1670. We are against the Commission's Report, that abolishing communal grazing lands and limitation of native live stock.

There are many places where the Commission found that they belong to the Wakikuyu. Now they are being given to Europeans, and many cattle now being driven out of the places about 3,000 in number.

TIGONI ETC. See Kenya Land Commission Evidence pp.299. Evidence given by Rev. Father Charles Saroglia, sworn statement, regarding the swashi ownership of Tigoni lands, the owner are being removed to a place they don't like.

Those portions of land that were forests the Government proclaimed Forest Reserves, and those that were our Shambas, were given to Coffee Planters; and the fine plains to Sisal Planters. Now the Government want to take us to the poorest, barren and disease-borne places.

If His Majesty's Government sends by 1900, it must keep the... considered and not... In His Majesty's Government, the... of 1890 is...

"Under the Kenya Act... Government think it necessary... considered a view that the... natives must be... interests and the interests of the... conflict, the former should prevail."

CONCLUSION. We beg to remind His Majesty's Government we made it clear at the beginning, and that we say the same to-day, that we do not take the view that the Kenya Land Commission report is final, nor can we accept the whole of the conclusion at which the commission has arrived.

We are,

Your most obedient servants,

Kaimaranga Mlini
Philip Karanja James
Justin K. Rionga

George H. Deane

THE SECRETARY OF STATE FOR THE COLONIES

TRUE COPY

KIAMBU,

KIAMBU,

KENYA COLONY

5th November 1935.

To THE HONOURABLE,
THE SECRETARY OF STATE FOR THE COLONIES,
PARLIAMENT,
L O N D O N.

THRO' H.E. GOVERNOR,
NAIROBI,
KENYA COLONY.

Sir,

In reference to the Kenya Land Commission Report of 1932-33, we wish to draw your attention to some matters that affect chiefly the Kikuyu people; we have to report that we have heard rumours that the Home Government is going to give decision regarding our lands.

Sir, as you know that we asked Sir Morris Carter to take with him our message that we wish to send our deputation to the Parliament to add on our evidence before the last decision is given, regarding our lands. We are still waiting to hear from you the answer to that letter; with much desire, also, we wish to point out some of our grievances on the KENYA LAND COMMISSION REPORT. Sir Morris Carter, when he opened the meeting at Kiambu, he told us that he was sent out here by the Home Government to take evidence from various witnesses and not to give any decision, (See K.L.C. Evidence page 156). As you know that from the first meeting at Kiambu one witness Nyoro wa Gichini asked Sir Morris Carter that two of our people be permitted to be present when recommendations were put forward. This was not done.

In the K.L.C. Report the Commission recommended that land tenure should be given (See S.1650) groups, family, towards individual holding. S.1648 and 1649 indicate no security to our lands.

S.144. We are astonished to see that the Government is prepared to or is preparing to decrease Native animals by saying that over-stocking should be prevented by a limitation of number of stocks, and by saying that an Officer should be sent to choose them and buy them at a low price. Then the goats or whatever they are, are to be taken to a factory to be slaughtered without the owners consent either to sell or to send such factory. They recommend that 2,250 head should be slaughtered every year, and further more that native grazing areas be abolished.

RUIRU.

Ruiru Station. S.431 K.L.C. Report. This piece was reserved by the Government to be given to the Natives who were disturbed by alienation of certain lands for their grazing. See S.432-433, Ruai. We want these two pieces to be restored to the natives for their grazing purposes.

MWEA.

See S.2094. The Mwea is 205 Square miles. It is said that Mwea was given to natives in 1929, but the people of Ndia and Mbere, were there many years before any Europeans came to this country, and it has never been taken from them since. If you see the K.L.C. Evidence page 553 you will see how evidence was given by Chief Kombo of Mbere and Chief Niaga of Ndia (paragraph 7).

There is no doubt that, part of Mwea was originally Mbere's land. Therefore we should say that those people were not compensated as promised. Even the Commission saw much arguments between Mbere people and those of Ndia concerning Mwea Mr.H.E.Lambert who was their D.C. was satisfied with their claims. Those people were quarrelling amongst themselves concerning Mwea.

If you were to tell Kiambu people to-day to go to Mwea for grazing purposes, they would not be very pleased, as we know that Mbere and Ndia people had objection that we should go and live in their country. See K.L.C. Report page 549.

Mr. C.W. Hobley said that 10,000 heads of cattle were removed from Kamiti plains to Ndeiya, but the cattle that were removed were those belonging to people between Dagoretti and Kamiti River. Cattle belonging to those people who live beyond that river were left on the Europeans farms. The owners are working for grazing fees, some of them pay in cash, others pay by producing so much milk every morning. There are others who work in these farms instead of paying in the above mentioned ways. Those cattle are still there, we are told that Ndeiya is going to be abolished, and people will be allowed to cultivate the whole area, and a fee of 10/- has to be paid by any one who is issuing with cultivating licence. It should be remembered that 110,000 people who are living outside of the native lands, will be turned off in near future. Where will such people go? They are owners of thousands of stock, cattle sheep and goats. What will happen to them? It should be remembered that many of them were the owners of many of the land now called the Europeans Farms, and that they became squatters on the same land which was theirs. See S.592. As the commission found that the Kiambu district is already launched on a system of tenure quite exceptional from those of other districts and individual tenure is well in sight. In S.1650 the commission recommended that land tenure of each reserve should be built ~~be~~ in the basis of the native custom obtaining therein, but that it should be progressively guided in the direction of the private tenure, proceeding through the group, and the family, towards the individual holding.

It is said that the P.C. would therefore be the responsible authority for directing the course of evolution of the "Githaka" system, just as he is now the final court of appeal for native tribunal cases which arises in connection with it. As the P.C. & D.C. are working together, with the knowledge that there is no other court higher than that, we do pray the Government to recommend that a court of appeal for the natives be elected, where the natives may appeal for their land cases and where a Pleader can be engaged for defence of

for defence of any side. Therefore we are bound by this section and for that reason, we pray the Home Government as well as the Kenya Government to re-consider this section and thus release us from heavy burden.

MWEA.

With reference to the Mwea area, suggested to be added to our reserve in 1928 though not yet gazetted, while there are other good Agricultural lands in many other parts, we beg to inform you that it is very unfertile and is in a large measure waterless. The same applies to the new addition on the Yatta plains marked A.B.I. area. Yatta is an island surrounded by European farms, this means that if people are sent there, there will be a dispute between European farmers and people as they pass through from the main reserve to the Yatta island. This is a matter worthy considering.

INSUFFICIENCY OF LAND.

It is admitted by K.L.C. in? that the people of the Kiambu district have been the main sufferers from loss of land taken by Europeans. The land now being added to this district is by no means equivalent to what has taken; the land in Mwea and Yatta can be hardly be looked upon as compensation to us, the Kikuyu of Kiambu, not even as it has been said is it likely to attract us. We know that Kiambu district people would not live either of the areas in good health.

We therefore pray the Government to re-consider our position (Kikuyu of Kiambu) because three quarters of Ndeiya is rocky and waterless, and Mwea and Yatta are of the same condition. We therefore entreat the Government to accept our petition for appeal as we are not fairly treated. We hope and trust that the time may not be far distance when the Government will be willing to issue definite "Title Deeds" Section 1663. The commission recommended that Registration "Githaka" in native reserve should started, especially in Kiambu district, and we welcome this recommendation.

MT. KENYA.

Mt. Kenya has always been looked upon by (us) the Kikuyu people as the dwelling place of God, and such we regarded it as sacred. We are always told that the British rule does not prevent or force a man or tribe to cease his or its religious idea. We therefore pray the Government to reconsider the mountain, be not be put in the reserved as European Highlands. Even if the mountain cannot be included into our reserve, it should be put into Crown Land and not to be put within that of European Highlands.

LAND TRUST BOARD.

We pray the Government to allow that some of our African members be chosen as members of the Board; They should be allowed to attend every meeting of the Board. In case the Board is located in Kenya, We beg that the door may not be shut for us from communicating with the Home Government.

HIGHLANDS.

S.1977. As these are now in the hands of the Government Government, we suggest that all the forests reserve, being the Crown lands bounded partly by European Highlands and partly by the native reserve, to remain as they are now in the hands of the Government.

We pray the Government not to close the door for natives to use such lands when any one of such lands are available for Agricultural use. S.480 K.L.C. recommended that a balance of 2,190 acres be found and added to the native reserve. The commission agreed that the Kikuyu of Kiambu lost much land, and that the Government ought to treat us generously. We bought lands from "Athi" outright. This is borne out by (Dorobo) witness Torothi (K.L.C. Evidence page 221-222) and others members of the "Athi". The land is therefore rightly ours.

AFRICAN MEMBERS TO THE LEGISLATIVE COUNCIL.

We several times have sent petition to the Government requesting that we may be granted permission that some of our members may be allowed to represent us and our interests in the Legislative Council.

We would like to inform the Government that those who are representing natives, being Europeans, do not consult us before they go to the meeting of the Council. Suppose a man is representing your interests or if a lawyer is engaged by some one, certainly the lawyer must consult his client before he appears in the court or else he would have nothing to say.

We do not agree with the Race Relation Committee when they said that time is not yet, for the African to represent himself. When such a thing is said we always ask as how long we are to wait, before we can represent ourselves? Or to what standard must the African attain to enable him to fill up the gap? The Education Department (although we do not mean to accuse it) is to our knowledge, decreasing the education or reducing the rate at which it should develop, although we have few ~~Although~~ Africans in Kenya who are really well educated, we suggest despite that reason, to be allowed to turn few representatives to the Legislative Council.

To show that there is no encouragement towards the education of Africans it was publicly reported in the "E.A. Standard" issue of Saturday November 23rd. 1935, that the Europeans and Indians education estimates for 1936 were raised by £3,967 and £3,132 respectively, while the cost of the African education was lowered by £3,965. Surely that ~~how~~ shows how the African education is being held up.

While we are very anxious that our education should be raised up, as to give us as much opportunity in politics as other races in Kenya, the Government as you can see is doing her best to keep us back; for we feel that without education we will always live in a servile state, while we feel sure, and are glad that it is not the British Empire's motto, to retain slavery, we suggest that colour bars may not be introduced in Educational, Political, Economical or other spheres of the state.

To express this more, we would like to refer you to the Teachers' salary scales. There was issued a salary scale for Teachers in 1932, which although not up to our taste, we accepted as being fairly good.

But to our astonishment and surprise, this scale has been re-drawn this year, but instead of improving on the 1932 scale, they have reduced it tremendously. This means that Teachers are discontented with such low pay which ultimately that all good Teachers will have to abandon teaching, and by the employment of poor Teachers undoubtedly there will be little progress, if at all any.

We pray the Government, therefore, to re-consider this as we feel strongly that education is the key to all things.

We hope that this petition will be looked upon sympathetically by you and that you will see that justice is administered.

We are,

Your most obedient servants,

SD. KOINANCE MBIU

SD PHILIP KARANJA JAMES
P. O. KIKUYU
KENYA COLONY:

FOR THE KIKUYU PEOPLE:

.....

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13th March, 1936.

My Dear Williams,

Thank you for your letter of the 11th of March. I have had a search made but we cannot trace the receipt of any petition dated the 5th of November from the Kikuyu. It is quite likely that the petition has been, as it should be, sent to the Governor to be transmitted to me, and if so it may be expected to come along in due course. But you will, of course, realize that before the petition can be forwarded the Governor would have to investigate all the circumstances and furnish me with the facts and his considered views thereon. I am in any case writing to the Governor to ask him whether the petition has been received and when it may be expected. From what you say it is possible that it contains several other matters and therefore a good deal of enquiry may be necessary before it can come on to me.

Yours very sincerely,

(Signed) J. H. THOMAS

NOTE ON PETITION DATED 5TH NOVEMBER,

1935.

Petitioners.

Governor.

Remarks.

① Deputation. Petitioners state that they asked Sir Morris Carter to take with him their message that they wish to send a deputation to Parliament to give further evidence before a final decision is given regarding Kikuyu lands.

The Governor has no knowledge of any such request made officially through Sir Morris Carter, though witnesses may have put the point to Sir Morris in person. The Governor cannot recommend that the Kikuyu, or any other native ~~land~~ in Kenya, be given any encouragement to believe that the major proposals of the Land Commission are still open to discussion.

② Individual Land Tenure.

The petitioners say that the Land Commission recommended that land tenure should be given thus (Section 1650): groups, family, towards individual holding. That Sections 1648 and 1649 indicate no security to native lands.

The Governor refers to the legislation which has been drafted to give effect to the recommendations in paragraph 1635 and 1649 of the Land Commission's Report. The draft Bill (i.e. Bill to make provision for native lands in Colony) has been received and is under consideration in the Department. It involves certain changes of existing policy as regards ownership of native lands. In paragraph 1639 of the Report it is recommended that class A lands, i.e. the present native reserves together with additions to be made on grounds of right, shall cease to be Crown lands and shall become native lands to be vested in a Board in trust for the native tribes. Nonetheless, the Crown (according to the Commission) is to retain certain important rights

Petitioners.

Governor.

Remarks.

and responsibilities over these lands of which it has surrendered the ownership. The Governor says, as regards the petitioners' point that in the draft legislation, native lands are adequately secured. He does not consider, however, that that security would be adversely affected even if the native lands remain Crown lands.

Of course it would be.

(3) Compulsory culling of cattle.
Petitioners are astonished at Government's proposals for the compulsory culling of native cattle.

The problem of overstocking in the reserves is one of the most serious that the Colony has to face and, as the Commission recognised, it may prove necessary, if it is impossible to obtain the voluntary acceptance of drastic measures, to resort to compulsory methods of decreasing the number of cattle grazing on the most denuded areas.

It is now more serious because of the attempt to start a cattle industry. In the natives' own cattle there must be control.

(4) Ruiru Station and Ruai.
The petitioners ask for the restoration, for native grazing purposes, of L.O.123 (2,049 acres) a piece of land lying two miles to the east of Ruiru township and more than eight miles from the nearest point of the Kikuyu Reserves, also the area known as Ruai.

L.O.123 is situate in the heart of a European settled area well outside the Kikuyu country. Since compensation for any loss that might have been sustained by natives is to be provided in other ways, the Commission recommended that any Kikuyu claims in respect of this land should be allowed to lapse.

The Commission found that the Ruai area was not in the occupation of the Kikuyu at the commencement of European occupation. The Governor sees no reason for a revision of the Commission's recommendations.

Petitioners.

Governor.

Remarks.

(5)

Mwea. Petitioners aver that the area known as Mwea (205 square miles) which was added to the Kikuyu Reserve in 1928, but which has never been gazetted as part of it, is not actually Kikuyu land, and that the Kikuyu would hesitate to use it because of the ancient claims of the Mberere to the land - so that in arriving at the balance of lands due to the Kikuyu, the Land Commission wrongly took into account the Mwea area as being Kikuyu land.

In 1929, the area known as the Mwea, was almost unoccupied. The addition of the Mwea area to the Kikuyu Reserve was considered as generous treatment.

(6)

Return of Squatters to the Reserve. The petitioners point out that there are 110,000 Natives living outside native lands (i.e. squatters) "who will be turned off in the near future" (see para. 549 of the Report).

The Governor appreciates that the task of accommodating the native residents on European-owned farms and their stock in the Kyambu district presents a special problem. It is causing him and his advisers grave anxiety. The addition of considerable areas to the Reserve may, to some extent relieve the situation. But the expressed fear that 110,000 squatters may be "turned off" - the farms is unlikely to materialise. The fact remains, however, that these natives have no security of tenure and there is no room for them in the Reserve, at any rate under existing native customary law.

The revised Estimates deals with this. The Gov. means to see that land is available.

(7)

Yatta Plains. The petitioners argue that the 350-400 square miles of land - Yatta Plains - recommended by the Commission in Section 542 of the Report to be given to the Kikuyu as B.L. land, is an island surrounded by European farms and that if the Kikuyu are sent there it will be giving rise to disputes with European

The Governor says that it is not expected that any difficulty will arise by reason of the road running through the Kyambu Reserve to the Yatta passing through the European settled area.

Petitioners.

Governor.

Remarks.

farmers as the natives pass through from the main Reserve to the Yatta island.

8) Insufficiency of land. The petitioners say that the claims of the Kikuyu and Kiambu have not been fairly dealt with by the Land Commission.

The Governor says that the Commission's proposals for meeting the deficiency on the profit and loss account are regarded as not ungenerous, and comprise the best land available for the purpose.

9) Mount Kenya and Highlands. The petitioners say that Mount Kenya has always been regarded by the Kikuyu as sacred. They ask that it should not be included in the European Highlands.

See page 6

10) Native Representatives on the Native Land Trust Board. It is asked that Africans should be chosen as members of the Board.

The Governor sees no reason why native members should not be appointed, if and when there are found individuals possessing the qualifications required in members of the Board.

11) Native Representation in the Legislative Council.

The petitioners are dissatisfied with the present method of native representation in the Legislative Council and allege that the members appointed to represent African interests do not consult the natives sufficiently. The Kikuyu do not agree that the time is not come when Africans should be appointed to the Legislative Council.

The Governor cites the 24th Section of the Report of the Joint Select Committee on Closer Union which says that the most promising line of development for the African population may well lie, not in any direct participation in the Legislative Council, but in the increasing importance to be given to the Native Councils.

12) Education. The petitioners' grievance as regards educational facilities hinges on the above. They endeavour

The accusation that the Education Department is endeavouring to limit educational facilities cannot be

Petitioners.

Governor.

Remarks.

to show that African education is being retarded because the financial provision for this service in 1936 is £3,963 below the amount for 1935, but that corresponding increases have been made in the provision for European and Indian education.

They are astonished at Government's proposals to reduce the salary scales approved in 1932 for African teachers.

sustained. That the present facilities are inadequate is admittedly true and is due largely to financial conditions, but every effort is being made to expand on the right lines and to see that the claims of elementary education for the many are not sacrificed to provide higher education for the few. Grants to secondary schools for Africa have been maintained at the same rate and in addition eighteen bursaries to Makerere College have been awarded.

There has been no curtailment of services, only the reorganisation of the staff. Plans for the complete reorganisation for the training of African school teachers are under consideration.

As regards the salary scales for African teachers, it is considered that they have been too high having regard to the weak qualifications of the present elementary teachers. The reorganisation envisages a scale appropriate to teaching qualifications as in the case of the scales for European and Indian education. With the advent of Makerere-trained teachers a far better class of African teacher will become available. The proposals are described at length on pages 6 - 7 of the despatch, from which it will be seen that the idea is gradually to do away with the existing lowest type of African teacher and to substitute a more qualified individual. The Governor points out that the backwardness of

Petitioners.

Governor.

Remarks.

pupils in the schools is due in the main to faults in the existing system. The Kavirondo District Boards are in favour of still further reductions in the initial scales of elementary teachers, but the Kikuyu have hitherto failed to grasp Government's educational policy, in spite of the Director of Education's invitation for personal discussion.

(9)

Mount Kenya and Highlands. The petitioners say that Mount Kenya has always been regarded by the Kikuyu as sacred. They ask that it should not be included in the European Highlands.

The Commission recommended that all Forest Reserves which are bounded partly by European Highlands and partly by native reserves should be included in the Highlands and that "any question created by a change of user in respect of any part of the forest contiguous or near to the reserve should be a special case to be decided on its merits" - Section 1977. The Acting Governor, in July last, viewed this recommendation with some misgiving more particularly in respect of the Mount Kenya Forest Reserve, for which the Kikuyu profess some superstitious regard and in which they exercise traditional rights in regard to cutting firewood and building poles. He did not however desire to raise a definite objection and was satisfied with the machinery proposed by the European Elected Members providing that the final arbitrament is placed before the Secretary of State. The European Elected Members' proposals were "With regard to Forest Reserves boundaries referred to in paragraph 1977, we hold very strongly that where a Forest Reserve is bounded on one side by European Highlands and the other by native reserve, the whole of such Forest Reserve should be included within the boundary of European Highlands for purposes of defining the boundary of the Highlands but we agree with the Commissioners that, in the unlikely event of any such Forest Reserve ceasing

This is in order to
increase the forest
for which the whites
are alarmed.



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Petitioners.

Governor.

Remarks.

ceasing to be used as such and becoming available for alienation, the question as to whether such available land should be retained in the European Highlands or added to native reserve must be referred firstly to a Joint Special Committee composed of representatives from both the Native Lands Trust Board and the European Lands Trust Board and if they cannot agree that the matter be referred to a single arbitrator, perhaps a Judge of the Supreme Court.

We consider that wherever the boundary between the native Reserve and European Highlands is also the boundary of a Forest Reserve that boundary as shown on the map shall carry a special marking with a reference to the foregoing special conditions attaching to the Forest Reserve adjoining it."



KENYA.

No. 20

GOVERNMENT HOUSE,
NAIROBI,
KENYA.

CONFIDENTIAL.

20 February, 1956.

Sir,

I have the honour to forward a Memorial dated the 5th November, 1955, signed "for the Kikuyu people" by Chief Koinange and Chief Philip Karanja James, and endorsed by many other Kikuyu Chiefs, on the subject of the Kenya Land Commission Report, native representation on the Legislative Council and the salaries of native teachers.

2. The following comments are submitted:-

(a) Deputation: I have no knowledge of any request made officially through Sir Morris Carter for permission to send to England a Kikuyu deputation to make representations to Parliament concerning the matters dealt with in the Land Commission Report, though witnesses may have put the point to him in person. I cannot recommend that the Kikuyu or any other native tribes in Kenya be given any encouragement to believe that the major proposals of the Commission are still open for discussion.

(b) Individual Land Tenure: The point whether the Native Lands are to cease to be Crown Lands and become vested in the Trust Board is discussed in paragraphs 8 - 11 of Mr. Wade's Confidential despatch No. 72 of May 21st last. Under the Commission's recommendations, as interpreted in the draft legislation sent with that despatch,

28005/6/55.
(11)

THE RIGHT HONOURABLE
J.H. THOMAS, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1

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despatch, the Native Lands are very adequately secured, notwithstanding the procedure for setting apart parcels of land required for various specified purposes. I do not consider that that security would be adversely affected even if the Native Lands remained Crown Lands.

The Commission recommended, however, that great caution should be used in exercising rule-making powers for introducing modifications into the native system of land tenure, c.f. Sections 1656 - 1660 and paragraph 21 of the above quoted despatch and paragraph 4 of Mr. Wade's despatch No.207 of the 27th April, 1956.

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(c) Compulsory Culling of Cattle: The problem of overstocking in the Reserves is, as you are aware, one of the most serious that the Colony has to face, and, as the Commission recognised, it may prove necessary, if it is impossible to obtain the voluntary acceptance of drastic measures, to resort to compulsory methods of decreasing the number of cattle grazing on the most denuded areas.

(d) Ruiru Station: The portion of land referred to is known as L.R. No.125 and is situate in the heart of a European Settled Area, well outside the recognised Kikuyu country. Since compensation for any loss that might have been sustained by natives was being provided in other ways the Commission recommended that any claims in respect of this land should be allowed to lapse.

Ruai: The area known as Ruai lies to the east of the Thika line in the vicinity of Kahawa Station and was not, in the opinion of the Commission, in the occupation of the Kikuyu at the commencement of European occupation,

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occupation, as shown by the second map opposite page 78 of the Report. Such portions of the Ruai plain as are still Crown Land are separated from the Native Reserve boundaries by a large area of alienated land.

I see no reason for a revision of the Commission's recommendation on these points.

- (e) Mwea: In 1929 the area known as Mwea was almost unoccupied. In this connection I would refer to Sir Jacob Barth's Confidential despatch No. 97 of the 8th August, 1929, and to Lord Passfield's Confidential despatch of the 11th September, 1929.

15360/29/Kenya

(5+6)

- (f) Return of Squatters to the Reserve: The writers of the Memorial correctly surmise that the accommodation of the native residents on European owned farms and their stock in the Kyambu district presents a difficult problem; it is a problem which is causing myself and my advisers grave anxiety: there is no apparent solution though the addition of considerable areas to the Reserve may to some extent relieve the situation. The expressed fear that the 110,000 natives said to be living outside the Reserve may, in the near future, be "turned off" the farms is unlikely to materialise, but the fact remains that these 110,000 natives have no security of tenure and that there is no room for them in the Reserve, at any rate under existing native customary law.

- (g) Yatta Plains: It is not expected that any difficulty will arise by reason of the road from the Kyambu Reserve to the Yatta passing through a European Settled Area. The quality of the Yatta from an agricultural point of view was referred to in paragraph 25 of Mr. Wade's Confidential despatch No. 72 of

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the 21st May last. Those remarks apply also to Mwea. It is not, however, expected that Kikuyu who move on to these lands will suffer in health.

(h) Insufficiency of Land: The Commission's proposals for meeting the deficiency on the Profit and Loss Account are regarded as not ungenerous, and comprise the best land available for the purpose.

(i) Mount Kenya and Highlands: This point was referred to in paragraph 5 of Mr. Wade's despatch No. 92 A of the 4th July last.

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(40)

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(j) Native representation on the Native Lands Trust Board:
The constitution of the Native Lands Trust Board has been the subject of communications with your predecessors and I have nothing to add, except to say that I see no reason why native members should not be appointed if and when there are found individuals possessing the qualifications required in members of that Board.

(k) African members to Legislative Council: The question of African representation in Legislative Council has formed the subject of petitions and requests over a period of years.

The problem was exhaustively dealt with in the Report of the Joint Select Committee on Closer Union in East Africa (1951), and there would appear to be nothing further to add to their recommendation contained in the twenty-fourth section that:-

" Since this (e.g. an electorate in which every section of the population finds an effective and adequate voice) cannot be attained for a long time, the most promising line of development for the African population may well lie not in any direct participation in the Legislative Council, but in the increasing importance to be given to the Native Councils."

- (1) Reduction in scale of teachers' salaries: The accusation that the Department of Education is endeavouring to limit educational facilities cannot possibly be sustained. That the present facilities are inadequate is admittedly true and due largely to financial circumstances, but every effort is being made to expand on the right lines and to see that the claims of elementary education for the many are not sacrificed to provide higher education for the few. Government, while maintaining grants to secondary schools for Africans at the same rate as in 1955 has, in addition, provided no less than eighteen bursaries to Makerere College this year, which have all been awarded.

It is true that there is a decrease in this year's expenditure total on African education. There has, however, been no curtailment of services, but only reorganization of staff. It is hoped that this cut will be restored next year when plans for the complete reorganization of the training of African school teachers should have matured. The reorganization scheme is being discussed by representatives of all Missions in conjunction with departmental officers.

With regard to the salary scales for teachers, these have been fully discussed by the District Boards of Education and the matter is on the Agenda for the next meeting of the African Advisory Council. When the very weak qualifications of the teachers are considered, the scales have been too high and some readjustment is necessary. Under the readjustment contemplated the qualified Lower Primary Teacher will still have better prospects than youths with similar education in the majority of other professions.

professions. With the advent of the Makere trained teacher, a far better class of African teacher than before should be available, and his pay will have to be proportionate to his qualifications.

Salary scales have been adjusted in both European and Indian education and teachers are paid according to their qualifications; without the necessary qualifications teachers are debarred from proceeding beyond certain points in the scales. Similar adjustments are necessary in scales for African teachers. Under the old system increments were automatic and in certain cases Elementary teachers with practically valueless certificates were paid salaries which ranged from £.150/- to £.200/- per mensem. In 1952 a new scale was brought into operation. This scale, however, has been found to be higher than the Missions can afford and is hampering the development of elementary education. A schedule of scales, which it is now proposed to introduce, is below. The 1952 scales are also shown in the schedule for purpose of comparison.

	<u>1952 Scales:</u>	:	<u>Proposed Scales:</u>	
Elementary Teachers.	50/- by 5/- to 50/-	:	25/- by 1/50 to 40/-	} £.10/- per mensem extra in the case of teachers holding the Jeanes Certificate.
Lower Primary Teachers.	50/- by 5/- to 100/-	:	55/- by 5/- to 65/-	
Primary Teachers.	100/- by 5/- to 150/-	:	80/- by 5/- to 100/-	
Special Grade.	- - -	:	120/- by 5/- to 150/-	

As regards the proposed scale, I may state that all the Kavirondo District Boards are in favour of still further reductions in the initial scales of elementary teachers.

It is

It is hoped to use the new elementary teachers in the lower classes of elementary schools and in sub-grade schools. If they are to be paid on the old scales the Missions will only be able to employ a very limited number unless there is a big increase in the rate of grant, and many schools will have to close. The old elementary teachers - \$3.50/- by 5/- to 50/- - will be largely replaced by the new Lower Primary Teacher, who will be paid at a higher rate - i.e. \$3.55/- by 5/- to 65/-, while the Primary teachers - \$1.00/- by 5/- to 150/- will, in many cases, be replaced by the new special grade man at \$1.20/- by 5/- to 150/-. It is not a question of lowering scales, but rather demanding a higher qualification to reach the scale. It must also be remembered that in most cases the teachers have received their education and training free from the Missions. Increments for Elementary and Lower Primary teachers have been reduced as the teachers reached the maximum on the old scales far too soon and were likely to get slack with no further prospect of promotion.

The backwardness of pupils in the schools is due in the main to faults in the existing system of teacher training. The Missions and Government in co-operation are endeavouring to grapple with this problem. With more efficient teachers the African in Kenya will doubtless show an equal capacity for advancement as Africans in Uganda, Nyasaland and elsewhere.

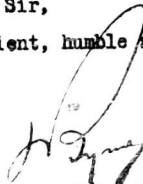
If the leaders of the Kikuyu people would avail themselves of the opportunities offered them of discussing educational matters with the department concerned,

concerned, it is possible that many misunderstandings as to Government educational policy would be avoided. They are well represented on all District Education Boards in the tribal areas, and the Director of Education has given a personal invitation to many of the Chiefs to come and discuss educational matters with him, but so far without response.

I have the honour to be,

Sir,

Your most obedient, humble servant,



Brigadier-General,

G O V E R N O R

KIKUYU

KIAMBU

KENYA COLONY,

5th, November 1935.

TO THE HONOURABLE,
THE SECRETARY OF STATE FOR THE COLONIES,
PARLIAMENT,
L O N D O N.

THRO' H.E. GOVERNOR,
GOVERNMENT HOUSE,
NAIROBI,

KENYA COLONY.

Sir,

In reference to the Kenya Land Commission Report of 1934, we wish to draw your attention to some matters that affect chiefly the Kikuyu people; we have to report that we have heard rumours that the Home Government is going to give decision regarding our lands.

Sir, as you know that we asked Sir Morris Carter to take with him our message that we wish to send our deputation to the Parliament to add on our evidence before the last decision is given, regarding our lands. We are still waiting to hear from you the answer to that letter; with much desire, also, we wish to point out some of our grievances on the KENYA LAND COMMISSION REPORT. Sir Morris Carter, when he opened the meeting at Kiambu, he told us that he was sent out here by the Home Government to take evidence from various witnesses and not to give any decision, (See K.L.C. Evidence page 156). As you know that from the first meeting at Kiambu one witness Nyoro wa Michini asked Sir Morris Carter that two of our people be permitted to be present when recommendations were put forward. This was not done.

In the K.L.C. Report the commission recommended that land tenure should be given thus (See S. 1650) groups, family, towards individual holding. S. 1648 and 1649 indicate no security to our lands.

S. 1454. We are astonished to see that the Government is prepared to or is preparing to decrease Native Animals by saying that over-stocking should be prevented by a limitation of number of stock, and by saying that an Officer should be sent to choose them and buy them at a low price. Then the goats or whatever they are, are to be taken to a Factory to be slaughtered without the owners consent either to sell or to send to such factory. They recommend that 2,250 head should be slaughtered every year, and further more that native grazing areas be abolished.

RUIRU.

Ruiru Station S 431 K.L.C. Report. This piece was reserved by the Government to be given to the Natives who were disturbed by alienation of certain lands for their grazing. See S. 432-433. Ruai. We want these two pieces to be restored to the natives for their grazing purposes.

MWEA.

See B.2094. The Mwea is 205 square miles. It is said that Mwea was given to natives in 1923, but the people of Ndia and Mbera, were there many years before any Europeans came to this country, and it has never been taken from them since. If you see ~~how~~ ~~evidence~~ the K.L.C. Evidence page 53 you will see how evidence was given by Chief Kombo of Mbera and Chief Njenga of Ndia (paragraph 7).

There is no doubt that, part of Mwea was originally Mbere's land. Therefore we should say that those people were not compensated as promised. Even the Commission saw much arguments between Mbere people and those of Ndia concerning Mwea. Mr. H.N. Lambert who was their D.C. was satisfied with their claim. Those people were quarrelling amongst themselves concerning Mwea.

If you were to tell Kiambu people to-day to go to Mwea for grazing purposes, they would not be very pleased, as we know that Mbere and Ndia people had much objections that we should go and live in their country. See K.L.C. Report page 549. Mr. C.W. Hobley said that 10,000 heads of cattle were removed from Kamiti plains to Ndeiya, but the cattle that were removed were those belonging to people between Dagoretti and Kamiti River. Cattle belonging to those people who live beyond that river were left on the Europeans farms. The owners are working for grazing fees, some of them pay in cash, others pay by producing so much milk every morning. There are others who work in these farms instead of paying in the above mentioned ways. Those cattle are still there, we are told that Ndeiya is going to be abolished, and people will be allowed to cultivate the whole area, and a fee of 10/- has to be paid by any one who is issuing with cultivating licence.

It should be remembered that 110,000 people who are living outside of the native lands, will be turned off in near future. Where will such people go? They are owners of thousands of stock, cattle, sheep and goats. What will happen to them? It should also be remembered that many of them were the owners of many of the land now called the European Farms, and that they became squatters on the same land which was theirs. See S. 522. As the commission found that the Kiambu district is already launched on a system of tenure quite exceptional from those of other districts and individual tenure is well in sight. In S. 1650 the commission recommended that land tenure of each reserve should be built in the basis of the native custom obtaining therein, but that it should be progressively guided in the direction of the private tenure, proceeding through the group, and the family, towards the individual holding.

It is said that the P.C. would therefore be the responsible authority for directing the course of evolution of the "Gitsaka" system, just as he is now the final court of appeal for native tribunal cases which arise in connection with it. As the P.C. & D.C. are working together, with the knowledge that there is no other court higher than that, we do pray the Government to recommend that a court of appeal for the natives be elected, where the natives may appeal for their land cases and where a leader can be engaged for defence of any side. Therefore we are bound by this section and for that reason, we pray the Home Government as well as the Kenya Government to re-consider this section and thus ~~realise~~ release us from heavy burden.

MWEA.

with regard to the Mwea area, suggested to be added to our reserve in 1928 though not yet gazetted, while there are other good Agricultural lands in many other parts, we beg to inform you that it is very unfertile and is in a large measure waterless. The same applies to the new addition on the Yatta plain marked as A.E.I. area Yatta is an island surrounded by European farms, this means that if people are sent there, there will be a dispute between European farmers and people as they pass through from the main reserves to the Yatta island. This is a matter worthy considering.

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INSUFFICIENCY OF LAND.

It is admitted ~~it~~ that the people of the Kiambu district have been the main sufferers from loss of land taken by Europeans. The land now being added to this district is by no means equivalent to what has been taken; the land in Mwea and Yatta can be hardly be looked upon as compensation to us, the Kikuyu of Kiambu, not even as it has been said is it likely to attract us. We know that Kiambu district people would not live either of the areas in good health.

We therefore pray the Government to re-consider our position (Kikuyu of Kiambu) because three quarters of Ndeiya is rocky and waterless, and Mwea and Yatta are of the same condition. We therefore entreat the Government to accept our petition for appeal as we are not fairly treated. We hope and trust that the time may not be far distance when the Government will be willing to issue definite "Title Deeds" to the owners of such holdings.

Section 1663.

The commission recommended that Registration of "Githaks" in native reserve should started, especially in Kiambu district, and we welcome this recommendation.

Mt. Kenya.

Mt. Kenya has always been looked upon by we Kikuyu people as the dwelling place of God, and such we regarded it as sacred. We are always told that the British rule does not prevent or force a man or tribe to cease his or its religious idea. We therefore pray the Government to re-consider the mountain, be not ~~put in~~ be ~~the~~ ~~land~~ put in the reserved as European Highlands. Even if the mountain cannot be included into our reserve, it should be put into Crown Land and not to be put within that of European Highlands.

LAND TRUST BOARD.

We pray the Government to allow that some of our African members be chosen as members of the Board; They should be allowed to attend every meeting of the Board. In case the Board is located in Kenya, We beg that the door may not be shut for us from communicating with the Home Government.

HIGHLANDS.

S.1977. As these are now in the hands of the Government, we suggest that all the forests reserve, being the crown lands bounded partly by European Highlands and partly by the native reserve, to remain as they are now in the hands of the Government.

We pray the Government not to close the door for natives to use such lands when any one of such lands are available for Agricultural use. S.480 K.L.C. recommended that a balance of 2,190 acres be found and added to the native reserve. The commission agreed that the Kikuyu of Kiambu lost much land, and that the Government ought to ~~treat~~ us generously. We bought lands from "Athi" outright. This is borne out by witness Forothi and others members of the Athi". The land is therefore rightly ours.

AFRICAN MEMBERS TO THE LEGISLATIVE COUNCIL.

We several times have sent petition to the Government requesting that we may be granted permission that some of our members may be allowed ~~to represent~~ to represent us and our interests in the Legislative Council. We would like to inform the Government that those who are representing natives, being Europeans, do not consult us before they go to the meeting of the Council. Suppose a ~~man~~ man is representing your interests or if a lawyer is engaged by some one; certainly the lawyer must consult his client before he appears in the court or else he would have nothing to say.

We do not agree with the Race Relation Committee when they said that time is not yet, for the African to represent himself. When such a thing is said we always ask as how long we are to wait,

before we can represent ourselves? Or to what standard must the African attain to enable him to fill up the gap? The Education Department (although we do not mean to accuse it) is to our knowledge, decreasing the education or reducing the rate at which it should develop, although we have few Africans in Kenya who are really well educated, we suggest despite that reason, to be allowed to turn few representatives to the Legislative Council.

To show that there is no encouragement towards the education of Africans it was publicly reported in the "E.A. standard" issue of Saturday November 23rd. 1935, that the Europeans and Indians education estimates for 1936 were raised by £3,967 and £3,138 respectively, while the cost of the African education was lowered by £3,963. Surely that shows how the African education is being held up.

While we are very anxious that our education should be raised up, so as to give us as much opportunity in politics as other races in Kenya, the Government as you can see is doing her best to keep us back; for we feel that without education we will always live in a servile state, while we feel sure, and are glad that it is not the British Empire's motto, to retain slavery, we suggest that colour bars may not be introduced in Educational, Political, Economical or other spheres of the state.

To express this more, we would like to refer you to the Teachers salary scales. There was issued a salary scale for Teachers in 1932, which although not up to our taste, we accepted as being fairly good.

But to our astonishment and surprise, this scale has been re-drawn this year, but instead of improving on the 1932 scale, they have reduced it tremendously. This means that Teachers are discontented with such low pay which ultimately that all good Teachers will have to abandon teaching, and by the employment of poor Teachers undoubtedly there will be little progress, if at all any.

We pray the Government, therefore, to re-consider this as we feel strongly that education is the key to all things.

We hope that this petition will be looked upon sympathetically by you and that you will see that justice is administered.

We are,

Your most obedient servants,

... *Kamunge* ^{*White*} P.O. Kamukuu
 Kenya Colony.
Isilik Karanja James P.O. Kihiji
 for the Kikuyu people. Kenya Colony

5th November, 1955.

END

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1. Senior Chief Koinange. 20. Chief Makinei.
2. Chief Josiah. *kyoj* 21. " Kirubi.
3. " Waruhiu. *Waruhiu*
4. " Muhoho.
5. " Philip. *Philip*
6. " Daudi.
7. " Kihiko.
8. " Mukoma.
9. " Kioi.
10. " Remungi.
11. " Gathingo.
12. " Magugu. *Magugu* *Wanjau*
13. " Wandie.
14. " Kahenu.
15. " Gakuo.
16. " Gachukia.
17. " Gachango.
18. " Waruiru.
19. " Kibathi.

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