

to be the property of the  
that I am now consulting  
in a Harbidge on the  
matter

2. Enclose <sup>copies</sup> of a  
letter from Mr. A. L. Hollis

~~on this subject~~  
+ of a letter which I have  
caused to be sent to the  
F.O. on this subject.

(Signed) L. HARGOURT.

EAST AFR. PROT  
39440

C. O.  
39770  
Recd  
Per 16 DEC 12

to AC  
Cust

Hand on Mombasa Island

1912

Sec.

Ends evidence in case of Abdullah bin Sheikh bin  
Yunus Khalifa Harfe and map showing the lands  
claimed by the Jangana and Harfe

previous Paper.

39440

Now send the plans with reference  
forward paper to the F.O. with ref. to  
one of the 14<sup>th</sup> of Dec on 39470, for  
transmission to Mr. A. Harbidge

Mr. Reed has agreed  
that the evidence may  
be used

at use.  
H. J. R.  
16/12/11

70  
163.15  
Copy above to Mr. C. J. 7 Jan 1912

Subsequent Paper

39440

70  
140511

Northampton  
Highgate N  
Dec 14 '12



208

Sir,

*to*  
*copy*  
With reference to my  
letter of 12<sup>th</sup> instant, I have  
the honor to forward herewith  
the evidence in the Nombass  
land case together with two  
plans of Nombass (colored  
showing

The Under Secretary of State



showing the land claimed by  
the Tangans, Sheriff.

I have the honour to be  
Sir

Your obed<sup>t</sup> servant

J. C. Adams

C. D.  
R. 16 DEC  
D. 16

N 39770/1912

209

East

Pressing

SC

DRAFT

The Under Secretary  
of State,  
Foreign Office

16 Decr 1912

Sir,  
With ref. to the letter  
from this Office of the 11th Decr,  
I am ~~pleas~~ to inform you that

16 Decr

Bottomley 16 Decr

70  
183.13  
Copy Law Card 7 Jan 13 at 183.13

relating to the claim made  
by the Tagana and  
Sherifu to certain land  
believed to be the property  
of the Govt east of Malawiki  
Creek on Mombasa Island.

I am directed by Mr  
Secretary Harcourt to  
transmit to you the  
accompanying plans  
and copy of evidence,  
~~and to request that, if~~  
2. I am to ask that, if

Plans  
Evidence  
to return

Secy. Sir Edward Fry  
has no objection, they  
may be transmitted  
to Sir A. Hardinge, with  
a request that he will  
return them to this Dept. through  
the F.O., when he no longer uses  
them.

H.H.

The Under Secretary of State for Foreign Affairs presents his compliments to the Under Secretary of State for the Colonies and with reference to Foreign Office letter of the 2nd. instant. begs to return herewith the original documents which have now been received from Zulia.

Foreign Office.

January 13. 1913.

IN THE LAND REGISTRATION COURT.

211

At \_\_\_\_\_

EAST AFRICA PROTECTORATE.

APPLICATION CAUSE No. 15 of 1912

G.O.  
39770  
REC  
APR 16 DEC 12

Abdullah bin Sheikh

Claimant  
No. 1.

bin Yunus. Thalata Thaisa

and

[Empty box for Claimant No. 2]

Claimant  
No. 2.

and

[Empty box for Claimant No. 3]

Claimant  
No. 3.

Date of Issue of notice of hearing.....

Date of hearing.....

Date of delivery of Judgment.....

Date of Issue of certificate.....

No. of certificate in Register.....



in the Land Registration Court.

Held at Bombay.

15th Aug. 1912.

-XXXXXX-

10 a.m. Present The Attorney General,  
Sheikh Abdulla bin Sheikh bin Yusuf  
and others.

On an application by Mr. Morrison to appeal against  
an order given by me against his application to appear  
on behalf of Mr. McMillan. The Court is adjourned until  
2 p.m. to-day.

Sgd. A. J. Maclean.

2 p.m. Present all Parties.

Mr. Morrison informs me that Mr. Justice Bonham  
Carter has put off his decision in the appeal referred  
to above until 9.30 a.m. to-morrow the 16th and applies  
for a further adjournment - The Attorney General under  
the circumstances agrees to this - The 1st Claimant  
also agrees. The Court is therefore adjourned until  
10 a.m. on Monday 19th instant.

Sgd. A. J. Maclean.

Order from the High Court in above appeal filed  
herewith.

Intd. A. J. M.

10 a.m. Monday 19th August 1912.

On the application of Mr. Jaly representing the  
Government and the Attorney General that this case  
should be adjourned until 10 a.m. to-morrow Tuesday  
20th instant and all parties present consenting.

I adjourn this case until 10 a.m. to-morrow the 20th  
Aug. 1912.

10/8/12.

Sgd. A. J. Maclean.

20th August 1912-

Present Messrs. Morrison and Bone on behalf of

the Wataungas and Thalatha Thais with respect to the balance of land after 30 acres have been deducted from that claimed in Application No. 2/20.0.2 and on behalf of Mr. McMillan for the thirty acres.

Mr. G. B. Daly on behalf of the Attorney General who represents the Crown.

Mahid S. Qud holds a watching brief on behalf of the Walf Commissioners.

Also present Mr. Henderson, Mahmood bin Ali Mansur, Mahmood bin Ali bin Aaff, Liwall Ali bin Salim and others.

By: A. J. Morrison.

Mr. Morrison opening the case on behalf of the Application quoted above, states that the Wataungas have been in undisputed possession of this land claimed for 200 years.

Wishes to prove tradition that when the Marrai came 180 years ago, the three tribes were then in possession and made a treaty with the Marrai.

Intends to prove that when Sayid Said came over the three tribes gave him assistance about 70 years ago. He gave them a charter relieving them from Customs Duty and confirming their Chief and all their privileges.

Intends to prove that when the Janiki, the Wesharifa, came over they got portions of the land in the neighbourhood from them.

Evidence depending on tradition.

Intends to rely on the proprietary dealings by the tribes or actual sale to the Liwall Salim bin Khalifa and to the Government.

In issue the Three tribes derive Rs.1,000 to

1,000/- per annum from the land at the present.

This evidence has to do with what is called Mabala.

Evidence to show that it has been the custom for many years to make tents at this particular spot which is supposed to be sacred, money is paid and placed on the spot and taken by the Three tribes as proprietors.

I shall show that there are other places on the island with this Mabala custom and that they are always associated with old tribal rights.

Intends to give evidence with regard to fees paid for cultivation and fees paid for erecting Fishing Dikes on the Island.

Evidence to be given that Mohamed bin Abdulla Commander of the Fort about 40 years ago leased certain land for the purpose of cultivation from the three tribes.

Intends to prove a song made up about Mohamed bin Abdulla on this particular transaction.

Also another song, dealing with the Mabala custom, on other land belonging to the tribes and bearing on this case.

Believe in the condition of the land itself which is all covered with walls, walls some of which are still in use to this day and which have been clearly subject of ownership since time immemorial.

Mr. Galy wishes to know what the area claimed by Mr. Morrison. To the N. the Railway line, to the West it follows boundaries of the land in possession of Lualaba bin Khalifa whose land juts out and then follows the boundary of the land sold to Mr. Figgott, thence along the Old Town Wall.

To the East there is a clear line which he does not know exactly but thinks it passes through the plots recently let by Government.

question by Mr. Anderson.

Mr. Harrison admits that the land claimed and demarcated in the Government plan between the Court and the Thakur's land in the vicinity, is the part of the boundary of the land now claimed by claimant No. 1. Mr. Harrison:- 120 years ago the British Government held nothing beyond the Fort and the Customs house but the Maharaja getting out of land plundered the people's shikharas in the vicinity and drove the people away, so that the Maharaja themselves began to cultivate the land.

Witness for  
part No. 1.

Admiral Sir John  
requires to be sworn in.

Mr. Harrison asks he should be affirmed only.

Mr. <sup>Shankar</sup> objects and states that they should be sworn in, as it is an important case, and such is the procedure in the T.M.'s Court and High Court.

Mr.:- I consider that affirmation is sufficient. If doubt is cast in the evidence, witness can be called on to be sworn if necessary in the Hoag.

The above witness duly affirmed states he is over 70 years of age, born at Madras. Father born at India, mother born in Madras, knows the land in question at present claimed by the Thakur Thakur.

When a youth the land was in occupation of the Thakur Thakur and the Mangana, varilindini and Nachangawu. He knows the Mahle at Madras, he is aware of the votes made at Mahle and does so himself and has made them.

The old people of the villages belonging to the Thalatha Thafa were present at the vows and took the gifts made whether of bread, goats or sheep.

The making of these vows at these particular places was made chiefly by the Three Tribes (members of) but was not limited to them. A stranger could go by himself to make a vow, but at the time of paying the gift, he must be accompanied by a member of the three tribes.

His speakers Mohamed bin Abdalla, the Governor of the Fort, very well. They are of one age.

He remembers a shauri between the Abangana and Mohamed bin Abdalla re the land in question.

Mohamed bin Abdalla wished to make a garden, he, the witness, never went and therefore does not know the spot, he made the shauri with Sheikh Mohamed bin Yunus.

Sheikh Mohamed called the three (elders) he told them what Mohamed bin Abdalla wanted. The three agreed but said he must pay (some) custom. Witness was present.

He paid thirty Rupees (dollars). 10 dollars to each tribe.

He does not remember any trouble taking place between Mohamed bin Abdalla and the three tribes, but he does remember that Mohamed was told not to present plant coconut trees and permanent *crops*.

He remembers a song dealing with the land at Shauri - it goes like this:-



The Kinara Kirofu  
 Iliyo wakul Mafuu  
 wakina wangufu  
 Miji mitatu timma  
 Wa wtu akivochufa  
 Haya akaba nna  
 Masifanye usuma  
 Yanti qum shhiri.

He does not know the origin of the song,  
 but was a grown man <sup>when</sup> he first heard the  
 song. He does not know any others.

He does not know what the fate of the  
 sheikh of Mohamed bin Abdalla was. He only  
 knows that he quarrelled with the Mabeluchi in  
 the Fort.

Then said Sarbach brought Mohamed bin  
 Salama to Harsham and also released an  
 Mbeluchi who had been imprisoned by Mohamed  
 bin Abdalla in the Fort.

When he was young the slaves of the  
 three tribes cultivated the land around the  
 Fort. Strangers could cultivate with permission  
 and on paying a fee or custom.

Good over correct.

Jud. A. J. Maclean.

The Court is adjourned until 2 p.m.

Jud. A. J. Maclean.

20th August, 1896, 2 p.m.

Mr. Harrison produced Docs. Nos. 31,

32 and 33 of 1896 A. in original obtained from  
 Sheikh Ali bin Salim, as documents showing that  
 the watanama sold land in the vicinity to that  
 claimed now to Ali bin Salim or his father.

Abdullah bin Qulay states he is a member of the Three Tribes.

Q. Was not your father an Indian?  
A. Formerly yes.

Q. How do you claim to be a member of three tribes.

A. Through his mother.

He does not know the name of his mother nor his father's name.

The three tribes are the Mungana, Mungana, Mungana, Mungana.

He belongs to the Mungana Tribe.

He lives at Mungana.

When he first remembers the whole island belonged to the 3 Tribes with the exception of that belonging to the Tessa Thafia. The mainle is on the main sea shore at Likoni opposite Mtenga.

Since he has grown he has not made a vow at Likoni.

He never made a vow himself but his family did.

All Mohammedans would go but he does not know if members of the Tessa Thafia went. They went with their friends in company to make vows.

Mohammed bin Abdulla wished for and obtained a piece of land for a garden - about 4 years ago - he does not know the whereabouts of the land.

Examined by  
Dr. Galt.

On this side  
went to the  
the Thafia and  
Lama belonged  
the Thafia  
life.

1875. A. J. G.

Witness J.

Examined by  
Dr. Galt.

Mohammed bin Hassan was the name of the  
 Abdillahi.

Mohammed bin Hassan was the name of the  
 witness.

Mohammed bin Hassan was the name of the  
 witness.

He has never been an elder of the tribe.  
 When he heard the business of the transaction  
 of boundary over a shamba to Mohammed bin  
 Abdalla he was only present at the Baraza at  
 one of the lockers over. The business was  
 transacted in the Baraza of the town at  
 Mwendani. The Baraza was built for the purpose  
 of a Baraza only. He went many times. He can't  
 remember any particulars of what took place  
 in subsequent meeting. No one has spoken to  
 him these days or lately about this transaction  
 between Mohammed bin Abdalla and the witnesses  
 neither has he spoken to them. He does not go  
 out these days even to the mosque but remains  
 indoors.

This closes the question put by Mr. Jolly.

Read over correct.

Egd. A. F. Unsworth.

There are no further questions put for-  
 ward by interested parties present.

Infid. A. F. Unsworth.

examined by  
Harrison.

Abdullah bin Yusuf was the chief Sheikh  
of all their tribes.

When a person goes to make a vow at  
Mashid, the person making the vow does not  
take part in the feast or share the gifts.

He does not know whether there was any  
wild property or not in the villages of the  
Thalatha Thaifa.

The case is adjourned until 10 a.m.

to-morrow the 21st. August, 1912.

Ed. A. J. Haslam.

21st. August, 1912. 11 a.m.

Present:- Mr. Harrison, Mr. Daly, Mr. Haslam

All for the Waik Commissionere vice

Abdullah bin Yusuf, Mr. Anderson.

Sheikh Abdullah bin Sheikh, an elder of  
the Otagoans, duly sworn.

I am about 25 or 30 years of age. Sheikh  
bin Yusuf was my father's name. Yusuf bin  
Shiraji was my grandfather's name. I stand as  
the elder (sheikh) now of all the Three Tribes.  
My grandfather was the Sheikh before me. The  
Government has recognised me as the Sheikh of  
the Three Tribes. My grandfather had a title  
to his being the Sheikh of the Three Tribes.  
He had a signet.

Document No. 1 produced.

Mr. Harrison reads out translation and  
wishes the Court to note that the document is  
sealed by Sayed Said and countersigned by his  
successor.

Translation of No. 1 put in as No. 11.

examined by  
Serrison.

I receive endorsement from the Government  
The Three Tribes recognize me as their chief.  
I am the person putting in the application  
for a certificate of ownership in this case.  
I have made the application on behalf of the  
Three Tribes. (Thalatha Thaisa.) Since I  
remember the land in question has been in the  
possession of the Three Tribes. The Three Tri-  
bes have worked the land to this day and have  
received profits from it. People have asked  
permission of me to cultivate on the land.  
They paid me "mata" for the permission 2.2/-.  
I know about the Fishing Stakes on the land.  
No one can put up Fishing Stakes on our land.  
Mata Mataka is the person who gives  
permission for putting in the Stakes. Mata  
Mataka is of the Kilindini Tribe. I know that  
since Mataka has given permission. It is suffi-  
cient if he does so and tells me. There are  
wells on the property. In use to this day. Some  
have been closed. The people of the Thalatha  
Thaisa cultivate this land and there are  
others cultivating with our permission. There  
is an Mshale on the land on the shore to east  
of Mbaraki. To this day they use it. Any times  
they want to go to make voo people do so.  
The things necessary for going are for the  
purpose of making the voo. There are no  
Matangani who have never been to the Mshale.  
If a member cannot go himself his father goes.  
There is a special time when the Matangani and  
members of the "three tribes" go to make their  
voo. At the time of the "voo". At other  
times they go also if they have occasion to  
make voo. There are no special occasions



when a member shall go and make a vow. There is a particular family that goes to the Shrine. I can tell names of this family, they are Husein bin Said, Husayn bin Said, Mohamed bin Sultan. The purpose for which they go is to receive the gifts brought by the people making vows.

This finishes the statement of the witness for Claimant No. 1.

Read over correct.

W. A. J. Harrison.

Examined by  
Mr. Daly.

I was appointed Sheikh 6 years ago. It is a hereditary appointment. My grandfather was Sheikh before me. His name was Sheikh bin Yunus.

Q. Is he not your uncle, not your grandfather?

A. He is my uncle.

My uncle was Sheikh before me, after his death I was appointed. I cannot tell how long Mohamed bin Yunus was Sheikh. Sheikh Yunus bin Shirazi his father was Sheikh before me him. They belonged to the Tanganyika Tribe. The Wabangwe and Wakilindini had no say in the matter. The Sultan is the only person who can appoint Sheikh. The Sheikh to obtain his appointment from the Sultan was Mohamed bin Yunus, who was appointed by Said Hajji. He got his documents. I have since they are at my house. I did not bring them as it was not asked to. The Sultan could appoint any one he liked as Sheikh. The date of my uncle's appointment I don't know.

Q. What is the difference between the Three Tribes? (named).

A. There is no difference, they are all Mohammedans.

The Bahilindini have their own case lodged  
 bin before. For the Bahilindini only. The other  
 two tribes also take his orders however. There  
 are two cases of the Bahilindini, one recently  
 died. Two because they are large number of  
 people. I don't know how they were appointed.

I can distinguish between members of the three  
 tribes. I know by their fathers, if the father  
 was Bahangane, so is the son. To be an  
 Bahangane his father must have been Bahangane  
 before him. As far as I know there never has  
 been any distinction between the three tribes  
 they have always been mixed together.

The case of Tangana is dead. He was bin's brother.  
 He died about 2 or 4 years ago.

Case Kai bin Nijon is the present case.

The reason a successor has not been  
 appointed is because a successor has to pay  
 "ada" and this has not been paid. The Tangana  
 burial ground is on the Bahilindini land near  
 Mr. Anderson's (Garber's) house. The case who  
 died belonged to the "Kjaka" sect. The present  
 case Nyanyi Kai is of the "Sali" sect. The two  
 Kharia (sects) "Sali and Kjaka" belong to the  
 Tangana, there is no distinction. I don't know  
 if the Bahangane are also divided into two  
 sects. As far as I know how many people are in  
 the Bahangane tribe. I don't know how many.  
 There are more than 200 in the Bahangane  
 alone. The Bahilindini are large in numbers  
 and the same applies to the Bahangane. Some  
 are living here, some at Likani and others  
 at Changane in their own shades. There are  
 others also living on the land now in question.  
 About 50 to 70 people. The other people are

Examined by  
 previous witness  
 his father was  
 name.

Examined by  
 Court.

Examined by  
 D. Daly.

in the town. Because their town was destroyed they dispersed. I don't know when it was destroyed. Some parts of Likiep belonged to the "Three Tribes" some of it has been sold and all the land at Changwan belongs to the Three Tribes also. With the exception of the land immediately on the Waigh side, before the plantations are removed, belongs to Government. In Changwan some part belongs to individuals, the rest to the Tribes. Originally it all belonged to the 3 Tribes. Those who cultivated the land got permission from the Tribes - from the 3 Tribes. The Three Tribes say that they own all the land on the mainland on the Changwan side up to the White Hills. The Waigh side belonged to "Tissa Thaira". The only person who can sell the tribal land is the Sheikh after holding a shauri with the Waase. It is not necessary that the Sheikh's name should appear in the document as long as permission has been given by the Sheikh.

Members of the Thalatha Thaira can acquire land by cutting the bush and planting coconut trees and permanent crops. If these crops grow to maturity the land becomes the property of the cultivator and he can sell same without the permission of the rest of the tribe or Sheikh.

If no permanent crops are about on the land aquired, it cannot be sold except with permission of the Waase. It is not necessary when tribal land is sold after permission has been given by the Sheikh or Waase, that such

examined by  
Kurt.

examined by  
July.

permission should be recorded in the conveying deed or that the health signature should be made unless specially agreed for by the purchaser. There is no record kept of any permission given for such sales. Witness bin Yuma often gave this permission. I am claiming on behalf of the 3 tribes their land at Mopton. From Mopton up to beyond Mopton. The boundary is the railway line. There was no road before the railroad.

Q. By do you get that the road boundary, now A. That is the boundary at present. My father showed me this boundary about 9 years ago. My father pointed out that the boundary is as it is described in the application. He pointed out the part sold to the Indian Union bin Yuma.

Q. The witness is definitely at a loss as to how the boundary is described in the railway line and in one instance stated that his father pointed him the Union House on the S. of the railway and then corrected himself saying that the Union house was not built there.

W. G. J. Maclean.

The Court is adjourned to wait all parties until 10 a.m. to-morrow morning the 22nd instant.

W. G. J. Maclean.

to a. a. 22nd August 1912.

Present:- Mr. Harrison, Mr. Daly, Mr. Anderson  
 Thabit bin Abd (For the Commission)  
 I am a Shagwan, I don't know if an  
 Shagwan is an Arab or Shabill. I don't know  
 the origin of the Shagwan Tribe. I don't know  
 why the Sheikh of the 3 tribes has always been  
 a Shagwan. I have sold land as Sheikh of the  
 3 tribes to Mr. McMillan, Mr. Ross and Mr.  
 Harrison.

Case No. 2 for  
H.M. No. 1.  
called.

examined by  
Mr. Daly.

Q. Why did Thabit bin Abd sign the documents?

A. The land belongs to the 3 tribes and he is a member of the three tribes, his father is a member of the "Three Tribes".

Q. I don't know if his father was an Agnia or not but I know he belonged to the Three Tribes.

A. Yes a she follows his father's Tribe.

Q. What right then did Thabit have to deal with property of the three tribes?

A. Through his mother. His mother was Dinti Tuma. She is not an Hebe of the Three Tribes.

Q. What right had he then to sell land of the 3 tribes?

A. I sold it myself, Thabit did not do so. His name is mentioned in the documents as a witness only not as vendor. I originally arranged about the sale not Thabit. I don't know if all the land at Madman belonged to the Three Tribes and "3 Tribes" originally. I don't know what month I had a conversation with my father 5 years ago. It took place in my house at Madman. He told me in this conversation that the Railway line was our Northern boundary. It is not the only reason I put this boundary as our boundary line. I know of it before and went on the land before this conversation. When going to the Khails



my father pointed out the line. It was before the railway was built. My father pointed out the land to me and a well. He pointed out that it started from the wall of the Sharifu's land to beyond the Ukiale to the old well where the railway line now passes, we then went home. He also showed me the Kilindini land and said we are not any right to it but the Three Tribes in the Northern Tanganyika members of the Three Tribes had their own private shares. All the unoccupied land belongs to the Three Tribes.

When the railway was built we were afraid to make any objection to it passing through our land. Now we are not afraid as everyone has been told to claim his own property. My father told me that the boundary on the East extended beyond Ukiale and I can point out the point to which told me. The first conversation I had with my father about the land and its boundaries is more than 24 years ago, that is since he first pointed out the land to me, even more than 24 years ago. The people did cultivate the land which is now high on the Eastern side. Even before my father pointed out the boundaries of the land I knew it belonged to the Three Tribes. I don't know when my father went to Usukuma. I myself was born at Usukuma. My father lived at Usukuma. He sent me to Mombasa later. My father came to Mombasa when I was about 4 years old and also returned there. He did not come back here again. He died at Usukuma about 16 years ago.

I got the document (No. 1) from my uncle.

My Uncle got it from his father.

The document is signed by Khalifa bin Said the successor of Sayid Said by whom it was sealed.

Q. Ex. No. 1 does not say anything about the 3 tribes.

A. How do I know, I can read Arabic but I don't understand the language.

A. I don't know how old my uncle was. He died about 8 years ago. He was about 100 when he died. I don't know his age.

The frame of Exhibit No. 1 has only recently been made. It is a long time ago since I made a vow at Hiale about 12 to 20 years ago. People go everyday to this day to make vows. All the 3 tribes go. I went with the Three Tribes on the last Huma to Hiale as I said that is a special day on which the 3 tribes go. I went with them, but I don't know what the day was exactly. I don't know of a representative of each family of the Three Tribes went to the Hiale but they must go. His father goes. I went on the "Sika ya Huma" myself. There was not a big crowd there when I went. people don't go in crowds, they keep going and coming. we pray to God when we go there and ask for anything special that we may want and to pray for the deceased. Every one goes for his own needs and prays to God. There are other Hiale on the Island. There is one at Iriti. But they have their own names for these Hiale. Any one can go to our Hiale if he has a vow to make. Any one can go to the other Hiale. It is not an Hiale at Khalif Jussani but a grave yard, they go there to pray and make vows.

I have had no purpose to go to Sheikh Hriti or Sheikh Jundani.

Q. Have you ever prayed at Sheikh Hriti?

No I have never prayed at Sheikh Hriti. Neither have I ever prayed at Sheikh Jundani. All Mohammedans need not go to those places to pray. It is not a custom. If they wish to, they can go.

I said yesterday 50 or 60 people are cultivating on the land claimed. Some of them cultivate and live in the town. Others live on the land. I don't know how many. Abdullah lives on the land. Since a long time. He was given permission by my father to live there and has been doing so ever since. He lives on the land I have sold to Mr. McMillan near the walls of the Old City. Among those I have given leave to cultivate only Anis cultivate there on the land claimed in my application, but lives on wacharifa land. The rest have gone away. There are other people cultivating on the land without my leave. They obtained it from Abedi. There is no one actually living on the land now who has had permission from me. There are several who have houses and live on the land who had permission from Mahmud bin Tama. I don't know who others are although I am Sheikh. I know there are a lot of people cultivating on the land, they come and go. I don't know that some of them got leave from Government. Those who have not got leave from me, have got it from my father or his relatives. I am not aware that the Government cut and cleared the bush when cultivation is going on now in the land in question about 4 years ago.

(The above is an answer to a question re raising objections to the clearing of bush by Government.)

Sgd. A. J. Maclean.

I don't know the certain people who had huts on our land 3 or 4 years ago were turned off by Government. I don't know anything about it and not knowing I did not make a complaint.

The road existing round the island was always there. The Government has only widened it. Why should we raise objection to it being widened and repaired, it was there?

Q. Does he know that Government built 10 huts for a smallpox camp there?

A. I don't know.

Q. As Sheikh should you not know?

A. I have my own business, it is not necessary to me to go over the land. I have been over many times. Sometimes I go over two and three times a month at other times I missed a month. But I did not know of the removal of any huts.

I have not seen the huts built by the Government. If I saw strange hut, erected I would ask about it. If I saw a man cultivating without permission I would enquire of him.

Q. Does he know that several times in the year 1904 and again in 1906 that messengers were sent by Government on the land that no one was to plant coconut trees on the land?

A. I did not know and no one made any complaints to me. I don't know that any of this land was leased to Mr. Drogan.

The Court is adjourned until 2 p. m. this afternoon.

Sgd. A. J. Maclean.

2 p.m. Parties present as before.

Intd. A.J.M.

2300  
2340  
4640

Witness No. 2.

I by Mr. Daly.

On the West our land is bounded by that of the Washariffs. The Washariffs are Sheriffs. I can point out the exact boundary between our land and the Washariffs. On the Eastern boundary of our land beyond Arinda the land was cultivated and there was a Town. Our people cultivated it. The land belonged to the three tribes. It belongs to them now. It is not cultivated now but if any one wanted to cultivate they would come to me or someone of the three tribes to get permission.

Note.

As it is necessary to get this point, viz: when the Eastern boundary is quite clear, I make order that this part of the evidence shall be adjourned for hearing at such a time as shall be decided by the Court for hearing on the land itself.

Ed. A. J. Maclean.

Witness No. 2

I by Mr. Daly.

I know there is a Mission house built on the south of the railway line. I don't know when it was built. It is built on our land. I did not object to its being built. I was afraid to do so. I thought the Government was building the house and as I was afraid, I did not act. I only thought, if I had had any power (I have) I would have claimed the land before this. When the land was first being sold, I was ready and prepared to buy it. I have not sold land for six years until recently when I sold to Mr. McWilliam. As soon as I heard of the Notice calling on owners to put in their applications I put in mine. It is from 5 to 6 months since I heard of the Notice.

Q. Do you say you never heard that this land you are claiming was claimed by Government

A. I did not know it.

I know of a cemetery where persons are buried, I claim that land, there is a dispute about it, the Livali also claim it. The land was originally sold by Mohammed Nataso to the Livali. I know Sheriff Hassan bin Ahmad Nibalan. He was a Sheriff. He had nothing to do with the Three Tribes. I am quite sure of it. He is now dead. I don't know when he died. I have collected fees from Sultan bin Mohamed who wish to cultivate 2 or 3 years ago I collected 2/- from him. He has gone now. I gave permission to him to cultivate. Besides these two I gave permission to another man brought by Abadi to me. I don't know his name but he paid me Rs.2/- The Fishing Stakes are the business of Mohammed Nataso. I have not collected fees for them. I don't understand about them. I did not divide the money paid in fees to me myself among the Three Tribes. If the fees are brought elsewhere to me from others it is optional as to whether I keep them myself or divide them among the other tribes.

By Mr. Morrison.

Sheikh Mohamed bin Yussof was the father who told me about the boundaries.

Q. Mr. Daly here makes objection pointing out that Sheikh Mohamed bin Yussof is the witness's uncle not father.

Mr. Morrison says there is an ambiguity in the Islam (Baba anga) and that when witness referred to his father (baba) he meant his uncle.

A. I do not agree with Mr. Morrison in the case. The ambiguity was cleared up at the beginning of witness's statement, and I myself was certainly

under the impression that witness was  
 in referring to his father this morning  
 re boundaries meant his own father and  
 his uncle.

Q. A. J. Maclean.

Mr. Harrison.

Q. Did you have any conversation with your  
 father re boundaries?

A. No I did not. It was with my uncle.  
 (Make again today).

Q. With regard to Exhibit I A doubt has been  
 cast as to its genuineness because the date  
 is said to be wrong. Have you any other  
 documents?

A. They are all here.

Document Exhibit 10.8 is produced and  
 put in and received.

Q. A. J. Maclean.

by Court.

I got this document from Mohamed bin  
 Yusef. I knew of its existence before he  
 (Mohamed bin Yusef) died and it came into my  
 hands after he died.

If a man's father is an Arab and his  
 mother a Moslem he will get his share of  
 tribal land through his mother.

Mohid bin Abd.  
 Commissioners)

Yes I know the boundaries of my land.  
 There are grave-yards and mosques in the land.  
 The graveyard belongs to ourselves. The mosque  
 also, but they are in ruins. The graves of the  
 Banhariffa are distinct from ours. We have not  
 sold any land including graves and mosques.

Mr. Harrison states that they admit that  
 no mosque land can be sold but the three tribes  
 claim guardianship of their own mosque  
 ruins.

Read over correct.

Q. A. J. Maclean.

This closes the examination of this witness.



Exhibit No. 3. For  
Exhibit No. 1.  
by W. Harrison.

Have obtained his name Skilled only own:-  
 My father's name was Natanu Nadeo. He  
 was an Nee of the Unkiligini. I am also an  
 Nee. I got the title from my father. My father  
 was appointed Nee by Said Bughash. I have a  
 document. (Exhibit No. 3 produced together with  
 an uncertified translation) My father died  
 about 10 or more years ago. He was about 60  
 years of age when he died. He was born in  
 Naranan. I don't know which quarter. I know  
 the land at Naranan. It is sure. I have received  
 of Rs. 2/- from the Nee for permit given to  
 cultivate. This is the only fee I have received  
 My father had slaves. They cultivated the land  
 at Naranan. They have all died now. I myself  
 have never seen any of them working. There are  
 Fishing stakes on our land. Any one can put  
 down fishing stakes but he must get my permis-  
 sion first. A member of the three tribes  
 getting such permission pays Rs. 2/- fee. A  
 stranger pays Rs. 2/- to 4/- for the same  
 permit. A stranger besides such fee has also  
 to pay 1 fish out of every ten he catches.  
 With members of the three tribes it is  
 optional as to whether they pay the tribute  
 or not. If I go I can take what I like. He does  
 not pay like a stranger. The following have  
 received permits from me:-

- (1) Nadeo an Nee of Nee.
- (2) Neeishi bin?
- (3) Nara bin?
- (4) Neebin bin?
- (5) Said an Arab.
- (6) Said an Arab (deceased)

and many others. I don't remember. Their fishing

stakes were erected on the shore of the land claimed by us. I know of the "Lakole" on my land. I have been, I regret when my land was bitten by a snake. I paid 20/- rupees for my son. My land did get well. I performed the vow. I gave the money to Mohamed bin Hassan who accompanied me. Mohamed bin Hassan belongs to the Kilindini Tribe. There are certain people of the Tribe of Kilindini who have to look after the fees derived from some foreign lands like bin Lakole, except we said and their relations. I do not know how much these people have taken in fees.

Q. Did not you along with the other Umama of the tribes enter in agreement with Mr. Wood on behalf of the railway?

A. Yes.

Mr. Harrison produces a document, which witness states he cannot identify as it is in English.

Mr. Daly objects to the document being put in without notice. I rule that Mr. Harrison must follow the procedure laid down for the production of documents.

Ed. A. J. Madson.

4 p.m. The Court adjourns until 6 a.m. tomorrow morning to place at 11. Tomorrow being Friday in Ramadhan.

Ed. A. J. Madson.

8 a.m. 23rd. Aug. 1912.

Present Mr. Harrison, Mr. Daly, Mr. Sanderson and Mahid bin Had.

Witness is sworn that he is on his oath.

Case No. 5.  
by Mr. Harrison.

Mohamed bin Sultan is an uncle of the  
 Wahangama. I know him. I know George bin  
 bin Sultan, he is an uncle of the Wahangama.

I know Abdulla bin Hija, he is an uncle  
 of the Wahangama. I know Abdulla bin Jan  
 he is an uncle of the Shilindini. Abdulla bin  
 Yama I don't know. I know Mohamed bin Yama.  
 Dala bin Haji I know, he is uncle of the  
 Wahangama. Abdul Lamin bin Yama, I know  
 his father was an uncle of the Wahangama.  
 Mohamed bin Haji, I know him, he is not an uncle  
 but under the name of the Wahangama Tribe.  
 You and other uncles of the Thilatha Thilfa  
 made an agreement with Mr. Head of the Railway.  
 Money was paid how much I forget. He also  
 received a plot in exchange, for allowing the  
 Uganda Railway to pass through our land.  
 I have sold land at Uruani to the Livali.  
 It was the shamba I inherited from my grand-  
 father. My own shamba. I don't know how my  
 grandfather got the shamba. My grandfather was  
 an Shilindini. The boundaries I have forgotten,  
 but it was bounded by our shamba. I don't know  
 now what they are, they have been cut up.

Certified translation of Registered  
 Deed No. 26 A of 1906 (22.4) put in and  
 accepted provisionally as the original being  
 certified.

Mr. Morrison.

The Mohamed bin Yama signing the Deed  
 was our Gith. Salin bin Sabu was my brother  
 the son of my aunt my cousin Lema. Yes Salin  
 bin Sabu, had a shamba part to the one. I sold  
 he inherited it from our grandfather. Sheriff  
 Ahmed bin Alawi, he is a Sheriff but his

nothing was of the Kiliandini Tribe. We also had a church next to mine though how it got it I don't know. Eusebio his name was an uncle of the Kiliandini. I have forgotten if he had a church next to mine. Read over correct.

Sgt. A. J. Maclean.

The original of No. 4 produced by Mr. Harrison the witness, not being able to read is unable to identify same.

Sgt. A. J. Maclean.

Q. Will you explain what the Kaula have to do with the ITH Three Tribes?

A. They are our people, they are our relations.

Q. Are they members of the Three Tribes?

A. I know they are our people, and I don't know what arrangement was made with them but we controlled them.

I don't know how we came to control them, but I follow what the document says. They were our "Kaula". I don't know if they had the same rights as the three tribes. The Kaula if they become islanded have the right to be buried in our cemetery. A European if he become a Kaula could become a member of the three tribes.

Q. If I become islanded through you, could I become a member of the 3 tribes and become entitled to their land?

A. You could become a follower of the tribe but not entitled to share in the land.

A man can become a member of the 3 tribes through his mother, grandmother or grandfather. If you (Mr. Joly) married being a Kaula, a woman of our tribe, your son could be a member of our tribe and share through his mother the right to our land. I am about 40 years of age. I was born at Mombasa and have lived all my life here.

I don't know the history or origin of the Three Tribes. I know Sheikh Mohamed bin Youssef well. I don't know what age he was when he died. He was not a very old man, middle aged. I don't know if he was away much from Nabhan. I know he had to go to Kasser and Jeddah but I don't know how often and how long. He was our Sheikh. I don't remember his going away except to visit the Sultan. I remember before the railway was built. Before the railway the land was nothing but shambas. There was nothing but shambas from where the station is standing now to as far as Kilindini. That is I cannot remember the whole way. I know there were shambas. I don't remember any particular shamba. I cannot say whether it was all bush or not, but I can remember there were shambas. I can't say where exactly the shambas were on the railway. What I say is true, I am not telling lies. I don't know if the people who cultivated shambas then are alive or not. I don't know why the railway was made one of our boundaries. Our Unses pointed it out. I did not object to the railway being made on this land. Since my father died about 10 years ago I have been an Unse. I remember I was an Unse when the railway was built. I can't remember if I was Unse before or at the time the railway was building. My mother's name was Taba. She is dead. My father was Unse of the Tribe before me. The other Unses were our Elders and I do not know if the Railway obtained their permission or not or from the Sheikh.

Court. If somebody comes on our tribal land without permission and want to build a chauri with a view of making his business. I don't know if there was a chauri or not when the railway was made through our land. Our boundaries extend from the graveyard of the Maharaja and extend beyond the Mizule. I don't know exactly how far. I don't know the exact eastern boundary of our land. I don't know as far as I remember as to whether it has always been bush or not. I don't know if there were any chauras or not on the boundary. I know the Government has built many houses on the eastern boundary. I raised no objection neither do I know if the same did. I don't know that the land of the Self links was cleared of bush. It is only 4 or 5 months ago since I went on our land. I don't know Ismailjee Jeevanjee's house. I would not know that this was a Court House unless I was told. I did not raise any objection when the houses were built. I know the pauper cemetery. I know that a house has been built near the place close to the railway. I have no doubt it is on our land. I raised no objection to this house being built I have no "Kugva". I was afraid. I did not know if they were Government people or not who built this house. I never enquired. No one came to me about it, neither did I go to any one. To protect one's property one wants money and I had none. I don't know how many people of the three tribes there are, there are very many. If there is a Shengal we can raise money, but the same did not come to me, neither did I meet them so no chauri was made.

Case No. 3.  
By Mr. Dally.

I don't remember if it was long time ago. I don't know how often I have been over the ground. I have never cultivated on this land claimed by us. It is not my work. I know Mbaraki where the old Town is. I don't remember when I was there last whether it is 10 years ago or not I was there.

The Court is adjourned until 2 p.m. this afternoon.

22/4/12. A.D. A. J. Malan.

2 P.M. Parties present as noted this morning.

Intd. A. J. M.

Witness sworn that he is on oath.

Case No. 3.  
By Mr. Dally.

I don't know that Government 4 years ago cleared the bush all round the ruined town. I know only the road was cleared. I don't know that it was cleared at all. I know there are people cultivating there, but I don't know if was cleared 4 years ago except the road. I did not object, I did not see the bush being cleared. I know the road was cleared. It was there originally since the beginning. I made no objection to the road being widened by the Government. There was a fence there before the Government widened it. It went to Mbaraki. There were two paths one going to Mbaraki the other to Mbaraki. The one road came from Mbaraki but it divided at Mbaraki, one path going to the Mbaraki Ford the other going to Mbaraki. Since a long time ago the people have cultivated on the land and are cultivating to this day. Parts of the land claimed are not cultivated. I am not certain if more of the land is cultivated than not.



No one can cultivate on this land without permission from the 3 tribes. They go to the Sheikh of the Vases to get permission. The Sheikh can keep the fees paid. I don't know how many men are cultivating. I have no idea. Some of them belong to the three tribes, some not. I gave permission in a man called Ali 3 or 4 years ago to cultivate. I got Rs. 1/- from him the only person I myself have given permission to. There are people living on the shakhs. I don't know who they are. I never want to check the people cultivating the land. The Rs. 1/- fee was paid once but repeated. I don't know when Ali went to cultivate, he got a general permission to cultivate without specification as to where. The man once given permission could cultivate the whole if he wanted. I don't know how long Ali has been cultivating it was about 3 or 4 years ago since he got permission. I don't know if he is there still. With the Fishing Stakes it is the case as the shakhs, if man has paid his "Ad" he has not to pay again. If they catch many fish, we also take our tribute. I don't know how many stakes there are. No one can erect fishing stakes without our permission, and no one can remove any parcel without any authority. These fishing stakes are in water. We do not claim the land on which the fishing stakes are erected. I keep the fees paid for permission. Also the fish. I have not received any fish to-day or yesterday. When I go there I get fish. Even if I go to the market I can take my tribute. I don't know when I can't best either to the fishing grounds or the market to take fish as tribute.

I know fishermen creating stakes pay "Gadi" to Government. I don't know that they have to get the permission of Government first. I know that a fisherman has to pay Rs. 2/- per annum to <sup>use</sup> the fishing stakes. I have paid it myself. I know that the Government can turn people off if they don't pay Rs. 2/- Gadi. Although it is our law to do <sup>as</sup> <sup>we</sup> <sup>do</sup> <sup>in</sup> <sup>the</sup> <sup>same</sup> <sup>way</sup> <sup>as</sup> <sup>we</sup> <sup>pay</sup> <sup>land</sup> <sup>tax</sup>, the Government can do as it likes. I don't know how long has it been since I received Rs. 2/- from any stakeholder getting a fishing permit. I gave one "Gadi" a permit once, he is alive still, I think at Changanassery. I know those men who came to take permission from me. Gadi is an Arab. Last year I received Rs. 2/- from Babu at Marayyada for a permit. He lives in the Town. He has two fishing stakes, one at Marayyada and the other on the opposite side. He is the last person I received any money from. I can't remember who the person was I gave permission before Babu. Babu has two houses, one at "Kji Kji" and the other "Kji on Kji". I can't tell how many years it was before that I received fishing fees before I received some from Babu.

It is second year now since I paid a fee at Kijala on a/c of my land. I went with Mahomed bin Hussein. He is a Sheikh who takes one to read and a Qilindini but he is not an Arab. His father's name was Hussein Shiraji. He was a member of the 3 tribes <sup>tribes</sup> <sup>tribes</sup> <sup>tribes</sup>. His grand-father neither of mother, most likely, but he knows better himself. He was not an Arab, I paid him the fees at the Kijala because he was a Sheikh who taught our children, and as we did not give him anything for doing so.

I gave him the opportunity when making my vow of taking these ruses. If I go to make a vow and I wish to give something to my people, a member of the 3 tribes I can tell him to come with me so as to receive the money paid for you. If a man is a Mohammedan he can go and make a vow whether he is of the three tribes or not but when going to pay a vow at Hajala he must be accompanied by a member of the three tribes. ~~UNSURE~~ I don't know if Hajala is an "Hajala" or only a grave. I know that Jundani is a grave. There are "Hajala" all over the places, other people have them, others not. I have never made a vow at Hajala Jundani, I don't know if any Mohammedan can make a vow there or not. I can't remember selling land to the Ajali but I don't know if it consisted of one, two or more shabas. I can't show the boundaries as they have all changed. I know this land a long time ago was cultivated by our people, but I don't know if it was cultivated or not at the time I sold it. It is a long time ago. I have been on the land. The shaba belonged to my ancestors. Shariff Ahmed bin Alwi, Elmahdari, I remember him, I think he is dead. He was one of the three tribes I don't know which though. I know he belonged to the 3 tribes on the northern side. He is a Shilindini. These people had land at Hareani. I had an agreement with the railway by which we gave land to the railway and got a plot in exchange. That is the vance had. There were graves on the land made over to the Government. I can't show the land which was

handed.

given to the Government in exchange  
 14 years ago, to the Court.  
 I don't know any huts were ordered to be  
 removed off this land we claim by Government  
 nor were any complaints made. I don't know  
 that people planting on this land were told  
 to plant no cocconuts. I never tried to sell  
 any of this land, except now to Mr. McMillan.  
 The Sheikh knows how much was received for it.  
 I have not received any share and I don't  
 know if he has divided it yet.

I would object now if Government went  
 down to cut the bush on our land. If Mr.  
 Sanderson went down to-morrow I would stop  
 him. I was afraid before, but Government has  
 now shown us the way to hold our land. On the  
 shamba sold to the Livali there were fruit  
 trees guava, and korongo trees, &c.

This closes the examination of this  
 witness.

and ever correct.

Ed. A. J. Maclean.

The Court is adjourned until Monday  
 at 10 a.m. 26th Aug. 1912.

Ed. A. J. Maclean.

10 a. m. Monday 26th Aug. 1912.

Present:- Mr. Morrison, Mr. Daly, Rashid  
 bin Sud and Mr. Sanderson.

List of Documents put in by Mr. Morrison.  
 Letter from Mr. Morrison dated 24th Aug. 12  
 put in by Mr. Daly.

Mr. Morrison puts in a document framed  
 by Mr. Daly objects to all the documents  
 being put in until it is proved and states he

objects to all the documents proposed to be put in by Mr. Harrison until they are proved.

Sgd. A. J. Maclean.

Doc. No. 5 put in the hands of witness, Sheikh Abdulla bin Yunes.

I got this document from my father Sheikh Mohamed bin Yunes when he died. It is under the seal of the Sultan. It is a document of Sheikhdom.

A translation (uncertified) of Doc. 5 is here put in by Mr. Harrison.

I don't know what the Sultan had to do with the three tribes. I don't know if the document contains anything about the three tribes. If it is mentioned there it does.

I know the document contains the appointment of my father as Sheikh, but I can't understand what else it says.

I only know the Sheikh mentioned who is my father, I don't know who the other Sheikhs are nor if they belong to the "Three Tribes". I have reason I consider the document refers to the three tribes in that the doc. refers to my father and he as the Sheikh of the three tribes and I as his successor. The Sultan could do what he liked with the 3 tribes. He was King. I say that the land should belong to the whole three tribes conjointly. Our tribe cannot sell land without a consultation with the other two tribes. If an Mace of our tribe sells land and tells the Mace of the others after, this will satisfy the sales merely asking for a part of the proceeds.

- 30 -

Q. Why in the deed referring to the sale to Mr. Phillips states that the land belongs to the Tahitians?

A. I said it myself.

Ex. A. is now put in by Mr. Daly. It is unregistered but has been, but has been presented for registration & refused.

The witness states it is the original document signed by him.

Wtd. A. J. H.

I am an Utanganu, and sold the land as such. Is there an Utanganu or Kilindini who will raise a protest against it? What I sold the land for I have got. I received £180. I have spent it.

The demeanour of the witness in answering the last question is decidedly of a shuffling nature and he evidently objects to it or answering it straightforwardly.

Exd. A. J. Maclean.

I have spent £80. I have four wives which accounts for how I have spent the money in food and clothing for myself and my family. To-day I shall spend another £2 to buy a bed. I shall spend the money as I like.

Q. Do the Three tribes agree to this?

A. If they don't agree they will file an action.

Q. Did Rabbit his factors get any of this money?

A. I have not yet given him any, but I will do so.

Q. Why do you in this deed state that the Utanganu in no way warrant their title to the said premises?

A. The land belongs to us, it belonged to us then and it belongs to us now.

The witness is unable to answer the question as to why the usual clause in this Deed was omitted.

Sgd. A. J. M.

I have right to the land.

In answer to the suggestion put forward by Mr. Daly that the reason the document included the clause that the watarangana "in no way warrant" etc. was because he knew he had no right to the land and Mr. McMillan had to take all risks in the matter.

I sold the land to Mr. Falcao of Sousa Junior. I sold it by myself.

I have not seen Mr. McMillan. I have never told him anything. I can remember before the English came to Mozambique, there was only one Englishman at Frelimo Town and a Mr. Buchanan in Mozambique who was staying at Ndia Rua. I have never heard of a case brought against the Sultan by our people. I had a *shauri* with the Government before selling the land to FE. Sousa Junior but not receiving <sup>an answer</sup> a ~~shauri~~. I sold the land to Sousa Junior (Mr. Falcao).

This dispenses the re-examination of this witness. The Wakf Commissioners have no questions to ask.

Sgd. A. J. Maclean.



Ex No. 4 for  
Statement No. 1.

By Mr. Morrison.

Mohamed bin Hussein Shegani daily says:  
My father was a Mahirani and my mother  
Kilindini. I am a reader and teacher. I am  
61 years of age. I know the land at Muzani  
claimed by Abdalla bin Sheikh. It belongs to  
the three tribes so far as I know. I have seen  
people cultivating since long ago the land in  
question. One of my slaves by name Lila was  
cultivating. He so desired I knew him got  
permission from the heads of the three tribes  
from one Sheikh Mohamed bin Yusuf and Hussein  
Mwenge Mutasa bin Shadde. He was cultivating  
about 40 years ago.

Mr. Daly objects to these questions.

By Mr. Daly.  
A. J. Shelton.

I know there is a claim on the land.  
I have been there. Last year I went. I went  
with Hussein Mohamed Mutasa to "Canda Mahiri".  
Rs. 25/- was found. I received the money. I did  
not divide it with any one. My grandmother's  
name was Hussein Mutasa binti Hussein Mutasa.  
I have seen her. She was born at Kilindini at  
Fort Kilindini. I don't know my paternal  
grandmother's name. I know Mohamed bin Abdalla.  
He was the Akid of the Fort. He made a shauri  
about borrowing some land for a garden. I do  
know where the garden is. I cannot show the  
exact place but it was near a small fort.  
I have seen Mohamed bin Abdalla's people  
working on the land. There are some now working  
I don't know what he paid his men.

By Mr. Daly.

I am a Shirezi. I am a member of the  
three tribes through my mother. I am a  
Kilindini through my. Her name was Gweyi

Umm bint al-Khalid bin al-Khalid. I was born in Madinah at "Jann". My father cultivated behind the new N. S. Mission building. My father died about 40 years ago. It was before that he cultivated I went with him to get permission for him to cultivate from the Sheikh. He was cultivating the shamba for 4 years also his wife Halima. It was on the south side of the trolley line that he was cultivating. <sup>there</sup> was no trolley line where he was cultivating. It was a road only.

I cannot show where the shamba was, it is a long time ago.

Mohamed bin Abdalla was appointed Akiba when Ali bin Husein was removed, he was appointed by Said Hajid (Sultan). It is about 20 years since Mohamed bin Abdalla left the country. It was in the time of Said Barghash that he made the shauri about 8 years before he Mohamed bin Abdalla left the country. I know about the shauri because I saw people cultivating in the garden of Mohamed bin Abdalla. I knew nothing of the shauri itself. I saw Husein bin Gandeji working with the slaves of Mohamed bin Abdalla when I was passing by the shamba about 20 or 40 years ago. I know it was Mohamed bin Abdalla's shamba because there was an <sup>shauri</sup> on the small fort near by. I don't know what shauri Mohamed bin Abdalla had with the vance of the Three Tribes.

The Court is adjourned until 2 p.m.  
This afternoon the 26th Nov. 1912.

Jud. A. J. Thomson.

2 P. M. Parties present as before.

Intd. A. J. H.A

turned that he is still on oath.

Yes I went to the Kadi with Mohamed bin  
 Hattab. It was the only time I went. I  
 remember giving evidence against Kinjo Jaram  
 in a Criminal Case. I gave evidence on behalf  
 of Mohamed bin Hattab. I don't know if Judge  
 Sedona Carter believed me in this case or not.  
 I was in the Court, but I did not understand  
 the Judgment given. I do not know that Mohamed  
 bin Hattab was prosecuted for perjury. I don't  
 know that Mohamed bin Hattab was sentenced to  
 six months' imprisonment for perjury. I went  
 before the Town Magistrate but was given  
 permission to go away. Mohamed bin Hattab  
 was also brought before the Magistrate but  
 what for I don't know. I know he was imprisoned  
 I don't know what he was imprisoned for. I was  
 in the dock of the Town Magistrate's Court.  
 I went to give evidence. I know the difference  
 between a dock and a witness box. I was  
 arrested but what for I don't know. I was not  
 charged with perjury. I was only arrested  
 I don't know what for.

File No. 32/1900 is here put in by Mr.  
 J. Brown v. Kinjo Jaram, Ex. C.

The other file dealing with the case  
 to be put in with this exhibit.

I was not sent to jail in this matter  
 of Mohamed bin Hattab neither was I fined.

Sgd. A. J. Malcolm.

W. A.  
 mly.

By Mr. Morrison.

by Mahid bin Abd.  
by Court.)

My business is to feed the people.  
I have Mbarani. Since 40 or 44 years ago.  
I went at the time of Mahomed bin Abdalla  
and Mbarani when they were fighting. I have not  
been to Mbarani since but I went to Ksiale last  
year. There are graves and ruined houses on  
the land. They belonged to the Three Tribes.  
They bury people to this day there. Wusheriffu  
and people of the three tribes only. There are  
many grave yards, they are not in one place.  
we cannot let the graveyards. we cannot sell  
the graveyards.

- Q. If you cannot either let or sell the land, then the land is not yours.
- A. It is sure; if the wakf had it could they let or sell it?

This finishes the examination of this witness. Read over correct.

Sgd. A. J. Maclean.

Case No. 5 for  
Court No. 1.  
by Mr. Harrison.

Sheikh Abdalla bin Juma Kilindini  
duly sworn.

I am 66 years old. I live at Akanyageni.  
My father was a Kilindini and my mother  
Shirani. I have a brother named Abdalla bin  
Juma. My father was a cultivator, he was a  
Sheikh amongst his relations in the tribe of  
Kilindini. He was 100 years when he died. It  
is about 17 years since he died. My father  
brought me to the land at Kilindini near  
Mbarani. I have now cultivated still at  
Mbarani. I know the land claimed in this  
case. He was born on it (the land) he was born  
at Kilindini. My father had slaves. They all  
worked for three years at Mbarani. When my  
father went to Takusungu all his slaves followed  
him.

It is a long time since I remember any one was buried at Marani. The Three Tribes used the burial ground. I can point out the graveyard I have seen the graves. I have received profits out of the land. When any one wanted permission to cultivate he paid me Rs.2/-  
 Mm Juthi got permission from me about 5 years ago. Pungate also got permission from me, likewise Faraji. I know the Khim on the land. I have not been but people go there.

Read over correct.

Sgd. A. J. Maclean.

If a man has a vow he must go to the Khiale. I know it is the duty for members of the three tribes to go once a year to the Khiale, if they have vows to make. Mohamed bin Hassan is the head of my tribe. It is necessary for people to go once a year even if they have no vow. These people who are looking after the Khim must go every year. It is compulsory for a member of the Three Tribes to go once a year at Kucha to the Khiale whether he has a vow to make or not. I have not been because my business is a Reader, I need not go unless I have a vow.

The witness is very ambiguous in his statement saying one thing emphatically and then apparently contradicting himself.

Mohamed bin Sultan, Bonye Said bin Hamid and Omar bin Hassan (deceased) had to look after the Khiale. These are all. They are the people to receive the gifts said, or any member of the Three Tribes can receive the gifts. I know Mohamed bin Hussein, he is a Shiebi. Perhaps he received Rs.25 in this way.

He had right through his mother's side. A man  
 can belong to the Shikwa tribe and Kikuyu  
 at the same time. On his father's side on his  
 father's side according to their tribes. He  
 one is buried at Mbarani now. There is no  
 place at Mbarani where they bury people now.  
 I cannot remember any one being buried there.  
 The places where the burial grounds are now  
 in between the railway line and trolley line.  
 I cannot remember any one being buried any-  
 where on the land claimed. My father was 105  
 years. He told me. My father went to Takungu  
 after the Mbarui were in prison after Said  
 Said took possession of the country. Said Said  
 took over possession in 1282 (arabic year).  
 My father <sup>took</sup> with all his slaves with him when he  
 went. My father's slaves cultivated for three  
 years, he told me so. He told me they culti-  
 vated at Mbarani. He told me about 24 years  
 ago that his slaves 80 years before that,  
 cultivated at Mbarani. When Rashid bin Salim  
 went to Takungu my father followed him with  
 his slaves. I don't know what my father's sla-  
 ves were doing before they cultivated at  
 Mbarani. The slaves were Yao and Wangema  
 people. My father's name is Juma bin Mahande.  
 There are people cultivating at Mbarani now.  
 Every one cultivating at Mbarani must get  
 permission of the 3 tribes. I don't know of  
 any other than those cultivating. I am not  
 an Khasi, but I am a member of the Three Tribes  
 and can give permission and take the Rs.2/-  
 but he must inform the Wasse. I told the Wasse  
 but kept the money. I gave Mbatathi permission  
 about 5 years ago. I don't know exactly what  
 time. He is dead. He cultivated at Mbarani

what part I don't know. He built a house on the land. The house is now gone. It is about 4 years ago since he died. Fungate got permission about 4 years ago. He is dead also. I don't <sup>know</sup> where Teraji has gone or where he is. It is about two years since he disappeared. He cultivated at Kharangi I don't point out where although it is only two years ago. I don't know the best. cleared the bush 4 years ago. I passed along the road last year only. I am often doing so. I have never walked among the gardens. I remember when the Railway was being built. It was bush land.

by Mr. Harrison.

There was a small path along the line where the Railway passes, but it was bush on either side. I don't know the origin of Minko. I heard it was an Minko that's all. If people don't go to the Minko they say they will get harm from the devil at Minko.

The Court is adjourned until Wednesday morning at 10 a.m. 28th Aug. 1912.

Sgd. A. J. Malcom.



10 A.M. Present Messrs. Morrison, Daly, Anderson  
Mahid bin Qud and others.

Intg. A. J. W.

Witness No. 6 warned that he is still on oath.

Qd. A. J. Maclean.

In the Sharia it states if a man has a  
vow, he must go to Meida. It is written in  
the Mishaja also in Fata-Maini. The word  
Meida is not mentioned in Mishaja. It is only  
a custom of the country. I said it was neces-  
sary for the members of the three tribes to go  
to Meida once a year, according to their  
custom. No other harm came to two people by  
not going to the Meida except what they get  
from the devils. That is what they believe.  
The learned people don't believe this.

Yes I believe it. I am a learned person.  
Saints and wise people don't believe it.  
I am not a saint.

I have taken fees from people cultivating.  
From cultivating at Mharani. I know all the  
land at Mharani. There are graveyards. I have  
seen some graves, also a ruined mosque. I  
can't let the graveyards, nor sell them. There  
is no means of doing so. They are grave-yards.

This closes the examination of this  
witness.

Qd. A. J. Maclean.

Salim bin Abu Antafi duly sworn-  
my mother's tribe was Kilindini, her name  
was Kwanjan binti Qudao. I have inherited  
property from my mother on the Kilindini side  
at Mharani, a shamba with cashew trees in it.  
The shamba belonged to my mother, before her  
it belonged to her father. He was an Arab in  
the Kilindini tribe. I found the shamba in

Witness No. 6 for  
Exhibit No. 1  
Mr. Morrison.

Court.

Mahid bin Qud.

Witness No. 6 for  
Exhibit No. 1.  
Mr. Morrison

my mother's hands, I have sold it to the  
Limali.

"No. 8 put in by Mr. Harrison purporting  
to be deed of sale by witness to the Limali is  
put in the hands witness's hand for identifi-  
cation. On an objection by Mr. Daly Mr.  
Harrison agrees to the Limali proving himself  
the documents dealing with purchase by him".

Formerly I know where the shamba was,

now it has become mixed up with others, I know  
it is on the Kilindini side.

My grandfather's name was Gindoo, I have  
never seen him. I am about 40 years old or  
older. This shamba was cultivated by my mother.  
It was situated near the old Town of Three  
Tribes. I cannot show where the old Town was.  
My father was Mabu bin Raji Mutafi.

This closes the examination of this  
witness.

Read over correct.

Sgd. A. J. McLean.

Abdalla bin Mfame Kilindini duly sworn:-

My mother is an Waindi, Indian Tribe.

I am about 34 or 35 years of age. My father's  
name was Mfame wa Koohe. I do not remember  
my grandfather's name. I know the land which  
is being claimed. I went there in my youth.

My uncle took me there. He took me to the  
Kimali. We went to pay a ves (panda madi).

I often went, whenever my uncle wanted any-  
thing we went. My uncle's name was Sami bin  
Koohe. I had slaves. They worked in the shamba.

No other work. There are some alive now. Of the  
male slaves alive there is only one, his name  
is Sangoro. My uncle also had some slaves who  
are still alive. One Sangoro, a man, is still  
alive.

No. 7  
Exhibit No. 1.  
Mr. Harrison.

Mr. Jaly.

I still go to the Manda, I went last in the north of Shaban this year. I went to make a vow. I did nothing else. My father was an Mbilindini. My grandfather on my mother's side was an Indian.

This closes the examination of the witness.

and ever correct.

Wm. A. J. Maclean.

Abdulla bin Jum Mbilindini duly sworn:-

My father's tribe was Mbilindini. He is dead. I know the land claimed. My father had property there. He had 150 slaves who cultivated at Mwarani. I know because my father told me, he showed me the place and said he had 150 slaves who worked there. Formerly I could show the place, even now I can do so. It is about 30 years now since my father pointed out the shamba. I am about 48 years of age. I am a teacher. I have not received any profits from the land myself.

Mr. Jaly.

My father died at Takungu about 17 years ago. My father went to Takungu when the Mwarui were in prison, in said said time. Masid bin Salim told my father to go to Takungu with him. Masid bin Salim was the grandfather of the present ex-Queen. He left three slaves here, but took all the rest with him to Takungu. Of the 3 slaves one was "Kama". My father had to go to Takungu and come back. I remember the conversation 35 years ago, I am 48 now, and so can remember. Even a boy of 2 years old would remember. I am not

a Mass, but I am a member of the Three Tribes. I have been to the Kiala with my friends that is I have taken my friends but I have never been to the Kiala it self. I have remained aside.

This closes the examination of this witness.

Read over correct.

Sgt. A. J. Maclean.

Mr. Harrison stated that the Attorney General at the opening of the case <sup>stated that the</sup> for the Crown was that the applicant had no right for a Certificate of Title to be granted them, and he wishes me to make a note to the effect and he says what the counsel for the Crown states the case for the Crown is; As I myself do not recollect this statement by the Attorney General,

I consider this question should have been raised at the beginning of the case. Mr. Daly objects now and puts forward that the case should proceed and that if the Court considers that is equitable and just for Mr. Harrison to produce rebutting evidence after the Crown has stated its case, he could do so.

I order the case to proceed.

Sgt. A. J. Maclean.

The Court is adjourned until 2 p.m. this afternoon.

Sgt. A. J. Maclean.

2 p.m. 22nd August 1912.

Present all parties as before.

Sgt. A. J. Maclean.

Case No. 6 A  
Claimant No. 1  
By Mr. Morrison.

Sheikh Ali bin Salim, Assistant Liwali,  
Mombasa, duly sworn:-

My father is the Liwali of Mombasa, and  
has been for many years. I know the land claimed  
by the 3 Tribes in this case. My father has  
land adjoining.

Witness points out the land adjoining  
on a map before the Court. Ex. (4) (in original-  
on a certified copy of which has already been put  
in) being a deed of sale between Mohamed bin  
Mutano and Salim bin Khalifa. Ex. 6. and Ex. 7.  
Both deeds of sale referring to the purchase  
of the land just referred to. Witness identi-  
fies the above documents as dealing with that  
land. Each is witnessed by Mzee Hassan bin  
Hassan and Sheikh Mohamed bin Yusuf.

Sheikh Mohamed bin Yusuf is the Sheikh  
of the Three Tribes. Hassan bin Hassan is an  
Mzee of the Kilindini, I am not certain of  
this but I think so. He is a Mahirasi. I know  
the Swahili language, there are others who  
know it better than myself. If a man talks  
of "Baba-ango" he means his father. Sometimes  
they are the expression for the uncle. There  
is no real name for uncle in Swahili unless  
they say Baba-ango Mdogo or Kubwa as the case  
may be. If a man states ordinarily Baba-ango  
it would mean his father. I have never set  
examinations to Government officials in  
Swahili by myself but in conjunction with  
Judge Hamilton two or three other times.  
Swahili can mean a Company of men or it may  
mean Government. If there is a house open to  
the public generally, it is called a Nyumba  
ya Serikali. If three people bought a chair  
between them and a fourth man came and

4. 6. & 7.

asked where it was, they would say it was "Kili sha Karahi". I have seen the tower at Karahi. I have seen only one there. I have heard that there is another but I have not seen it. I have heard a song about these towers I don't know the words of it. I don't remember it. The song mentioned two towers and the Kilindini Village. I heard it some time ago. Soon after my father came to Mombasa on land. I should recognize it if I heard it again.

Mr. Daly.

I have only seen the tower standing now. I have not seen the other tower. I don't know if the shamba sold to my father were in cultivation at the time they were bought. I was not there.

Read over correct.

Sgt. A. J. Maclean.

Ex. D. 9. for  
part No. 1.  
R. Morrison.

Sadi bin Mwangi Kilindini Daly sworn:-

I am a Kilindini, my mother belongs to the Changwe Tribe. My paternal grandfather's name was "Kwame Paida". My father died about 6 years ago. He was about 90 years of age. I never saw my grandfather. My father told me that my grandfather was born at Kilindini. Sworn.

Mr. Daly objects to this evidence as hearsay only.

My father is a fisherman, I do the same work. We fish by fishing stakes. Our fishing stakes are at Muisia. I am fishing at Muisia, as formerly wherever we prepared a vacant place we could erect our fishing stakes there. When my father was alive we worked together. I don't remember when my father first got the fishing stakes.

I know the land at Mwarani. I go there every day. I go there to cut "fites" for my stakes, and my fishing stakes are at Mairimu on the opposite side of the island. The reason I cut my fites at Mwarani instead of Mairimu is that no one would allow me to cut sticks in somebody else's stake. The land and bush at Mwarani belong to the three tribes. My father got his "fites" at the same place. I am always going to the Mairimu. I have been to ask for a child. If I got a child I will pay a "Ghom" and a goat. I have paid this vow. I got a child and I paid the gifts. Mwaye wa Mutano received the goat. Mwaye Mutano was of the Kilindini Tribe.

Mr. Daly.

I don't know when my grandfather died. I don't know anything about him. I had the conversation with my father about 20 years ago. I only get my "fites" from the land at Mwarani. Formerly I used to get these there. My ware is the bush from Mwarani to Mairimu. I performed the vow I alluded to about 6 months ago. I don't know how many people there are now who can receive the gifts. If anyone places a gift at Mairimu and I pass by and see it, I can take it. I gave the goat to Mwaye wa Mutano because he was my brother-in-law. That is the only time I have made a vow again.

This closes the examination of this witness. On the above being read over, witness states he was misunderstood and that he has the right to receive gifts at Mairimu.

Read over correct.

Sgd. A. J. Maclean.

Case No. 10  
Statement No. 1  
of Mr. Harrison.

Mwenge Naki bin Ahmed Kilindini only sworn:-

I am about 44 years of age. My father's tribe was Kilindini, my mother's also. My father's name was Ahmed bin Mwenge Naki, he is dead, he was about 50 years old. It is about six years ago since he died. He told me he was born in Mwanza at Kusa. I don't remember my grandfather. I do my grandmother. She was about 60 years old when she died and it is about 20 years ago since she died. My grandmother cultivated at Mwanza. I have seen her cultivating there. Her house was in Mwanza Kilindini near Mijikiti Mwanza, she told me she was born at Mwanza Kilindini on the Kilindini Road. I have had no profits out of the land at Mwanza. I have been several times on the land since the time my grandmother was there. When I went there the people cultivating there were members of the three tribes. There are wells there. At the time I went the wells were in use, but now I don't know. It is five or six years since I went.

By Mr. Jolly.

My grandmother died at Kusa. She had been living 2 or 3 years there before she died. She cultivated until she became sick, she was sick for one year and then died. Mwanza Mwanza was her name. Now I can't show where my grandmother's house used to stand. It is a long since she was there. I know the side but not the site. It was far from the railway line. I can show where my grandmother used to cultivate. The railway was not built then. I can't give the names of the people who were cultivating. It is about 20 years ago since I saw people cultivating at Mwanza.



It is 20 years ago when I saw people cultivating with my grandfather. It is five years ago when I went there last and I saw people cultivating there.

This closes the examination of this witness.

Read over correct.

Qd. A. J. Maclean.

Asked his witness Mhilindini Duly sworn:-

I am 25 or 26 years of age. I know Mzee Mshamu bin Mshamu, he is my brother. I have had profits from the land. I received Rs.2/- from a man who got permission from me to cultivate at Mwarani two or three years ago. His name was Mshimwa. I have had slaves. They cultivated at Mwarani. I had six. My own inherited from my father. One is alive now. He is at Likoni, his name is Farjalla. I am not an Mzee, my brother is an Mzee.

I got Rs.2/- from Mshimwa, he is dead now, he died about 4 or 5 months ago. He is the only person who got permission from me. He cultivated not far from Mhimo I can point it out. I don't know where he was buried. After I got the Rs.2/- he went to cultivate that is all I know. My slave, Farjalla, is cultivating at Likoni in my shamba. My mother's name is Tube Mhiti Mshamu Mshamu. It is about 10 years ago since my slaves were cultivating, their names were, Mshamwa, Mhimo, Tefiki, Mshamwa. They cultivated land beyond Mhimo, not far from the railway. It was about 10 minutes away from the Likoni Road. The Mshamwa Creek is far from the shamba. I can point out the land. It is about 8 or 9 years ago since I went over

- 25 -

the land myself. I have never been to Masinga.  
 Hand Over Certificate

Jud. A. J. Maclean.

The Court is adjourned until 10 a.m.  
 to-morrow morning. 20th. Aug. 1912.

Jud. A. J. Maclean.

10 A. M. 20th. Aug. 1912.

Present Messrs. Harrison, Duly and  
 Maclean. The Hall was not occu-  
 pied.

Jud. A. J. Maclean.

Masha bin Juma Mdigo duly sworn:-

I am about 70 years of age. I am an  
 auctioneer. I was born in Mombasa at Kibohani  
 near the mouth of Mwanje Kumbo. My father's  
 name was Ali Mubaja, he was a Haji converted  
 by Mwanje Kumb. My mother was a slave. She was  
 a slave of Mwanjuma wa Kumbo. She cultivated  
 at Mwanjuma and Kibohani. I used to see her  
 working and I used to scare the birds and I  
 also was ill with smallpox in the shamba. The  
 owners of the land were our masters, members  
 of the three tribes. I left the shamba when  
 Mwanjuma enrolled me as an askari. Mwanjuma  
 wa Kumbo was my master. He was a Mwanjuma.

My father was an Mdigo, and my mother a  
 Mwanjuma. I never went on the shamba after I  
 became an askari. I don't know if it was 30  
 years ago. I married a slave of Mwanje. Mwanje  
 bin Hassan of the Kilindini tribe. We cultiva-  
 ted at Kibohani and Mwanjuma. I cultivated  
 myself. I did not plant coconuts. I can show  
 the boundaries of our shambas. I have not been  
 to Mwanjuma since I left as an askari.

see No. 12  
 Exhibit No. 1.  
 Mr. Harrison.

Mr. Duly.

The age stated by this witness is certainly not correct, between 50 to 60 is more like it.

Sgd. A. J. MacLenn.

Read over correct.

Intd. A. J. M.

Witness bin Mohamed Saqrul daly sworn:-

I am about 57 years of age. I was born in Hoshang and I went to Tangra when I was young. It is 15 years ago since I returned to Hoshang. I know the land claimed by Sheikh Abdulla. I have cultivated there. I cultivated for 1 1/2 years and it is about 2 years ago since I left. I asked permission from Sheikh Abdulla to cultivate at Harkati. I asked because the Three Tribes are the owners of the land. When I asked I was told to go to Sheikh Abdulla and I should get permission. He is an Huse of the Three Tribes. Since I came from Tangra I came to know that the land belonged to the Three Tribes. I gave money to him, but I said I was a stranger and had nothing, so he forgave me the money. I gave him Rs. 8/- which he gave me back. Everyone has his luck, some get this money but others don't.

I saw Sheikh Abdulla at his house, and I brought the Rs. 8/- with me. I begged Sheikh Abdulla and he forgave me the fee. He showed me where I could cultivate and went with me to point out the boundaries. He walked round the boundaries with me. I can't remember what month it was. I don't know if Sheikh Abdulla would know. It is about 4 complete years since Sheikh Abdulla went round the shamba with me. The shamba is at Koshoni near Hainle beyond it.

Page No. 13  
Exhibit No. 1.  
J. Harrison.

Dr. Daly.

The shade is on the Railway side of the Road. Not near the Railway Road. I can point it out. It is about 2 years ago since I saw it. I was not told to go by the Govt. I went by myself because it was too hot. I am now cultivating at Kiliwani since 11 months. I don't know where the Fainted Town is. I never saw it. I have not been there. I always go to the Kaila, not to make a way but to go with my friends. Several people cultivated with me. On the North Mabraki Gani Gani cultivated who is dead. On the South Pundi Faraji cultivated he is alive and lives at Mianbeni Lombard. On another side a woman was cultivating all the time. I don't know her name. I never spoke to her, even for 2 1/2 years. I don't know who the others were, there were a lot of them. The men I have given the names of are the only ones I know. I am telling the truth.

r. Harrison.

I would know the other people who were cultivating near me, if I saw them. I know them to greet them. A man like myself cultivates his piece of land, so long as the soil is good. When the soil becomes unfertile he seeks another place.

Re other questions. Read over correct.

Sgd. A. J. Maclean.

Rashid bin Saad bin Ibrahim duly sworn:-

I am a trader. I live at Kharguadi. My father was Saad bin Rashid, he was an Arab. My mother's name was Huma Saadi she was a Khilindzi. I claim an interest in this land. I claim it through my mother. It is the custom if the father is a stranger and the mother a member of the Three Tribes for the children to claim through their mother an interest in the property of the Three Tribes. I am about 40 years of age. I have been acquainted with the land in question since I was born. A stranger can get permission to cultivate on the tribal land from our Sheikh or one Wasee. He has to pay for the permission. The members of the Three Tribes do agree to what their Sheikh do. If our Sheikh sell the land they must follow the conditions i.e. if they sell it according to Sheria. Our people will agree to the sale. But if the conditions of sale are contrary to Sheria then our people will check him. That is if graveyards or Wakf property are sold. He would not be allowed to. The Sheikh can sell all tribal land other than graveyards, mosque property or Wakf. It is our custom when cultivating after the soil of our shamba no longer yields, for us to cultivate another. A man once he has permission can cultivate when he likes but on leaving one shamba for another he must get permission from the Wasee but does not pay another fee. There are some very old wells on the property.

Q. Do the people, residents and cultivators on the land, utilize the wells to this day for the purpose of drawing water?

A. I don't know.

W. H. Daly.

I am an Arab and I have been a trader all my life living in Beersheva town. I was a member of the Three Tribes and in that way I have told what the most customs are amongst us. It is 7 days ago since I went on the land. I passed on the road and also performed a yev. Hardly a year passes without my going on the land 3 or 4 times. I walk all over the land. I go through the bush or pass along a path to go to the Sheikh. I went about 20 days ago to visit the land. I go once or twice in every month. It is our land and I am bound to go all over it and round it. There are certain members of the Three Tribes who are bound to go round about the land every day to look after it. Shamma wa Hattala is one of these people, he is alive. Ahmed bin Sultan, Yousif bin Khalil, Ismail bin Haili, but he is in Jerusalem. I am not one of these men. I go through the bush because I am a member of the 3 tribes. I go to see if people have taken the land or if any one is stealing our property. I would report to the Sheikh. I did see the Mission building their house two or three years ago. I did report this to Sheikh Abdulla. I have seen huts but I don't know who built them. I saw the bush cut but I did not know who was cutting. I did report it. I shall get part of the proceeds if the land has been sold for. I have not got any. If the Sheikh spends 200 on his wives, it is not sufficient for him, if he does not give me anything, it is enough. I should say anything. I do not know how many wells are on the land. There are many, some are filled up.

I by Mr. Hama.

I did report <sup>about</sup> the bush being cleared but I did not know who was clearing it.

No further questions. Read over correct.

Sgt. A. J. Malison.

All bin Abdurrahman Mboudi duly sworn:-

I cultivate at Kibokoni at Mwarani. I am cultivating there now. I have been 4 years. Before that I was cultivating for 2 years. Where the prisoners are now cultivating- I have my shamba at Kibikoni still I can show it. I got permission from Mahomed bin Mwanza bin Mwanza, because they are the owners. The three tribes are the owners. Mahomed bin Mwanza I don't know what position he holds in the 3 tribes. I knew Mr. Anderson, I did not go to him for permission, I went to the Owners.

I saw Mahomed bin Mwanza the 1st time about 4 years ago. I saw him in the town walking about. He was pointed out to me. I did not go to Sheikh Abdulla, I was told Mahomed bin Mwanza was the owner of the land and I asked him permission. The 1st place I was cultivating at I asked permission from Mahomed bin Mwanza, that is where the prisoners cultivate. I have never been a slave. I was cultivating where the prisoners are for 2 years, and for 4 years I was cultivating at Kibokoni and I can point out my shamba.

No further questions. Read over correct.

Sgt. A. J. Malison.

The Court is adjourned until 2 p. m. this afternoon.

Sgt. A. J. Malison.

Ex. 11  
Ex. 12  
Ex. 13

by Mr. Jaly

Abadi bin Hambo Abadi Mahomedan duly sworn:-

I am about 45 years of age. I was born at Krima. I came long ago to Mombasa, I was about 35 years of age when I came. I know the land at Mwarani. I am cultivating there. It is about 10 years I have been there now. I have no house there, I have a shelter there for guarding purposes. I did not buy my shamba. I got permission to go there from Sheikh Ahmed bin Yusuf. I have a wife, a freed slave of Sheikh Mohamed. She cultivates with me. To this day. I can recognise Ali bin Abdurahaman, I have seen him in the shamba at Mwarani. I can give the names of those cultivating near me. Kama is one, he is dead, Kibebo another also dead. Another came lately by name Azis. I don't know any others. These are the only ones I knew, there were lots of others besides. I know Mahuman, he died the other day, he was cultivating this year. I can show where I am cultivating, and my shed, I have reaped some corn there lately.

P. Daly.

Kama and Kibebo were there when I went to cultivate. These are the ones I saw, and others came and went. I have been cultivating for 10 years, not always the same place. I have seen Saadalla, I have never spoken to him. I am living in a shamba near the European Cemetery. I am not living at Mwarani. I am cultivating on the sea-side. There was a woman by name Hen on the Railway side. She is not there now. Jamis lives near the Iron House not far from the Cemetery. I am cultivating at Mwarani between two Minaras, but nearer the small one, the big Minara is some way in front. I know



the Mbaraki Creek. It is not near my shamba.

Land to be pointed out.

Intd. A. J. M.

I never paid for permission, my wife is a freed slave of the owner. I do not know how many slaves Mahomed bin Yunus had. It is 10 years ago since I married my wife. I know the ruined Temu. Except these people who were cultivating I saw no one cutting the bush. I did not see the bush cut down 4 years ago. I have been cultivating 10 years at Mbarani first in one place then another. I could see my 1st shamba from my 2nd and my second shamba from my third. They were not far from each other. Asia has been cultivating for 2 years at Mbarani. I don't know that people cultivating round Mbarani were told by Govt. that they were not to plant coconuts. I don't know that some people who built huts at Mbarani were told to pull these down. There were some people who had their huts on the land and they paid Rs. 3/- hut tax to Govt. Masina and Kiboko were there and had huts. It is three years since they died. At the time I married my wife she was a slave. When she became free I married her again. It is about 7 years ago since she became free.

No further questions. Read over correct.

Sgd. A. J. Maclean.

No. 17

Exhibit No. 1.

Mr. Hene.

Maolan his children Maigan Mahometan duly sworn:-

I am about 100 years old. (Note. Doubtful age, possibly between 80 and 90) I was born in Maigan. I am of the Maigan tribe. I know the land in question it belongs to the Three Tribes. I have known the land since I was a youth before I gained puberty. I then went to Kurviti. Since I remember other people the Maigan besides the Three Tribes have claimed the land, but they did not get it, it was on the Maiale side. I don't know how many years ago. I was a fisherman fishing with stakes. Formerly the land was ours and we put our stakes wherever we liked, now we get our permission from Europeans. The Maigan put their stakes down anywhere they liked. The Maigan of the Three Tribes. I had my stakes a long time. Formerly I paid no tax but now we pay a tax to Govt. My Fishing Stakes were at Likoni on the mainland. I never had any stakes on the Island.

Mr. Daly.

It is about 20 or 30 years since I had my Fishing Stakes. When I came from Maigan I was a baby. I don't remember the fact of my coming. After I became a youth I went to Kurviti. I was there a long time, and it is a long time since I came to Maiale. I know the land in question. It is at Maiale at Maaranai. I often used to go there to get firewood.

This witness on account of his age is not particularly coherent and Mr. Daly stops his X I examination on that account.

No further questions. Read over correct.

Ed. A. J. Maolan.

The Court will adjourn until 10.30  
to-morrow morning, 30th Aug. 1912.

Jgd. A. J. Maclean.

To meet the wishes of all parties, the  
Court is adjourned until 2 p.m. 30 Aug. 1912.

Jgd. A. J. Maclean.

2 p.m. 30th. Aug. 1912.

Present:- Mr. Ross, Mr. Daly, Mr. Morrison.  
Jama bin Ali Mtangana duly sworn-

I am about 80 years of age (being hardly  
more than 80) I am a Mtangana, my father and  
mother also were Mtangana. I am a travelling  
trader. I was born in Mombasa. I cultivated for  
9 years. I cultivated at Mwarani. I was given  
permission from the late Sheikh Mohamed bin  
Yunis. The owners are the three tribes.

Mr. Daly makes objection to all questions  
of opinion such as the last one put.

Q. Who in your opinion were the owners of  
this land?

A. I do not know any cultivators on the land  
now. Those I know are dead. I know three men  
who got permission from the Sheikh, Chama,  
Sahara, and I am the third. The two former are  
dead, they died up-country. I don't know any  
fishermen who were given permits to fish on  
this land.

Q. Since 9 years I have not cultivated.  
Before that I was cultivating for 4 years.  
That is the only time in my life I was culti-  
vating. I cultivated at Mwarani near the  
Mhaya trees. I was shown the place I could  
cultivate. Sheikh Mohamed bin Yunis went with  
me and showed me. It is about 9 years since  
I was shown the place.

My neighbours were Sabara, Majalim, no others. They are dead. These were the only people cultivating when I was there, no one else. Mohamed bin Yunus was the Old man. He was an Sheikh of Mombasa. I don't know anything else about him. I only remember that I paid Rs.2/- for permission to him at Mtondeni. That is the only thing I remember about it. Only Sheikh Mohamed bin Yunus pointed out the boundaries to me. He did not make any boundary marks. I can't point the places it is bush now. All the land near me was bush.

I don't know who was behind me. The only people cultivated near me are the ones I mentioned.

No other questions. Read over correct.

Sgt. A. J. Maclean.

Abedi bin Ngedden Baskahwin duly sworn:-

I am about 50 to 60 years of age. I was born in Arabia. My father was Ngedden, he was a Baskahwin. My mother also was a Baskahwin. I came to Mombasa before I gained the age of puberty. I was staying in the Fort with my father. My father was the Akida of the Fort, under the Commander of the Fort. My father was the nephew of Mohamed bin Abdalla the Commander of the Fort and Town. It is about 35 or 40 years ago. The land in question in those days belonged to the Three Tribes. I know of a shauri made between the Watangana chiefs and Mohamed bin Abdalla. I was present at the shauri. The shauri was that he asked for a shamba from Mohamed bin Yunus, Mohamed said "If the other cases agree I will give you one". They agreed. Mohamed bin Abdalla paid Rs.30/-

By Mr. Home.

No. 20  
Witness No. 1.  
P. Home.

I don't know if he bought or borrowed the land. He wanted a shamba to cultivate in himself and to walk about in. He did not ask permission to grow coconuts. He planted banana trees, carava and flowers. Mohamed bin Abdulla kept his shamba until he quarrelled with the Sultan and then he went away and left it. I don't know what happened to the shamba.

Mr. Duly.

At the time of Mohamed bin Abdulla, the land at Mtondani belonged to the Three Tribes. It reached up to the Fort. The small Fort at Mnarani. The whole of this land was then absolute bush. Mohamed bin Abdulla got a shamba at Mnarani. I can't point it out as I am blind. I don't know what side it was. I went there two or three times. The shamba was near a small Fort at Mnarani. I don't know the name of the Fort. I don't know how many forts there were round Mnarani. I was at the shauri, it took place in the House of Mohamed bin Yunus at Mtondani. At this time Mohamed bin Yunus was a very old man. The Akida gave me K.30 to give to Mohamed bin Yunus to give to other wages. The other wages were

1. Hassan bin Hassan.
2. Shirazi bin ?
3. Mnyie Haji Ngao.

They were all Watungu. I was "Showish" of the wakuria at this time. Mohamed bin Abdulla was the Akida and Jivali. I was given the money because I was a relative and I was trusted.

My father was present also at the shauri. Said Mbarak and Mohamed Mbarak also.

4. What Fort did you allude to when you said all the land was absolute bush from the Fort?

Court.

A. The small Fort at Mnarani.

All the land between the Big Fort and this small Fort at Mnarani was covered with bush joining up with the bush at Mnarani. The shamba in this bush.

No further questions. Read over correct.

Cpt. A. J. Maclean.

Mabraki bin Mahomed Mahunguwa duly sworn-

I don't know my age, about 50 perhaps. (Note: as possible) My father's tribe I don't know. My grandfather was a slave. I am cultivator. In those days I cultivate. First I was cultivating at Kibowani, when I was removed from there. I cultivated at "Kisira sha Iba". The land is the graveyards of the Three Tribes. I did not get permission. I was told it belonged to the Three Tribes so I went. Sheikh Abdulla knows I am there. I don't say rent I belong to the 3 tribes. I don't remember any trouble with the Mabarui. I remember about the trouble with Mabarui. I remember General Mathews it was the time I found that the acharis had pitched their tents in my shamba. When I found them there I went and told Mahomed bin Mwaye Mguai, Sheikh Abdulla's father. He told me to go back and see if they were acharis or not. When I went back they had gone to Muzi Maja. I left that shamba then and have not cultivated there since. I don't know if Sheikh Abdulla's father did anything further in the matter.

The <sup>Camping</sup> ground of the acharis at that time was at Mnarani. Close to the shamba and in my shamba too. It was a large camp.

No further questions. Read over correct.

Cpt. A. J. Maclean.

Witness No. 50  
by claimant No. 1.  
by Mr. Ross.

by Mr. Daly.

Mr. H. H.  
 Plaintiff No. 1.  
 Mr. H. H.

Sheriff Mohamed bin Nur - Ali Kathir Balawi-  
 daly says:-

I was born in Harbass. I am a member of  
 the 3 tribes through my mother. I know the  
 land in question. I remember the time of Said  
 Bargash. I remember the slaves of Mohamed bin  
 Abdulla working at Harrani near the Tower.  
 Mohamed bin Abdulla asked permission from the  
 Sheikh for his slaves to cultivate on the land.  
 I used to go with members of the three tribes  
 every morning at 9 A.M. to get the Akide.  
 Mohamed bin Abdulla in the Harbass out-side the  
 Fort. I lived close by, and in this way I  
 heard Mohamed bin Abdulla asking the wasee for  
 some place to cultivate and then Mohamed bin  
 Abdulla went to Mohamed bin Yunus at Harrani  
 to get permission for a shamba, and he paid him  
 the fees.

I never had a shamba at Harrani, I used  
 to pass there. It was our land.

by Mr. Daly.

My father was Sheriff Nur bin Mohamed, he  
 belonged to the "Ali Kathir Balawi" tribe. I  
 belong to the same tribe. My mother's name was  
 "Fatuma binti Masudi". She was an Arab woman,  
 "Kathiri tribe". I claim to be a member of the  
 three tribes through my maternal grandfather,  
 Binti Ibrahim- I never knew her. I don't know  
 when she died. I heard her name from my parents.  
 She was a Mahangame. She lived at Kibetoni.  
 I was born at "Htan ya Pwani" Harbass. Every  
 other year I stay away from Harbass. I trade at  
 Manganiko. I am about 55 or 56 years of age.  
 I was present at the shauri between Mohamed bin  
 Abdulla and the wasee. First at the Harbass at  
 Fort, after a day of two he went to the house

10 a. m. Sat. Sept. 1912.

Present: Messrs. Morrison, Daly, Ross and  
Anderson and Hashid bin Ali.

Sheriff Mahomed bin Sur warned that he is  
still on oath.

I was at the shauri at the Darusa near  
the Fort re Mahomed bin Abdulla's shauri. I was  
there as a locker on among the crowd. I  
remember the shauri 40 years ago, all about it.  
The shamba was at Kilindini near the 3 Towers  
which are near the grave yard of the Asherifu  
at the head of the Sharakri Creek. It is to the  
eastward of it. There is a small Fort (Muruji,  
near it. The shamba was cultivated in parts.  
I saw the shamba every day, I was always  
passing there. I have seen the slaves of  
Mahomed bin Abdulla working. My grandmother's  
name was "Sahadia", she was not a Sherrifu. She  
was a Mahangawee. I don't worship the Devil at  
Mzimba. I go to read the Koran at my father's  
grave. I never go to the Mzimba. No educated  
men go to the Mzimba, only ignorant people and  
women go. I know Dala bin Haji, he was a Mzee  
of the 3 tribes, of the Changawee. Mohammed bin  
Haji is my uncle, he is a Changawee. His father  
was an Mzee and he now follows the Masee. Abdul-  
kerim bin Khalasani is a relative of mine and a  
member of the Changawee. Mwenye Kai bin Mnyika  
is an Mzee of the Changawee. There are many  
wases of the Changawee tribe. Mwidao is the  
Chief Mzee. Mwinzi Haji Mwingao was the Chief  
15 years ago. Abdulla bin Haji was an Mhangawee  
he is dead. Abdulla bin Yuma is a Sheikh  
of the Kilindini Tribe, since Mahomed bin  
Yuma's death. Abdulla bin Yuma is the Sheikh



of the Three Tribes now in succession to his father. It is nine years ago since I was on the land in question.

By Mr. Morrison.

I used to pass the shamba of Mohamed bin Abdulla when going to the Ferry. The Ferry started in those days near the small Fort. The Ferry is to the west of the small Fort now. Abdulkorin Thalassa's father was Thalassa, a Head of the Marangas. Abdulkorin had said the "son" to become a Head.

The witness recognises Abdulla bin Yusuf in Court, pointing the Claimant out as Abdulla bin Yusuf.

No further questions. All statements read over correct.

Sgd. A. J. Maclean.

Abdul Rasul bin Mirza Baluchi duly sworn:-

I am about 50 years of Age ( about correct ) My father was a Jemadar in the Fort. Jemadar Tangai was there at the same time. I remember Sheikh Mohamed bin Yusuf. We made a boom for our cattle near the Tower at Marani, and Sheikh Mohamed bin Yusuf asked who gave me leave to put our boom on the land where were the graves of Sherifu, and he told us to remove the boom. I spoke to my father about it.

Mr. Daly objects to the conversation between witness and his father.

My father is dead. My father told me to remove the boom and cattle as the place did not belong to us. We had no right there. My father said it belonged to Mohamed bin Mungwe Ngwai, who was Sheikh of the Marangas. We took the cattle to Changwe. Mohamed bin Abdulla was the Commander of the Fort at the time my father was Jemadar.

Ex. 22  
Witness No. 1.  
Mr. Morrison.

by Mr. Jolly.

It is a long time since my father died. I was a green lad when we built the house. He was an askari. Moin Mahumati was the Chief of the askaris at the time, and the Akida of the Fort was Jamsdar Tangai. He was the head of the Fort, no one above him. This was before Mahomed bin Abdulla's time. The Cattle House was under the Tower near a small Fort. I have not been since that time to the place. Mahomed bin Abdulla's time was not an old man at the time. He had a beard. I saw him at his house at Mwangani. My father was told by Mahomed bin Abdulla that the house was desecrating the graveyards. I can't point out the place where the house was. Jamsdar Tangai was a British, he was the Commander of the askaris in the Fort. All his blood was the Livali at the time.

by Mr. Harrison.

If I was taken there I could not recognize the Fort or Tower, I am an old man and my eyes are faulty.

I consider that the witness should be able to point out <sup>and</sup> recognizing the Tower or Fort if he had known those, he is neither so old or so feeble that he could not do so.

Sgd. A. J. Maclean.

No further questions. Read over correct.

Sgd. A. J. Maclean.

Sahuri bin Kijaji Mwangana dully awani:-

I am a Mwangani, I am about 41 years of age. I was born in Mombasa. My mother was a freed slave. Fatuma was her name. I know the land on this side opposite Liboni. I was sent there to call my father who was cultivating there when I was a boy. I remained there for about 4 hours when my father was away. My mother did not cultivate there.

by Mr. Harrison.

No further questions. Read over correct.

Sgt. A. J. Maclean.

Musadi bin Redwi Mtongana duly sworn:-

My father was Redwi, a cultivator, his  
 master was Mzee wa Mwingye Kuu, a Mtongana. He  
 was a head Head of the Three Tribes. My father  
 was a freed slave. I know where my father  
 cultivated. I used to take his food to him.  
 I can point out the place. It is among the  
 Bushak Trees near some old walls, on the  
 Mwanjui side of Mombasa. My father cultivated  
 there by order of Mzee Mwingye Kuu. It is about  
 20 years since I saw my father cultivate there  
 and we then went to Mtongwa. I don't know for  
 certain whether the railway went through there  
 or not I was a fool at the time. I have been  
 to the Mzinda. It is about 9 years since my  
 father died. I am about 36 or 36 years of age.

(Very difficult to say, he looks about 16 years of age and speaks like it.)

Sheikh Abdulla told me to give witness  
 in this case. I don't expect to get any profit  
 from this land. It is 20 years ago since I saw  
 my father cultivate there and I have not been  
 there since. When I was a boy about 15 years  
 ago I remember that there was a well. I don't  
 know how far it was from the Railway. I was a  
 youth at the time. It is a long time since I  
 was at the Mzinda.

No further questions. Read over correct.

Sgt. A. J. Maclean.

ms 26  
Agent No. 1.  
P. Harrison.

Taisiri bin Ais Mohangwas duly sworn:-

I am about 64 years of age. I know the land at Mnarani. I have been there, I know it is ours. That it belongs to the Three Tribes. We were there with our masters. Muijaba bin Iam was our Master. We slaves were sent there to cultivate. My master was a Mohangwas. Since Mackenzie came here we have not cultivated there. I was a slave and I was cultivating with other slaves for our master. I can show where we cultivated even now. If we cultivated and left the shamba, after harvesting, for one year, it would become covered with big bush. People like us when cultivating, after clearing the bush, dig out the roots and set fire to them. After planting Matani, after 5 months we could begin the harvest. For the 2nd year we could still cultivate in the shamba. In the 3rd year if the soil is not good, we could go elsewhere. 5 years is the longest time we could cultivate a shamba without going elsewhere.

Since the time of Mackenzie (about 25 years ago 1867 or 1869) I have not cultivated there. During the last rains I went to buy maize there. It was near the first Tower we cultivated. The big Tower is broken, the small Tower still stands. It was near the big Tower. We even cultivated where the station stands now. Even up to the big Port. It was all bush then with shambas in it. We were cultivating at the Station when Mr. Jenner, who I have heard died at Kisumu, first came here. The land then belonged to the Three Tribes. From the Port onwards. The Port itself belonged to the Three Tribes. The whole Island belonged

Witness 25  
Claimant No. 1.  
Mr. Harrison.

Mr. Daly.

to the Three Tribes at the time Mr. Jenner came. Muzjaba bin Issa is dead, he was a Mahangame, he had many slaves, about 40.

No further questions. Read over correct.

Sgd. A. J. Malcolm.

The Court is adjourned until 2 p.m. this afternoon.

Sgd. A. J. Malcolm.

2 p.m. 2nd. Sept.

Exhibit No. 1. Morrison, Taly & ...  
said bin Muzjaba bin Issa bin ...

I am about 50 years of age. Muzjaba bin Muzjaba is my uncle. I know the land claimed at ... I have never got any profit from the land. I have been on the land. I have been to ... it is about 20 years ago since I went. My father Muzjaba bin Muzjaba. The land was bush land at that time 20 years ago.

No cross examination.

Read over correct.

Sgd. A. J. Malcolm.

Exhibit No. 2. Morrison, Taly & ...  
said bin Muzjaba bin Issa bin ...

The Ghakai and Masrai are the one tribe. They are both parts of one tribe. I am about 60 years of age. I was born here in ... When I was 11 years old I went to Tahaungu. The Masrai had gone there before me. My father belonged to the Ghakai tribe, and my mother belonged to the ... tribes. My grandfather Muzjaba bin Muzjaba lived in the Fort and my father was born there. When my grandfather left the Fort he went to Tahaungu. I have seen my grandfather. There was no blood feud (Kisai) between the Masrai and Three Tribes. I know this from the ...

Exhibit No. 1.  
Morrison.

Exhibit No. 2.  
Morrison.

Mr. Daly objects to these questions on the ground that they are purely hearsay.

Q. Do you know the origin of there being no blood feud between the Mearai and the Three Tribes?

A. I have heard the origin.

Q. What is the Tradition about it?

A. I was not there, I don't know.

Q. Do you know what land the Mearai owned. The Mearai were staying in the Fort and they had houses in the Town.

A. I don't know the land. I have not been on

it. I have passed it in a boat and I also went on it on my way to Uani. I don't know of any other place in the Island owned or claimed by the Mearai except Paludera and the Fort. My father spoke to me about the land and he heard it from my grandfather. He said he heard the land at Mearai belonged to the Three Tribes. Hamed bin Hamed was a ruler of the Mearai at this time, and Hamed bin Hamed succeeded him. That is what I heard.

Q. You went to Takungu when you were 11 years.  
A. I returned here often. It is 35 or 40 years ago since my father died. I was about 15 years of age when I had the conversation with my father. My father came here and I went back to Takungu.

Read over correct.

Sgt. A. J. Malcolm.

Case No. 1.  
Claimant No. 1.  
Mr. Harrison.

Amal bin Haji Mtangani swaha:-

I am living at Mbarani. I have a house there. The land on which it stands does not belong to me. I have a shamba. The land does not belong to me. It belongs to the Three Tribes. I got permission from the owners. I paid Rs. 2/- I gave it to Abdulla bin Sheikh. It is about two years ago now.

This witness is particularly glib in his answers, no hesitation whatever.

Sgd. A. J. Maclean.

My shamba is at Mbarani on the sea side, near Mbarani Creek close to the Ferry. I know the Slaughter House. It is near by. I don't know if this land is claimed by Abdulla bin Sheikh or not. I was not on the land before, 2 years ago. I don't know that there are any other people cultivating on the land who have not paid the Rs. 2/- I know my own affair. My father was Mwachaji, my mother Mekombe Jibrani. My father was free born, my mother a slave. They both told me that the land belonged to the Three Tribes. They told me long ago. I paid Sheikh Abdulla because he was the owner. Before this I was not cultivating anywhere else. I was not shown boundaries within which to cultivate. Sheikh Abdulla did not come with me. I knew the land belonged to the Three Tribes. My father told me, we will all the land over that side Mbarani, Mbarani Creek also. I was a boy, I had not gained the stage of puberty when I had the conversation with my father.

My shamba is near my hut. I can show it. It is near the Road. Coming from Mombasa we don't pass the Towers.

Read over correct.

Sgd. A. J. Maclean.

Mr. Daly.

Hamis bin Seif Kmalia Nyao Gula sworn:-

Age about 50. I am a cultivator and a fisherman. I live at Kmarang. It is about 24 years I have been living and cultivating on the same spot. My hut is at the well near the new Mission House. I was given permission to cultivate there by Buana Sekoni. I don't know him by any other name. I did not pay anything, but I had married one of his slaves. I don't know a well near the Railway on this land. There was never a well close by, but behind the Station (M'basa) there was well. This well was filled up by Europeans. I don't know how long ago. It is a long time since the Europeans came and they filled it in. Formerly I drew water from the well myself. I can point out the well. I don't know the people who were cultivating on this land. There was no friend of mine. There were other people cultivating. I would not know the names. One is dead.

I don't know the Prison graveyard. They bury Wanyka near the well. I am a Nyao, born in M'basa. There are many wells, one is being used now. It is near my house, in my shamba close to it. I can point out the well. It is 24 years ago since I went to the shamba with this well. The Railroad did not pass then. It was all bush land. There were other huts near by formerly. I don't know that Govt. removed these huts. The huts were not removed. The people as they went pulled down their own huts. It was long ago. They did not leave at the same time. No one has been there since these huts were pulled down, except mine and those of my two companions. I know the Livali.



I know Salim bin Khalifa. He did not give me permission, I got it from the Sheikh of the Three Tribes, Fuana Sekeni. His Tribe is the Three Tribes. I don't know what the Three Tribes are. I don't know the names of the Tribes.

read over correct.

Sgd. A. J. Maclean.

Mohamed bin Ali bin Kibanda Mbaruma only owner. Mohamed Omar was my master. "I know the land at Mbarani belongs to the Three Tribes".

The question was: Do you know the land at Mbarani? The answer given came out glibly and is suspicious.

Sgd. A. J. Maclean.

Mohamed Omar asked permission for a place for his slaves to cultivate. I used to scare the birds when a child. The land belonged to the case of the Three Tribes. I have never heard of any one else claiming the land. I know the Kaimle. If I saw gifts of Supper or Cloth or Bread there, I could not take it. I have no need to take it. I would not take it, even if there were no other people to see me take it.

I am about 40 years of age. Mohamed bin Omar cultivated for about 20 years and then gave it up. It is about 20 years ago since he left off cultivating. He cultivated near the big Tower which has fallen down. I have seen the Towers. It is near the Kaimle. Mohamed bin Omar was a Shihiri, he borrowed the land. I heard it from Mohamed bin Omar himself that he had borrowed the land. He told me, a slave's master is his father and therefore told him things. He cultivated there for twenty

Case No. 30  
Almanac No. 1.  
K. Harrison.

His

Daly.

Mr. Harrison.

years. The 3 Tribes are the Tongana, Changara  
and Kilindini. I can point out the shamba.

Read over correct.

Sgt. A. J. Maclean.

Answered his Court Memorial sworn:-

I came to Mombasa about 5 years ago.  
I knew Mwarani. I have been there to cultivate.  
Mahomed bin Sheikh gave me leave. He is a member  
of the Three Tribes. He is a brother of Sheikh  
Abdulla. It is about 3 years ago since I paid  
Rs.2/- for permission. It is a custom to do  
so. The land belongs to the 3 Tribes. I can  
point out the shamba. I don't know that there  
are a lot of people who don't pay Rs.2/- who  
are cultivating there. I went to Mahomed bin  
Sheikh because he was of the Three Tribes. I  
also went to Sheikh Abdulla. I gave him  
(Sheikh Abdulla) the Rs.2 and Mahomed bin  
Sheikh gave me permission. Mahomed bin Sheikh  
told me he could not take the Rs.2 and so I  
paid them to Sheikh Abdulla. Mahomed bin  
Sheikh pointed out the boundaries within which  
I could cultivate. No boundary marks were put  
up. I don't know all the wases. I know Mahomed  
Matano, Mzee Dola. I am not cultivating now.  
I gave up about 2 years ago. I cultivated for  
about 1 year. It was at Mwarani on the sea side  
of them. Tufiki cultivates there, and Baraka  
and Jahari they are all in Mombasa. I can  
point out the land cultivated on by them.

Read over correct.

Sgt. A. J. Maclean.

The Court is adjourned until 10 a.m. the  
3rd. Sept. 1912.

Sgt. A. J. Maclean.

2/9/12.

Case No. 21  
Claimant No. 1.  
Mr. Harrison.

10 a. m. 3rd. Sept. 1912.

Present: Messrs. Morrison, Daly and Sanderson.

Mohammed bin Saidi Mkilindini says:-

My father is a Mkilindini and my mother Mahungwe. I am about 80 years or more.

(About 45 to 50) I know the Msimle. There are special people who attend there. I attend there and my family. Mohammed bin Sultan, Yambuli, Nwanya Mawadi are the chief attendants with me.

In a year we get about Rupees eight hundred or 900 - in these days. Formerly I don't know what was taken in gift at the Msimle. If a stranger passing there sees Bread or Rupees and takes them, harm will come to him. We attendants and our families and perhaps members of the Three Tribes can take the gifts with impunity. I knew Kiberamni. There is a Msimle there. It belongs to the Mji wa Kale people.

I have seen one woman Binti Saidi generally going there. I don't know the tribe of the Mji wa Kale people. These people would call me a medicine man ("Mganga"). I can't take the gifts at that Msimle. (Kiberamni). I go to our Msimle every Thursday. If there is a man sick I go there on a Monday as well. No other days.

I go every Monday and Thursday, these are the only days I go, and members of my family also only on these days. If there is anything there we take it. I have seen Rupees there specific for the last few days we have found nothing, on account of thieves going there, who have no fear of harm. The last time I found my Rupees was about 6 months ago. I found about 25 or 30. I found them at the Msimle. I don't know who left them. It was about 6 months before that again I found Rupees.

Case No. 22  
Witness No. 1.  
Mr. Morrison.

Mr. Daly.

It is a year ago now since we got anything. Either I or some my family. If they had got anything I should know. It was in the "Punguo Sita" I last got rupees. I got about 700/- during the whole of that year. On the last occasion I got about 15/- to 20/- I got exactly 20/- on the last occasion. Between the last Ramadhan and this last occasion we got as I said 700/- I can't state the times the money was collected. I go every Thursday and sometimes I get Rs.10/- sometimes Rs.100/-. I can't say exactly what days I get them. The last occasion I got Rs.20/- It was on a Thursday. It is only my immediate family who have the right to take these fees, unless permission has been got from us. If you (Mr. Daly) saw rupees at the Ksiale and took them, and came and told us, you could have them, otherwise you could not have. People paying their vows leave their rupees on the Ksiale and on the Thursday either I or a member of my family go and collect them. Mohamed bin Hassan is one of my family. His mother is the sister of my grandfather. Her name is Binti Mwijaa. She is dead. There is no difference between any member of the Three Tribes, they can all take these gifts. But I and my family are serving the Ksiale looking after it and have therefore taken these gifts. The Wasee appointed my family. Said bin Hassan appointed me. He is my father and his father appointed him. Strangers, that is people who are not members of the Three Tribes, cannot take the money without permission. The Ksiale is the place of Devils. The Devils live there. People don't go far

other purposes except to make or pay vows. I know the Mzimba at Shabe Krita also at Sheld Jundani. I have never made a vow at Kiboramani. No member of the Three Tribes can take money, but if he tells me after he has done so it is all right. I don't know if there were any rupees during the last six months or not as there have been lot of thieves. I can't say exactly what I took between the six months from last November and the last occasion. I took the Rupees 20/- Whether it was  $\frac{1}{2}$  the Rs.700 or not. I get rupees every Thursday during that time, then since then I have taken nothing. I can't say whether my relations have taken any and have hidden the fact. We don't keep a guard on the Mzimba. If people take the money without right, Wazuzu hara will come to them. We don't divide up the proceeds. If there is any reason for it we share it, otherwise we keep the money.

Read over correct.

Sgd. A. J. Maclean.

Sstanbul bin Abdulrasul Mzilindini sworn:-

I know Mwenye bin Saidi, he is a relation. Mohamed bin Sultan is a relation of mine. I know the Mzimba. I serve there. I and our family get about eight hundred or 900 rupees in a year from the Mzimba. I have been with people performing a vow there. Rs.60/- is the largest amount I have ever taken at one time. I took this from Ali bin Nasor. It is a long time ago. Ali bin Nasor is dead. I go every Thursday to the Mzimba. If a stranger goes there and takes the gift, he will get sick. If I get any money I share it with my relations.

Any member of the Three Tribes can take the gifts. I have heard a song of the Minara. It goes like this:

"Muamuzo wa Kilindi tuntuwa mwitu

"Minara Niwili ni alama yetu

"Shaikh Mawonadi tuge chapa yetu.

That is all I know. The two Minara are still there, one has fallen. I can point it out. I did not make up this song. I heard it from my knee when she was singing to a baby. I heard it when I was a boy of 16 years of age. I am about 37 now. I don't know the origin of the song.

by Mr. Daly.

I am a child of Abduraculi and Salim is my brother. Salim also knows all about the Kainle. Mwenye bin Saidi is my relation. Our grandfather is one. If I get money at the Kainle I always tell him. I go every Thursday. It about 7 months ago since I got money last. I got Rs.50/- then from Ali bin Hazer. It was on a Thursday. I went by myself. Ali bin Hazer is dead, he died in the last month of Shaban i.e. last month. It is long ago before that, that I got any money. It is more than two years before that, that I got any money, and I have been every Thursday, I go by myself. I know Mwenye Saidi get money, I don't know how much. Any member of the 3 tribes can take the money. If he passes by he can take it. There are Devils there. If you (Mr. Daly) go there Devils will catch you and you will get sick. I know Mohammed bin Said, he is a relation, he is an uncle of my father. I have forgotten who his mother is. I went on Thursday last to the Kainle. It is long ago since I went to pay a vow. I went to at the birth of my child. If I go with any one to perform a vow, and he

places Rupees there, I take them. Otherwise he leaves them there and on Thursday I take them. I know the Maim at Kiberami. I have not made a vow there. It is different. The Kiberami belongs to the Wuhili, ours belongs to the Three Tribes. My family since ancient times, including mine my brother, have served at the Maim. I am a trader, besides my work of serving the Maim. The person who takes the gift spends it. I don't know of anyone else has got any money. If Mwenye Said gets any money, he can tell me or not as he likes. There is no need for a member of the Three Tribes to go to the Maim unless he has a vow to make.

by Mr. Harrison.

There is a special occasion that is in the new year (Mwaka) when members of the Three Tribes go to the Maim. They go if they wish to. Rupees and Bread are paid as vows, nothing else.

Read over correct.

Sgd. A. J. Maclean.

The Court is adjourned until 2 p.m. this afternoon.

Intd. A. J. M.

3 p. m. Parties present as before.

Case No. 24

Exhibit No. 1.  
Mr. Harrison.

Case No. 24  
Exhibit No. 1.  
Mr. Harrison.

Part. 3/1913.

Habu bin Mwenye Uba Mkilindini duly sworn:-  
I am a maker of fishing stakes and a fisherman. My fishing stakes are at Mwarani. I have been there about two years now. I paid "ada" Rs.2/- to Ali wa Mwandao. I gave it to him to give to Mzee Mubomed Matano. I don't know Judi wa Arab. Formerly I used to fish on the mainland side. I knew Mawishi, he had

a fishing stake at Mbarani but has left. I knew "Faru", he had one but has left for the mainland. I don't know "Kusabi". Quedi is dead, he had a fishing stake at Mbarani about 4 years ago. A stranger can't put a fishing stake at Mbarani without getting Mohammedi's permission. He has to pay Rs.2/- for permission. I don't have to pay tribute except to give "Kitevo" of one fish or so. A stranger has to give a portion of his catch.

by Mr. Daly.

The fishing stakes I have on the Island are the only ones I have. I have paid Rs.6/- to the Government. Every year one pays Rs.6/- to the Government. Anyone putting a stake pays this tax. I asked Mohamed Matano if Ali wa Mwanunda had paid him the Rs.2 I gave him and he said he had. I did not pay him myself as I was busy at the time. I had no money at the time I saw Mohamadi and so did not pay him then. It is two years ago now. "Kahali" has fishing stakes next to mine. Without getting permission from Mohamed bin Matano, no one can place fishing stakes from Msinle to Mbaraki Creek. Only two people have fishing stakes now at Mbarani Kahali and myself. Baraka's have fallen down. Among us Mahomedans, if a man fails to get any fish himself he can go to another who has some and get some as Kitevo. That is if he is a relation or friend, otherwise he must pay.

Read over correct.

Sgd. A. J. Maclean.



Witness No. 38  
Claimant No. 1.  
Mr. Harrison.

Mohis bin Jung Mtangana sworn:-

I am a Mtangana. I am a fisherman. My fishing stakes are at Mzimle - not now, on the mainland now. I had fishing stakes at Mzimle, it is 10 years ago since I let them break up. Mohammadi bin Matano gave me permission. I gave him Rs.2/- Mohammadi gave me permission to put up my stake on the libeni side. I did not pay again, the first fee was sufficient. I know Sudi bin Mwanja had his fishing stakes at Mnarani. I know "Sudi" had fishing stakes at Mnarani and paid Rs.2 for the permission to Mohammadi 15 years ago. All the fishermen at Mnarani are members of the 3 tribes.

Mr. Daly.

I had my fishing stakes at Mzimle for 5 years. It is 10 years since I first put up my fishing stakes at Mzimle. I was at Mzimle 5 years. I paid Mohammadi Matano Rs.2 when I put up my fishing stakes. I paid it to him in his house at Kuse. I am now fishing on the mainland I get permission to put up stakes on the mainland from Mohammadi bin Matano.

Mr. Court.

The first permission I got carried it with it sanction to put up the stakes anywhere on the Island of Mombasa and the mainland also. We pay Rs.6 to Government. I knew the Government turns away people if they don't pay. I was not turned away from Mnarani. "Sudi" left his fishing stakes 15 years ago. He was fishing there 7 years. Mohamed bin Matano told me that Sudi paid Rs.5 fee.

Q. Why did Mohamed Matano tell you that Sudi paid this money?

A. He was a stranger and all strangers pay Rs.5/-

Sudi came to me first and told me he

wanted to fish I told him to go to Mohandi. It is 15 years ago since he told me this. Yes it is 15 years ago since Oudi left his fishing stakes. I was fishing 10 years and Oudi 9.

The witness has become totally muddled as to the number of years during which matters took place.

I don't know how to write and I don't know how to count. The people fishing at Mahangani lake get their permission from Mohamed bin Matara of the Three Tribes. Anywhere on the Island the fishermen obtained their permit to fish from the Three Tribes.

Read over correct.

Sgd. A. J. Maclean.

Mohamed bin Sultan Mtangana sworn:-

I am 20 years of age. I read at the mosque. I know the Makins. It belongs to our family. I get profits. I can give a/cs. I know them by heart.

Q. How much do you estimate the average annual profits?

A. During a year we get rupees two hundred, the largest amount we get is about 7 or 800 rupees in a year.

A man making a vow, if his wish is granted, he pays a gift of Rs.30 or something like that. Small offerings paid by poor people of Rs.2 or so are also paid there. I have been there when people are performing their vows. The largest sum I remember any one paying was from "Abdulla bin Fakas". It was about Rs.30/- A stranger accompanying a person making a vow cannot take a portion of the money paid unless we are told. If he does he will be harmed by the Devils. A member of the Three Tribes cannot take the gifts without coming and telling us. he must tell us.

Case No. 36  
Alamt No. 1.  
P. Harrison.

If a man making a vow takes a friend to accompany him to take the vow, he can take the gift but he will suffer harm if he does not inform us.

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W. H. Daly.

I read the Koran in the Mosque every day.

Q. Do you believe in the Devils at Mecca - That there are Devils there?

Mr. Harrison objects to this question as being irrelevant.

Mr. J. Harrison.

A. There are Devils, and if I do bad they will harm me.

This is not in the Koran. Mueyye Saidi is my uncle and he is the Chief of the Meccas. Any money I get I give to Mueyye Saidi. I keep an account of the proceeds taken from the Meccas, as far as I know. During the last six years we have got something. For the last six months nothing. Before this we got money. I have taken money myself from the Meccas about 2 years ago now. It was about 12 - to 12 - At no other time have I ever taken any money myself. My family have taken the money. Abdalla Hefesse paid the money which I took myself. Abdalla Hefesse, Mueyye Saidi and I went that time. The money was not given to me. I was with Mueyye Saidi. He is my first cousin. His mother and my father were brother and sister. It is about 2 years ago since I got this money it was during the month of Rebil Akhar. I am quite sure. Mueyye Saidi was also with us at the time. If there are many things taken at Mecca I get my share. The only time I have ever received anything was the 12/- rupees I have already mentioned. I go when my family goes to the Meccas. Sometimes my uncle goes alone.

Sundays and Thursdays are the days for us to go to Mzimba. If I have any reason to go I go with my family. Mungwe Mudi lives at "Kikundi". I live at Mase.

Whatever is got at the mine is given to Mungwe Mudi and myself to keep.

At the end of the year we gather together all our relations and divide it up amongst us. I, Abdulla Mfahwe, Mudi wa Mvizi and Mungwe Mudi wa Mamba, Mudi bin Mudi and then many others among our relations. Last year we got about 250 Rupees. I was at Mamba and did not come in for my share. I was told on my return by my relations. I was 18 months at Mamba. The year before that Mungwe Mudi told me that they got about 300 Rupees or thereabouts. I did get my share, about 20 Rupees. It is 6 months ago since I returned from Mamba.

and over correct.

Sgd. A. J. Maclean.

Tabiti bin Muktareh Rajuni sworn:-

I am about 49 years of age. I was born in Mombasa. The Rajunis are the members of the Nine Tribes. I have a share in the 3 tribes through my mother who is a Mwangana. She was the sister of Sheikh Mohamed bin Yuma. Part of Mombasa Mji wa Kale belonged to the "9 Tribes". Mji wa Kale is on the North side of the island. The South side of the island belonged to the Three Tribes. The 9 tribes and the 3 tribes had a common boundary between their lands. This was a road following from Mase to Makupa. My ancestors of the 9 tribes and my ancestors of the 3 tribes told me this

He read over.  
He now states that  
Mudi by himself  
keeper of the  
Mudi.  
Mudi. Abdulla

No. 37  
Maimait No. 1.  
Dr. Harrison.

was the boundary.

The Court is adjourned until 10.30 a.m.  
Sept. 4th. 1912.

Ed. A. J. Maclean.

10.30 a.m. 4th. Sept. 1912.

Present: Messrs. Morrison, Daly and Sanderson.

Fahit bin Muktar warned that he is  
still on oath.

I read the Sheria and look after my children  
I began reading the Sheria with Sheikh Ali bin  
Abdulla, afterwards with Sheikh Abdul Azis.  
Then with Sheikh Mohamed bin Kassim. With the  
exception of Sheikh Abdul Azis who was a pathi  
of Sansibar, the others were pathis of Zombasa.

Q. Do you know if there was any system of  
blood feuds between the Masrai and the  
Three Tribes?

A. There was no blood feud.

Mr. Daly objects to these questions on  
the ground that they are hearsay.

Ed. A. J. Maclean.

The reason was that Mohamed bin Athman and Ali  
bin Athman, were brothers and both Masrai. They  
were brought from Muscat by Kedi Karthi, to the  
fort at Mo-hasa, and they did not obey his  
orders. They were rebellious and did not make  
reports to him. Seven saefu (commanders) were  
sent from Muscat to Zombasa. They captured the  
fort and killed Mohamed bin Athman. Ali bin  
Athman was hiding but was found and captured,  
but he escaped. He ran away to Kilindini at  
Mombasa. The Three Tribes are then in posses-  
sion of that land. They went to the "Miji  
Mitu" and asked for Ali bin Athman, but they  
denied that he was there. They wished to  
search the house but permission was refused.

Dr. Harrison.

They returned and obtained more akbaris to enter by force. When they left Ali bin Athman was put in a show and sent to "Mwali". On the return of the akbaris in force they were allowed to search for Ali but did not find him. News was sent to Muscat that Mohamed and Ali bin Athman had been murdered, and more akbaris came from Muscat. Mohamed and Ali were the first two akbaris to land from Muscat. I don't know how long it was, but about 100 to 150 years ago. Sheikh Shirazi was the Sheikh of the Three Tribes at this time. His father was a very old man and infirm, and Sheikh Shirazi assumed the Chieftainship. Ali bin Athman went to the Town at Kilindini. Neither the houses nor the mosques of the Town now have roofs. Sheikh Ali bin Abdulla and Sheikh Mohamed bin Kassis told me the story. I heard that the Akbari held land from here (the Court) to as far as the Native Hospital. I don't know the exact boundaries. I have heard songs about the Akbara. The first song begins:

"Akbara wa Kilindi tulitaka mwili

"Akbara mwili ni alama setu

"Sheikh Mohamedi tupo chaga chetu

I heard Sheikh Mohamed bin Yusuf singing this song when I had just about reached the age of puberty. I have been told the origin and meaning of the song. The origin is said to be that when the Miji Kitatu and Wabarifu had quarrelled about certain vows. These vows were performed at the small "Akbara". They quarrelled about some "Kicutu" (cloth). The Wabarifu wanted it and the Miji Kitatu also wanted it. The cloth (Kicutu) had been paid in a vow.

Then Sheikh Mohamed valued the kisutu and paid the vains between the parties, and the matter was settled, and the Three Tribes then made up this song. The ~~whom~~ did not belong to this country originally but when they came they intermarried with the "Miji Mitata".

I have heard other songs.

Witness reads from a piece of paper the following:-

~~Ukijana wakazi wakazi wakazi~~

"Miji Mitata toman

"Na mita shimshafa naye shamba naye

"Naifanye wachama ndani kwani Ghahiri.

I heard this song from Mohamed bin Yusuf at the time when Mohamed bin Abdulla was Akida in the Fort. The origin of this song as told me by Mohamed bin Yusuf was that Mohamed bin Abdulla borrowed a shamba, when he sent his slaves to cultivate there - the slaves of Mohamed bin Abdulla told the slaves of the Miji Mitata not to cultivate near them but to go further on. There was a man named Ujidi or Ujidi Juma I don't which and he made this song. Then when Mohamed bin Abdulla heard this song he got him imprisoned in the Fort. I know the site of the Old Town of Kilindini. I have heard that the Three Tribes inhabited these towns. They left when Ali bin Athman came the 2nd time. Sheikh Ali bin Abdulla told me. I am an Khas of the Wanyala Tribe. They are "Waghas" members of the 9 tribes. I know the Makim at Kiberaani. I have passed it. Miji Mitata takes the offerings now. She is an "Mji-Kilifi" that is I HAVE HEARD she takes the offerings. There are two Towers at Mwarani.

One has fallen down and one is standing, I can point it out the figure. It is <sup>near</sup> by the <sup>main</sup> <sup>line</sup>. Just above it.

Read over correct.

Cpt. A. J. Maclean.

by Mr. Daly.

Q. You are quite a Daly man.

Mr. Harrison objects to this question on the grounds that it is quite irrelevant.

Cpt. A. J. Maclean.

A. Can't know whether I am.

I can't say whether I spend all my time reading the Koran. I have sold a good deal of land, on my own behalf, land belonging to me through my ancestors. I am a Rajani. Rajanis do not come from Lamu. They come from different places. Originally they come from Hamhil.

by Court.

Q. By Hamhil do you mean the Coast?

A. Yes the Coast. Pasa, Lamu, and Mombasa. Originally they come from Arabia.

I did not say I knew about the Three Tribes I only said I heard. I have also heard of my own Tribe. I heard I came from Shirazi. I have no books or records about the origin of the 9 tribes. I don't know the origin. I am a Hisee of Nyale Tribe. I have sold most of the Nyale land. The Nyale is a sub section of the Rajun Tribe. I could find how it came so and tell you. The Nyale is one of the 9 tribes. I know some of the Nine Tribes but not all. I know about the Three Tribes, what I have heard not what I know. I have not sold land to the <sup>Indig</sup> <sup>es</sup>. A man of experience can even sell for Europeans and get his commission. I am getting a commission and also a share of the proceeds out of the land in question. If I don't do so, I shall



take action to recover same. I don't know what my share will be. I negotiated the sale of the land. I have not seen Mr. MacMillan. I have received nothing neither do I expect anything from him. I don't know him. I sold the Nyala land in my capacity as Mzee. I divided up the proceeds of the sale. The land is held in common by the 9 tribes but each section has its own side. The Nyala have their side. The Kikuyu have their side. An objection was raised to my selling the Nyala land not by the whole 9 tribes but one man only. I only negotiated the sale of the land in question, the owner sold the land to Mr. MacMillan.

Mr. A. is put in the hands of witness who recognises his signature. He confirms his signature in A. and B. and C. also unregistered Deeds purporting to be deeds of sale of the land in question to Mr. Morrison, and Mr. Home by Sheikh Abdulla bin Sheikh, Mahomed bin Hassan and Thabit bin Muktar. These documents are unregistered but fully stamped and have been presented for registration which has been refused. These documents are put in by Mr. Daly having been called for from the custody of Mr. Morrison.

Sgd. A. J. Maclean.

The witness states - I did not say I was an Mzee of the Wangana or could sell the land. I signed the deed because Mr. Morrison told me to do so. I have no right to sell the land of the Wangana. I thought I was signing as a witness. I have signed many deeds, but I can't read English. Sheikh Abdulla was selling and I was told I was a witness. I can't sell land

and B.  
A.J.M.

Mr. Daly.

without consent of the Three Tribes. I have no right to do so. I am not an Heir of the Astangans, I never was, and except through my mother I have no share in the Three Tribes. I do not claim to be a member of the Three Tribes and I do not claim to have any share in the land. If they like to give me something they can. I merely negotiated the sale. I told Mr. Harrison not to write my name in the document. Mr. Harrison confirms this statement.

Sgd. A. J. Maclean.

v. Daly.

I can swear it in the Mosque that I told Mr. Harrison not to write my name in the document. Mr. Harrison never told me that he had in spite of my protest, inserted my name in the document. I thought I was signing as a witness. Mr. Harrison showed me the document telling me that Sheikh Abdulla and Mohamed bin Hassan were selling the land, and asked me to sign it. I am quite sure Mr. Harrison did not tell me my name had been put in as a party to the sale. Mr. Harrison said I was an influential man and to sign the document. Mr. Harrison never read over the document to me, and I told him two or three times not to put in my name. If he had read it to me I would have refused to sign. The proper people to sell the land are Sheikh Abdulla and the name of the 3 Tribes. even one name could sell it. One name of the 3 Tribes could sell the whole land belonging to them. As to the proceeds it is at the option of the other names to share some or not.

Q. Do you think it right that Abdullah should spend \$20 on his wives?

A. The House would not let him. If he has done so, he can be made to refund it and is able to.

The House cannot keep the money to themselves but they get a greater share of the proceeds. I don't know that Mr. Morrison has waived the land sold to Mr. Abdullah at \$20,000. I don't know that the land is worth more than \$10. The Abdullahs are starving and sell the land for what we can get.

The Court is adjourned until 10 a.m. to-morrow morning the 6th Sept. 1912.

Cd. A. J. Maclean.

10 a. m. 6th. Sept. 1912.

Present: Messrs. Morrison, Daly and Anderson.

warned that he is still on oath.

I used to be a professional Wakil. I have lived all my life in Mombasa, but I have visited Pasha, Tanga and other places at different times. There are two houses of the Kilindini Tribe, Basha Basha (deceased) and Mohamed bin Hassan. He succeeded the former. I think he died this year. There are two houses of the Sabangama. Husein bin Haji, and Husayn bin Haji bin Husayn. They have paid the "Adn" to the tribe. There are no appointed houses of the Sabangama. But Husayn bin Husayn who has paid "Adn" has been selected by the Tribe to look after matters. Husein bin Hassan should be the house by inheritance but he has not paid "Adn". It is quite correct if Husein bin Hassan states he is a house of Sabangama and the same if Husayn bin Husayn said he was a house of the Kilindini. There is no distinction between the three Tribes.

- 96 -

I knew Abdul Karim bin Thaiman, he is a ~~man~~, he holds a document but he has not said "Adn". Abdul Karim bin Thaiman does not claim to be the Sheikh of the Three Tribes Mohamed bin Abdul Karim claims the Sheikdom. I know Mohamed bin Tamed. He was about 70 to 80 years of age when he died. He was a very old man. Ngahi Vahirani his father was Sheikh before him and Mohamed bin Tamed was the latter's father the Sheikh before him. (The latter) The land in question does not concern me it concerns the owners. That is why I have not tried to sell it. I tried to buy land for Mr. Milroy but I was not successful. I don't know any one else, so far as I remember. The owners of the land in question did not sell it because they did not want to sell it before this year. I never thought it belonged to the Government. No notice was sent out to that effect. I know the Likili has land at Mearani but I don't know its boundaries. I don't know that any land there was leased to Capt. Grogan. I helped the negotiations of the sale of the land to Mr. MacMillan, I don't remember but I may have tried to negotiate a sale of this land to an European. I never tried to negotiate a sale to a European.

The witness evidently shifting a straight forward answer to the last questions made.

Cpt. A. J. Maclean.

When I first remember what was the road from Euse to Nakupa was the boundary between the 3 tribes and 9 tribes and all the land to the south of it belonged to the Three Tribes. It includes all the land around Ibaraki Crest.

... No. 27  
by Mr. Daly.

At the present day, so far as I know, the land of the Three Tribes extends from the entrance of Kilindini Harbour up to Makupa and includes Shimani. The Northern boundary is the Kuse - Makupa Road and the land with the exception of what the 3 tribes have themselves sold belongs to the three tribes now. I don't know what the boundary between Kuse and the Coast is. The Masrui and the Three Tribes held land together as that was from Kilindini to where the Golf Links are belong to the 3 tribes and from there the Masrui lands began. The Boundary was from the ruined fort beyond the Golf Links. The one is a half moon shape. It is on the 3 tribes side of the boundary. I was shown this by Sheikh Mohamed Ngusi when Matano Ghadao went to make a shamba of coconut trees on this land in question. As far as I remember all this land was a mixture of shambas and bush at the time: don't know when the shambas ceased to be so. The father of Mohamed bin Matano had a shamba there and I can point out where it was. The Uganda Railway passes through the Masrui land as far as the Native Hospital and beyond that through the land of the Three Tribes. I don't know the boundary between the Masrui and the Three Tribes. The land through which the railway passes now was bush and shamba land, and foot-paths were going in different directions through it. The Washerifu were with the Three Tribes, mixed up with the Three Tribes they intermarried. I can point out their boundaries. The land North of the Makupa-Kuse Road belonged to the 3 tribes except what they sold. Beyond the Port and Customs I know of no

no. 37  
by Mr. Daily.

other land which belonged to Government. I know  
 the Kibrovani. I don't know the land said  
 Barghach gave to Gansu with there. I have  
 heard that said Barghach gave some land to the  
 Mission for a Laper Hospital, but he must have  
 either purchased the land or been given it by  
 the Whose of the 9 tribes. All I know about the  
 relations of the Wanyika and the Three Tribes  
 are that the 9 tribes had their Wanyika and the  
 9 Wanyika had their Wanyika. I heard that Wadit Arthi  
 was the Sultan of Wansat at the time Mahomed  
 and Ali Athman came over. Wadit Arthi sent  
 Mahomed Athman as a slave at Mombasa under him.  
 I don't know how long Mahomed Athman remained  
 here. Sheikh Shirazi bin Wanyika Wali bin  
 Wanyika grandfather of Sheikh Shirazi bin  
 Wanyika Wali was the Sheikh of the Three Tribes  
 at the time of the Ali bin Athman bid in the  
 Niji Kitatu. They say it is 150 to 180 years  
 ago. Mahomed bin Athman, I was told, was killed  
 by 7 Masufa. Saidi bin Sultan was the Sultan  
 of Wansat after Wadit Arthi. I don't know if  
 Seyid bin Sultan and Seyid Said were the same  
 man. I heard that Seyid bin Sultan was the last  
 Sultan to come to Mombasa. I heard the story  
 of Ali bin Athman from Sheikh Ali bin Abdulla,  
 Al-Sudani, he was the Sheikh-Il-Lahad of  
 Mombasa. It is about 30 years ago since I had  
 the conversation. I also heard Sheikh Mahomed  
 bin Kussia telling stories about Ali bin  
 Athman. The Niji Kitatu were abandoned about  
 the time Sheikh Shirazi and the father of  
 Hamid bin Mombasa were imprisoned by Masufa and  
 that is before Seyid bin Sultan came to  
 Mombasa. I can't say how many years ago this

Case No. 27

27 July.

was. I heard Sayid said some and put his flag on the fort, and the Sultan of Senubar gave him in possession ever since, before Sayid bin Sultan, when Houssein bin Athman was sent, since that time the Sultans have been the masters of Muscat. The Sheikh Houssein referred to in the song I mentioned is Sheikh Houssein bin Yunus, the last Sheikh. The two Minars referred to are the small one is on the Sheriffs land and the big one is where the old tower of the old tower stand. There were no other towers that I have seen. The meaning of the line "Minkha Sewill al alama seta" meant that where the tower stood was our land i.e. The land from the Sheriffs burial ground to where the big tower stood. I don't know the origin of the washeriffs.

By Mr. Harrison.

I remember the Doc. of Mr. MacMillan signed by me. I don't remember how long it was before the conveyance was made after the sale took place. I have acted as Wakil of the Three Tribes. I have been their wakil since the document was signed. The wakalia has now been withdrawn. I don't remember if anything was paid for the drawing up of the document. I know that the document was drawn up for Mr. MacMillan. I know that you (Mr. Harrison) was acting on behalf of the purchaser and not the vendors.

Read over correct.

Sgd. A. J. Maclean.

The Court is adjourned until 2.15 this afternoon.

Sgd. A. J. Maclean.

6 Sept. 1912.

Case No. 28  
Alamut No. 1.  
W. Harrison.

Abdul Karim bin Thakoon Mahommed sworn:-

My father was Sheikh of Changama. I have a letter of appointment. I joined with other men in selling land to the Railway.

Consent for the Crown undertakes to produce the signed document dated 11th Dec, 1899 dealing with the sale mentioned.

Qd. A. J. Maclean.

Witness the land at present. I know the village took on it with the Three Tribes and Masharifu inhabited it. My ancestors, Hassan bin Mahomed and Sheikh Mahomed bin Yusuf and Hassan bin Hassan told me this. They are all dead. The last named was about 100 years old when he died.

Mr. Daly reiterates his objection to these answers as being nothing but hearsay.

Qd. A. J. Maclean.

The Three Tribes inhabit the Town even in Hassan bin Hassan's grandfather's time. Mahomet the Prophet is the father of all the Masharifu. I heard they came to Mosham. Some came 300 years ago, others 200 years ago and some 100 years and so on. I know Muntani. The Janibir Tribe had land there but they sold it.

They intermarried with the Malindi Tribe and so obtained the land in the first instance. I remember the Masrai rebellion. The Government confiscated the estates of Sheikh Masrai and I was appointed to look after them. I have heard all about the Masrai. The Masrai formerly were rulers of Mosham Island. Seyid Said bin Sultan put an end to the reign of the Masrai, and the last of the Masrai rulers was Mahomed bin Athman. He was the Chief in the Fort. He had his brother



Case No. 28

All bin Athman with his, Mohamed bin Athman was killed by 7 "Masafa". Then the 7 Masafa remained in the Fort. All bin Athman was also imprisoned by them, he escaped, he fled to the Miji Witate where the ruins are now found Kilindini Mazrui. The people of the Miji Witate his friend sent him to the Town at Kilindini where there was a mosque. Thence to "Kerara" at "Jimba" near Kitui. Then he told the Three Tribes he wanted to make a shikil with them because his brother had been murdered. They made an agreement then to the effect that there could be no blood feud between the Mazrui and the Three Tribes. I heard this from my masters and also read about in books made by our ancestors, or rather records kept by them. At the time Seyid Said came to Mombasa, boundary marks were made between the Mazrui lands and those of the Three Tribes. Some of these marks are there still I have seen them. I was told of these by my ancestors. At this time the 9 tribes also had land in Mombasa besides the 3 tribes and the Mazrui. The 3 tribes had their lands for their Towns and the Mazrui had their lands for cultivating shambas. There was a boundary between the 3 tribes and 9 tribes. I heard it was from Was Maimle to "Bonde Kalima" near the Fort at Malupa. To the south of the line the land belonged to the 3 tribes and to the North to the 9 tribes. At Was Maimle the land on the North belonged to the Mazrui. The line between the 3 Tribes extended from Kuse to Malupa.

The witness is evidently doubtful about these boundaries.

Sgd. A. J. Malcolm.

Sheet No. 20  
Mr. Morrison.

I heard that David Said, after one year, drove the Nasrai to Muscat to "Shahara Lee" and Tangai bin Shashi Ibbaluchi was put in charge of the Fort and Akida Abdulla with him. The nasrais were Baluchis. The Nasrai shaharas were left as they were and anybody who wished to cultivate them could do so. I have read the inscriptions on the grave-stones in the ruins at Masaili. There is one bearing a date of about 700 years ago. I gave this stone to Mr. Bouring. I got this from the Tangana Grave-yard. I also gave grave-stones to Mr. Taylor, a former Missionary. I got it from the Sheriffs grave-yard and gave it to Mr. Taylor. Our slaves were cultivating there and picked up the stones and brought it to our house. I saw the actual spot where the stone was picked up. I asked the slave who picked it up to show me where in the Sheriffs grave-yard he had found it. I told Mr. Taylor that I had found a very old stone and he asked me to give it him and he would give me a receipt for it. I left the stone with him, he gave me a receipt for it. It is not less than 20 years ago since I gave the stone to Mr. Taylor. The name on the stone was that of a woman, I don't remember the name. The slave who found the stone is dead. Sheikh Shirazi bin Abdulla was the Sheikh at the time Ali bin Athman ran away to them. I have heard the old songs about the Niji Kitatu. I first heard them about 45 years ago. I know the origin of the songs. The Niji Kitatu asked Mahomed bin Yunis to give them their documents of the origin of the ruined Town. Sheikh Mahomed refused to do so. Then the song was made up. I was a small boy at the

time, and was sitting on the ground and heard  
 Mahomed bin Yunus refuse, saying that they were  
 only children. The reason why the documents  
 were wanted, that there was something about the  
 Kinara in them. There had been a dispute and  
 that is why the documents were wanted. The  
 dispute was that there was a quarrel between  
 the Limali  
 Mahomed bin Abdalla and the Three Tribes over  
 a piece of land. The Limali signed to sell and  
 those tribes stopped him.

and over correct.

Sgd. A. J. Malcolm.

The Court is adjourned until 10.30 a.m.  
 the 11th of Sept. 1918.

Sgd. A. J. Malcolm.

10.30 a. m. 11th Sept. 1928.

Present: Messrs. Hunt, Daly and Anderson.  
Abdul Karim bin Thalawa warned that he is still on oath.

I have my letter appointing me as Wasee of the Changawee Tribe. Sheikh Rastan bin Mahomed was my father's own brother, he died in 1884. It is more than 40 years ago. When he died my father succeeded him. My father died in 1917. He had no document. The one document issued to Rastan bin Mahomed was sufficient for all my family including myself. There are three Wasees of the Changawee. I am, Kwinge Paki bin Kwinnage and Dala bin Haji. I don't know if they have any documents. The Wasees now are all equal. There never was a Sheikh in the Changawee Tribe above the Wasee. The Wasees are Sheikhs themselves. All three Wasees or Sheikhs of the Changawee Tribe were appointed by the Sultan. There is Tribal land at Changawee. Only the Wasee of the Changawee Tribe can sell that land.

The question is reiterated and the witness repeats his answer - That only the Wasee of the Tribe can sell the Tribal land.

Sd/- A. J. Maclean.

Documents J. and G. are put in purporting to be the appointment deeds of Mahomed bin Ghahali and Rastan bin Mahomed bin Ghahali as Wasees of the Changawee Tribe.

I got these documents in my house and that of my family many years ago. The Three Tribes can sell the land at Enabani. The Sheikh can sell this land without consulting the Wasees. He can sell the whole of the land

Case No. 80  
17. July.

of the Three Tribes for Rs.1/- if he likes, and he can sell the wasee themselves. There would be no objection. It is not necessary for the Sheikh to consult the wasee in any way. I can sell the land at Mbarani myself. Any member of the Three Tribes cannot sell the land. Abdulla bin Sheikh is the "Tamin" (Head Sheikh) of the Three Tribes. He can sell the Tribal Land. The wasee can sell also and can tell the "Tamin" afterwards. I don't know how much Sheikh Abdulla has sold the land for. If he gave the land away free the wasee would say nothing. Even if he sold the land for Rs.1/- I have read records. I have the records. If you read these records, you would give us the land at once. I can't produce them. There is a great secret attached to them. There is some news of the Three Tribes in them. The records are with members of my family at Pemba. I can't tell you which members. They were taken to Pemba long before Mahomed bin Abdulla came to Mombasa. He was born in the Port. I went to Pemba myself, but they would not show me the records. An old man used to read them to me. He was called Mwalia Mwarabu, he was Wasee of the Pemba. There are members of the Three Tribes at Pemba. They have their shombas there. Mwalia Mwarabu was a relative of mine, he was Waziri of Pemba. The songs of the two Hinara mention these records-

"Sheikh Mahomedi tupo chapa chatu"

This word refers to these documents or records.

The story runs like this-

1898 No. 26  
by Mr. Daly.

Mohamed bin Abdulla wanted some land. The  
 Wakeriffis had an interest in the land at  
 Mbarani. The Three Tribes wanted their share  
 also. They quarrelled, and each party was given  
 its share. During the quarrel they wished to  
 see the documents so as to consult them as to  
 their respective rights in the land. They were  
 satisfied with Sheikh Mohamed's judgment in  
 the case. I am over 50 years of age. I don't  
 know how many years ago it is since I heard  
 the song. The Janibi are arabs. They came from  
 Yaman in Arabia. They had land on the island  
 near Kilindini facing Mbarani. They sold their  
 land long ago. The land of the Three Tribes  
 extended from Mbarani to Makupa. By Mbarani  
 I mean from where the Ruined Town is. The  
 boundary started from Ras Mzimba. Mzimba means  
 "Haina ille". I have been to the Ruined Town.  
 The last time I went with Mr. Hollis, in Mr.  
 Tritton's time (died 1904). Then I went and saw  
 the land after Sheikh Abdulla sold it the other  
 day, between these times I had not been. I  
 often went before. I knew what the approximate  
 boundaries of the Three Tribes were. When I was  
 a boy, the whole land was all bush with some  
 shrubs in it. I have been to the Mzimba.  
 One boundary starts from Fort near the Mzimba.

The Mwangi very apparently does not know  
 what the boundaries of the Three Tribes were  
 when he was a youth.

I don't know what the boundaries are now.  
 I have heard. I heard of the sale of the land,  
 after the sale. I heard from Sheikh Abdulla  
 first, and Thabit afterwards came and told me  
 that Sheikh Abdulla had sold land. Before  
 the  
 that Sheikh Abdulla had sold land. Before  
 Sheikh Abdulla was born I heard that the 2

was owned by the Three Tribes. As an Maori I ought to know the boundaries of our Tribal land I only know them approximately as there are no boundary marks, or Coconut Trees.

Q. I suggest to you that the only reason you don't know the boundaries is that until this year you had not thought of claiming it?

A. The place is not what it was, it has been cleared and cultivated and quite changed. When it was bush land, I was told by our ancestors that the end of our land was the shoulder of the Mafai - from the small part.

I have seen the new Mission House built about 2 or 3 years ago. It is on our land. I did not object - why should I object if a man clears a piece of land and builds a nice house on it - why should I. They did not come to me, I don't know if there was a meeting of the Wases or not. He did not object when the Railway was made, what could we do, we are poor and weak people. I am a great friend of Mr. Ellis. I could not complain to him. He once told me when the Government signed the land at Maaraui about 4 years ago.

The Court is adjourned until 2.15 this afternoon.

Sgd. A. J. Huelan.

2.15 p.m. 11th Sept. 1912.

All Parties present.

Abel Maria Bin Thalesau warned that he is still on oath.

I have some private shambas. I know the boundaries of them. No man can go on another man's shamba without the owner's leave. I would not begin to clear bush except on my own shamba. We are poor and weak.

Q. Then why did you not call the land in question before this year?

Daly.

Case No. 33

by Mr. Daly.

A. We had no need to sell. We have plenty of money for our own needs.

If Thabit bin Aathara said we are starving, he can say his say, I will say mine. Some of us are poor, others not. We did not try to sell the land before. I don't know that the land is valuable, it is like other land. I knew Sheriff Hassan bin Ahmed, he had land on the Sheriff side. He was born amongst the Three Tribes. He was not a Sheikh. I have just seen him in the town. I can't say if when he was alive he knew the boundaries of the land.

I am of the 5th generation of the Changawo Tribe born on the land, before that I don't know what the origin of the Tribe is. I am afraid to make an statement on this. I might go wrong. The grave-stones go back a thousand years. The Portuguese built the big Fort. I forget the date at present. The Portuguese remained a long time here. The Three Tribes lived where the ruins stand. The Ruins bounded by a wall near the shore. The Watangwa, The Wabangawa, Bahilindinj and Washarifu lived in the Town. The Nyika lived on the Mainland facing the ruins at Ase Kibefa. I can't say what the Town where the Ruins stand was abandoned. I have heard that when the Maruri came here there were very few people living there. I don't know the cause of the abandonment. We were friends with the Maruri, but they did bad actions afterwards. The Maruri had a dispute with the Three Tribes. I don't know who the Sheikh was at the time, nor what the dispute was about. A story goes that a Sultan of Fate when passing in a dhow looted some women who were working at Maruri and then the



Page No. 38  
by Mr. Daly.

people of the Town becoming afraid abandoned the place. They were not abandoned because of the Masrai. The Three Tribes lived at the Alimindi Town also. When Sayid Said came over people were living there. They abandoned the Town because they could not stay there. It is only about 55 to 60 years since they left the Town. I don't know why they left. Mahomed bin Athman was brought here by Sultan the Sultan of Muscat, an Uncle of Mahomed. Then he died and was succeeded by Ali bin Athman who was a greater man still. The former remained 9 years as Sultan and Ali bin Athman 15 years. He was appointed Sultan by the 12 Tribes. Ali bin Athman was captured by the 7 Masafa (captains) He escaped and killed the 7 captains. The 7 captains killed Mahomed bin Athman. There had been some complaints against him. The 7 captains became the rulers of Muscat. Ali bin Athman then fought them and killed them. Mahomed bin Masrai succeeded Ali bin Athman and remained 25 years. Abdulla Mahomed succeeded him. The last Masrai ruler was Wahid bin Salim the father of Sharuk bin Wahid. In 1850 Sayid Said was in Muscat and came to Muscat. He ruled the Island, the Masrai remained one year during their fall. Then the Elders of the Three Tribes went to the Sultan and asked him to drive the Masrai away. The Masrai and the Three Tribes were great friends, then and for always. The agreement they made was for ever. Every one was afraid of the Masrai.

Witness No. 28.  
By Mr. Daly.

- Q. Then I take it that the story that there was any agreed boundary between the Masrai and the Three Tribes is untrue.
- A. God wished that the Masrai rule should come to an end. Masai bin Masai the Limali of the Masrai did badly towards all people of Mombasa and that is why Sheikh Shireni who was imprisoned by the Masrai and the Sheikh of the 9 Tribes also. Seyid said then came and ruled over Mombasa.

Seyid said did not destroy the Town of Kilindini. He landed there. The town was destroyed by the Masrai of Seyid said. Seyid said fought at Makupa and after fighting for many years and going back, he finally conquered the island and placed his flag over the Fort and since that day to this the flag has been flying over Mombasa. I sold some land to the Railway at Kilindini. It was a grave-yard. The Three Tribes (members of) were buried there. No one else that I know of. At the time this was not the only land of the 5 tribes, there was other land besides. The Railway runs through the land originally owned by the 3 tribes. Besides this grave-yard, I don't know if the Railway took any more of our land. Between the Railway Station and the grave-yard were shambas belonging to different people with coconut trees and Mango trees. I know of no bush that was there at the time the Railway was built between the grave-yard and Mombasa Station.

Witness is advised that he is on oath and that there were several Europeans in Mombasa at the time and the question repeated.

By the new Mission House I never saw Coconut Trees or Mango Trees. There were none when the Railway was built. The land belonged to the Three Tribes.

Case No. 38.

by Court-

We were afraid to ask for money from the Railway for this land. The Balochs I don't know if it was Mr. Tritton or not, came to us and said the Govt. wanted this land the grave-yard is in, and we said we should want some land in exchange.

by Mr. Hans.

The names in the body of the agreement are read out and confirmed by the witness. The land referred by this agreement belonged to the three tribes. The Government has taken other of our land. We were afraid to go to the Government because it was all powerful. All his Atlasen after gaining power and money said he wished to fight the Kasru in the Fort. The Three Tribes asked him 'when you rule what will we get'. All his Atlasen then said 'There will never be any blood feud between us'. I have never seen any one living in the old raised town. I have often heard the song about the two Hinara. I will try and point out the boundaries of the land. I don't know the exact terms of the document with Dr. Macmillan.

Q. Then you don't know that Mr. Macmillan is prepared to fight this case right up to the Court of Appeal of the Privy Council and spend thousands of pounds on it if necessary?

A. I expect you (The Recorder) will decide the case rightly and will be just and there will not be any need for such appeal.

The Court is adjourned until 10 a.m. on Tuesday the 12th to suit Claimant No. 1. Mr. Hans stating that it is impossible for him to get his witnesses to attend until after the Sikh-kuh anniversary on Saturday.

Ed. A. J. Shelton.  
11th. Sept. 1912.

10 a.m. 27th Sept. 1919.

Parties Present Messrs. Morrison, Daly and Mr. Anderson.

Sgt. A. J. Malcom.

Witness No. 39.  
Mr. Morrison.

Adin bin Saliman bin Hamed Hazzai duly sworn:-

I am about 70 years of age. I was born in the Fort. My grandfather was the Liwali, Hamed bin Hamed bin Atman. I never saw him. I remember Sayid Said coming. I was about 25 years old at the time. I was living in the Fort. I don't know the ruined Town. I have not been to Hazzani. I used to walk in the shambas. They belonged to the people of Nohbana. Any one who wanted to cultivate there. I was told that the land at Hazzani belonged to the Three Tribes. The whole island belonged to the Hazzai at that time. All the people of the Town had their own land. The Three Tribes were cultivating near Kilindini the Old Town and therefore the land there belonged to them. The Hazzai had no shambas at Hazzani. Nothing happened to me when Sayid Said came over. Then Sayid Said took over the Fort so all went into the Town. I did not leave Nohbana. The Hazzai went to Gazi and Takurgu but I remained here. The shambas of the Hazzai were left as they were. When the Hazzai returned they took possession of their their own land again. Sayid Said did nothing with the land in Nohbana when he came. He took the Fort and the Customs. I was a grown up boy at the time.

Sayid Said captured Nohbana in 1897, this would make the witness 90 years of age at the present which is very doubtful.

Intd. A. J. M.

Witness No. 39.

When Ali bin Ahmad took possession of the Fort, he made an agreement with the Three Tribes saying there would be no blood-feud between them. I heard this from many people, they are all dead. The wazir was living at the Town of Kilindini then.

by Mr. Daly.

I was asked to give witness by the Three Tribes. (Sheikh Abdulla pointed out) I was told to give evidence about Mwerani. They told me they wanted me to say the Three Tribes lived at Mwerani. They did not say I would get any part of the money. They told me to say what I know. It is at ancient Kilindini where the owners were staying. I went once, I don't know if the mosque is ruined or not now. It was standing when I knew it. I don't know where it is now. The owners know. I saw the mosque myself. It is over 40 years ago since I saw it. I don't remember when the Town was destroyed. I know the Mawral and Sayid Said fought there. I did not see them fighting or the Town destroyed. When Sayid Said came, Jabiri bin Abdulla, Sheikh Shirazi and Rahmad bin Hamid were the Sheikhs. Sheikh Shirazi was the Sheikh of the J Tribes. Rahmad bin Hamid of the Gushili. Jabiri was the Sheikh of the Arabs. I don't know what the names of the Three Tribes are. The Mawral came from Mwerani, they came over in the time of Kedit Arthi.

Read over correct.

Sgt. A. J. Maclean.

Case No. 40.  
P. Harrison.

Swear his oath. Jenabi duly sworn:-

My father and mother were both Jenabi. The Jenabi came from Arabia, a very long time ago. They came with the Makrui. I don't know how old I am - 60 or 70. (Note between 70 and 75) - Adim big Saliman is older than I am. I don't know how much older. The Jenabi had land at Liwioni. They sold it to Alihai wa Muri (Mauritius). I don't know what Alihai had done with the woman. As far as I remember there were no other but members of the Three Tribes who were our neighbours. We inherited our shambas. I don't know the origin of our shambas. The Jenabi and the Three Tribes inter-married.

P. July.

I can't point out where our shamba is. Sheikh Abdulla asked me to give witness. I know that our neighbours were the Three Tribes. The Wakiindini, The Watangana, and perhaps the Wachangawu. I am not quite sure. Those who are intermarried with the Three Tribes are members of the Three Tribes. The Washeriffu inter-married with them. I don't know when the Makrui came over. I have heard from our ancestors, I don't know which, that the Jenabi came over at the same time. Ali bin Aish was the last Jenabi to come over. I don't know when I was last over at Kiliindini.

Read over correct.

Sgd. A. J. Maclean.

The Court is adjourned until 2 p.m. this afternoon 17th Sept. 1912.

Intd. A. J. M.

Case No. 41.

Salim bin Hamis Al-Subafi sworn:-

Mr. Harrison.

Hamis Kamba is my father. He was a Sheikh of the Nine Tribes. He had a document. He is dead. I have the document.

Document Ex.8 produced with uncertified Translation purporting to be a document of appointment of Sheikh Hamis bin Kamba as Sheikh of the 9 Tribes &c.

by Mr. Daly.

I am 30 years of age. I can't remember the date when my father left the country it was at the time of the Mbarak Rebellion at the time of Mtendoa. He was sent away by the Government and not allowed to come back.

Read over correct.

Sgd. A. J. Maclean.

Case No.42.

Mathew Wellington Daly sworn:-

Mr. Harrison.

I am a Nyao. I am a Christian. I remember Mr. Livingstone. I remember his death. I with my companions carried his body to the Coast. I am about 56 years of age. I came to Mombasa in 1874. I was a cook of Mr. Sparshott. After that I had my own shop. Then I joined the "Henry Wright" steamer. After this Sir Francis brought me over and told me to look after the shambas of the Company at Kilindini in 1881. Mr. Piggott showed me the Shambas. Mr. Piggott did not show me any shambas at Mbarani. I have not seen, last month I left off. I was Headman of the trolley lines in the Town. P. U. Department I was working 3 years with Mr. Piggott, 2 years for Mr. Sanderson, and 20 years altogether for the Government. I am tired that is why I am leaving. The Government paid me a gratuity when I left. I have seen the old town at Mbarani. I heard that the Three Tribes

Francis de (Inten.)

Witness No. 42.

by Mr. Morrison.

lived there. I heard it since I first came. I know the New French Mission House by the railway. Between this house and the old town at Muzandi the land was being cultivated by people of Moshona Town. Before cultivating people obtained permission from the names of the Three Tribes. I remember the beginning of the railway. It began at first at the Kilindini system between the Mission and Moshona. The railway passes between Kilindini and Moshona. there was both bush and shambas at that time. The Government removed the people who were cultivating where the railway line passes. The Railway Authorities removed them.

by Mr. Duly.

The owners of the land told me that the land belonged to the Three Tribes. That is I heard, no one particularly told me. Mr. Marshett lived at "Leven House" Moshona when I was with him. I have never cultivated myself. I only heard that the Three Tribes were the owners of the land in course of general conversation. I have not talked about the land in the last few days. No one has talked to me about it. Until I came to Court I did not know what I was going to give evidence about. I don't know Sheikh Abdulla. I know Sheikh Abdulla his name. There are many Sheikh Abdulla. The only name I know about the Three Tribes is that I heard the land at Muzandi belonged to them. I was born in Moshona when the Railway was built between Kilindini and Moshona. There were shambas between the New Mission House and Moshona Station. I don't know who were the owners. There were no coconut trees. I have been to Muzandi long ago.



Witness No. 42.  
by Mr. Kelly.

I was not told why the Three Tribes did not live on the land. It was before the Government came that people used to ask permission of the Wases. Either on the Island or Kismuni. I don't know if the people cultivated without permission afterwards. I can remember things 30 years ago. People don't talk about these things now. Anywhere in the Island the people had to go to the Wase for permission to cultivate 30 years ago.

by Mr. Harrison.

The Three Tribes had land at Kismuni as well, and every where. I went to Nairobi on the 4th of this month. No one had told me about this case up till then. I came back on Thursday. In the train I had a conversation with Mr. "Hogman", he said if you come to my office I have a shauri. I went there the day before yesterday.

by Court.

I would know Mr. Hogman if I saw him. The shauri was that I had to come to this the Court here to give evidence.

Read over abstract.

Qtd. A. J. Maclean.

Witness No. 43.

by Mr. Harrison.

Abdullah bin Said Kilifi was:-

The people of the Kilifi Tribe belong to Malindi. They are of the 3 Tribes. I am not an Arab of the Tribe, amongst the Arab family. I am about 35 years of age. I was born in Malindi. The 3 Tribes had land in Malindi.

I only knew what the boundaries were by hearsay. My grandfather on my mother's side, Mahomed bin Abdulla, told me. He died about 30 years ago. He was over 100 years of age when he died. He and others told me the boundary of the 3 Tribes was from Mbandani to the Malupa Road

Case No. 43.  
W. Harrison.

to the Sheikh of Abdulla Khalifa called "Fittina". South of this boundary were our neighbours the Three Tribes. I have seen the small town at Sharani. I have seen the ruins of the old town near by. The Mashaififa used to live in the town I heard. I don't know of any one else. I have not seen the "big tower". The Three Tribes are the owners of the shambas found about Sharani. I know because the land there belongs to the Three Tribes.

W. R. J. J. J.

I was told that the 2 Tribes and 3 Tribes had a common boundary. All the land in Madaga was divided between the 12 Tribes, unless some one has bought a shamba. I know where the boundary passes inside the town outside I don't know. I don't know that the Government has any land in Madaga. I have heard that people go to the Wabale to pray to the Devils. I could not do so. I don't know about the educated people.

land near Sharani.

W. R. J. J. J.

Case No. 44.  
W. Harrison.

Said Ahmed bin Said Mohamed Mahdali sworn:-

I am about 40 years of age. I was born in Madaga. I am a trader. I am a Mahdali. They belong to the Mashaififa. There are other branches, one is Bahalawi. There is no Sheikh of the Mashaififa. I claim land at Sharani. I have filed my applications on behalf of myself and members of the Mahdali branch of the Mashaififa, not the Bahalawi branch. Our neighbours are the Three Tribes. The boundary runs from the sea-shore at Sharani and then follows the hills of the town. We are agreed with Sheikh Abdulla as to our boundaries. I can show them

Witness No. 44

H. Harrison.

on the ground. The small Tomb standing now is in our land. We perform and pay what there now that is all. The offerings are placed on the graves. Ever since I remember the Shariffa land has been in our possession. I have never heard of any dispute between the Shariffa and the Three Tribes.

r. July.

My branch is the Bahadali, the branch consists only of my own relations. I go every year and every month to the rains. I have to go either Friday or Thursday. Any member of us who possesses graves there. We go there "Kufon Patsya" and "Kufondoo Kathiri" our only purpose for going there now. I don't know how my family came to possess this land. I know Shariff bin Ahmed. I don't know how many years ago he died. He was neither Sheikh nor a big man among us. He never lived there nor had a shamba there. I don't know he had a shamba there which he sold to the Government. 5 days after I put in my application, I made an agreement with the Three Tribes as to our boundaries. They had encroached on our land.

Read over correct.

Sgd. A. J. Maclean.

Witness No. 45

H. Harrison.

Yakuti bin Farjalla Khalidini sworn:-

I am about 45 years of age. My father was a slave of Muzeyr Matano bin Shadoo. I am a fisherman, I used to fish at Marani. I know the land at Marani. My father used to cultivate there. I can point out the shamba where he cultivated. Muzeyr Matano, a Mzee of the Three Tribes, was the owner of the land. It is long ago since my father was there.

Case No. 46.  
by W. Daly.

My father died about the time of the  
Mbarak Rebellion. He was cultivating 4 or 5  
years. I don't know how long before his death.  
He cultivated at Kibakani on the sea-side.  
There were 2 Kilimoes and a Warbas Tree near  
the Sheriffa Wall. The road runs through the  
shamba.

Read over correct.

Wm. A. J. Macleod.

Witnessed with T. E. S.M. to certify the

18th Sept. 1912

Wm. A. J. Macleod.

10.30 a.m. 18th Sept. 1912.

Present Messrs. Harrison, Daly and Anderson.  
and his uncle El-Masari sworn:-

Case No. 46.  
W. Harrison.

I know Sheikh Saliman bin Ali Kishi of  
Mombasa. I know his father. He was my father's  
brother (Magan). He is dead. I have been told  
that the land from the Fort to the Sorani  
belonged to the Masrai. I have been myself the  
Masrai slaves working and cultivating there.  
On the Kilindini side the land belonged to the  
3 Tribes. I have been shown the boundaries  
between the 3 Tribes' land and that of the  
Masrai. Ali bin Denis, father of Sheikh Saliman  
bin Ali, showed me. When I was a boy I remember  
the slaves of the Three Tribes cultivating on  
the other side of the boundary. I remember that  
before the war the Masrais used to cultivate.  
I cannot point out the boundaries between the  
Masrai land and Three Tribes' now. The land is  
not in the same state now. It is many years,  
a little less than 30, since I was shown the  
boundary. I know the Fained Tom at Kilindini.  
I never heard of any Masrai living there. I

Page No. 66

by Mr. Harrison.

have heard that the Three Tribes lived there. Ali bin Hamis told me. The Maharai cultivated the land beyond the Fort. He don't cultivate it now. Our slaves went away and we abandoned it. Since the Europeans came we have not cultivated there. I have heard some old songs about Kilindini. I remember when Mohamed bin Abdulla fought in the Town. The people sang a song against the Gihiri.

The Gihiri Gihiri Kivumbi Gihiri

\*Makiba wawogofu Miji Mitatu Tandan

\*Ma mta akivawafu achamba naye mwan

\*Mafunye unamun ndama kuvu Gihiri.

I heard this song first long ago. I have heard nothing about the tradition of Ali bin Atman and the 3 Tribes. People could not put fishing stakes where they liked. If a man wished to put up a stake he would inform the Wases of the Town. The Wases of the Miji Mitatu.

by Court.

Q. Why of the Miji Mitatu?

A. Because they owned a lot of places.

If a man wishes to put a stake at Mairim he will go to the Wase of the 3 Tribes. If a man wished to put up a fishing stake by the Mombasa Customs - some of the land belonged to the Araba and other parts belonged to the Miji Mitatu and he would have to go to their Wase to obtain permission.

by Mr. Judge.

I can not put fishing stakes up around the Light House. I am about 45 years of age. I know Mohamed bin Abdulla, Akida of the Fort quite well. I was about 12 years old when the boundaries between the Maharai and the Three Tribes were pointed out to me. He pointed them out because I asked Ali bin Hamis. There was a clearly defined boundary. There were trees

Class No. 44.  
 W. W. July.

planted - boundary trees - Limboloko and  
 pine apple plants the whole way along. I can't  
 say where they were now. I did not follow the  
 boundary all along. It was the first time I saw  
 the boundary. I saw it many times on subsequent  
 occasions. I don't know now where the boundary  
 started or ended. I don't remember the last  
 occasion I saw the boundary. Since our slaves  
 left I have not been on the land. I don't know  
 what has happened since then. The boundary  
 was about 20 years of age  
 when he died about 15 years ago. I have lived  
 in Mombasa all my life. I have heard that  
 Seyid Said conquered Mombasa and the Masai  
 were driven away. The majority going to  
 Takungu and elsewhere. The Masai have never  
 had any power in Mombasa since Seyid Said's  
 time. The first time I heard the song was after  
 Mahomed bin Abdulla fought. I have remembered  
 it ever since. The names of the Three Tribes  
 Sheikh Shirezi and Sheikh Mahomed Ngusi - I  
 can't say exactly but I think Mahomed Ngusi  
 was the Sheikh during Mahomed bin Abdulla's  
 time. I saw myself the slaves cultivated  
 between the Fort and Kilindini. The whole way  
 from the Fort to Kilindini was cultivated.  
 Cultivation ceased when the slaves went away.  
 I can't say how long ago. Beyond that there  
 were Arabs and other people cultivating there.  
 I don't know any particular people. I know  
 Mungere our head slave. My father's slaves were  
 cultivating just by the boundaries of the  
 Three Tribes. I can't point out where now.  
 There is no one alive now that I remember who  
 was cultivating on this land.

Read over correct.

Sp. A. J. Malian.

Witness No. 47.

P. Harrison.

All bin Mohamed Litimou was:-

My father was Mohamed bin All bin Mohamed. My father's mother was a Sheriffa. He belonged to the Bahalaw family. My father died about 10 years ago. He was 60 when he died. When I was still big Khalifa came to Madras he was a soldier, The Akida of the Asharia. When the Company came, he joined the Company to look after the government's slaves and other Government property. It was about 4 years ago I remember my father doing this work for the Company. He was looking after the slaves of Madras on the Island also those of Khorrami. I went with my father on these expeditions. After my father, Mawar bin Mohamed and Abdul Wahid bin Akhram carried on the work. Mawar bin Mohamed was my brother by the same father different mother. When my father was Akida he had nothing to do with the slaves until the Company called him. Before the Company came, these slaves were in possession of the Mirali who had his own men. There were no slaves I should have known of them if there had been any belonging to the Mirali at Khorrami. I have filed an application for the Sheriffa land at Khorrami, on behalf of the Bahalaw Branch. Said bin Mohamed bin Said Mohamed Mahdali put in his application with me on behalf of his branch the Mahdali also. Only one application between us. There was a dispute between the Mirali in this case and us over the land but we have settled it. He settled it about the beginning of January or I think it was before that. I have heard songs about the land but I don't remember them. It is long ago since I heard them. I know the ruined Town at Kilindini. My

Witness No. 47

W. Morrison.

Father's uncle who was said Hajid bin Said  
asked Bahalaw told me that the Three Tribes  
and the Sheriffs lived in the Town. There are  
no names among the Sheriffs. The Sheriffs  
obtained their land through intermarriage with  
the Three Tribes.

W. J. Daly.

There are about 40 branches of the  
Sheriffs. I represent one the Bahalaw. Formerly  
there were only two branches in Bessan  
Island. One Bahalaw and Bahadli but now they  
others have gone. Said Hassan bin Said asked  
does not and never did own any land of his  
very own. I don't know that he ever sold any  
land to the Government. I don't know that the  
land sold by Said Hassan has been leased by the  
Government to M. J. Wagon. I don't know that  
the Government cleared the land a few years  
ago, 5 or 6 years ago. I did not know about it  
being cleared. I walk there occasionally beside  
going to pray there. My slaves used to culti-  
vate there. So did not plant coconuts because  
originally the land was a Town Plot not  
shambas.

Land over correct.

W. J. Morrison.

The Court is adjourned until 2 p.m.

this afternoon.

W. J. Morrison.

W. J. Morrison called present as before.

W. J. Morrison.

Wahla bin Jeeha Bahalaw asked:-

My father and mother were both Bahalaw.

I was born in the Town. My father was an  
askari, and I was an askari myself. I am about  
65 or more. Said Hajid was Sultan when I was

Witness No. 48  
W. Morrison.



Case No. 48  
W. Harrison.

an akhari. The Port and the Customs was the land belonging to the Sultan at that time, my people were cultivating round the Port then. As far as I remember at Musarani the land belonged one part to the Three Tribes and one part to the Waziriffs. I lived there at the time of Akharah, there was a Government shed then at Musarani for the akharis to keep watch. The shed was next to the Wazir. I can show where it was. The akharis remained there as duty collecting Customs dues for a long time even to Said Barghash's time. The Wazir of the Three Tribes objected when the akharis first went there. The Liwali asked permission and Mohamed Yusuf gave permission and we lived there.

I remember Mohamed bin Abdulla well. Mohamed bin Abdulla borrowed a part to make a shamba or garden. I can't point it out now. It is a long time ago. I never saw it. It was at the time of Mr. Piggott that I was employed collecting Customs at Musarani. I have heard from our ancestors that the Three Tribes lived in the ruined Town. My father came to Mombasa when Seyid Said first came to the country.

I don't remember that the Sultan had any land at Ras Mamba or Musarani. I have no interest in the Three Tribes.

The Government shed at Musarani was built in the time of Said Barghash. Said Mamba was the Wazir of the Port at that time. Mohamed bin Yusuf was the Chief of the Three Tribes.

I was at the meeting when permission was obtained from the Wazir to build a shed. Mohamed Shado, Hassan bin Hassan and Murye Mutano were the Wazir then and they pointed out where we could build. I don't remember any

Witness No. 48  
by Mr. Daly.

other things. It was rumored that Mbaruk would come to Mombasa and that he could come by dhows on the Kilindini side and so the asharis were put there to look out. The ashari made with the Mombasa was to find out the best places to put guards against Mbaruk's coming. The Mombasa were asked as they were the people who knew best. A shed was built at every ferry and all the arrangements were made at the meeting with Mbaruk & his men with Muband bin Abdalla at the Fort. The asharis only cultivated between the Fort and the Mombasa Trees. Only a short distance from the Fort. I never saw a boundary between the Three Tribes and the Mombasa land. Muband bin Abdalla was a quiet man usually but when working was hot-tempered.

by F. Harrison.

I never cultivated myself. The Mombasa Muband bin Abdalla pointed out where we could build the shed at Mbarani. I was there.

and ever correct.

Sgt. A. J. Maclean.

Witness No. 49.  
F. Harrison.

Muband bin Ali bin Muband sworn-

I am about 46 or 47 years of age. I was born in Mombasa and have lived here all my life. I look after my dhows. My ancestor Muband bin Mbaruk was brought by Kedit Arthi to drive away the Portuguese from the Fort. I can remember Mombasa slaves working at Mbarani-Mbarani where are the ruined houses. I knew the ruined town at Kilindini. The Three Tribes used to live there. Muband bin Ali told me. It is about 32 or 33 years since he died. He was about 80 or 90 years of age. Muband bin Ali was my grandfather. I have heard that when

Named bin Sharif came over, the Harari lived in the Old Kiliindini Town. The country were the Three Tribes. The Harari and the Three Tribes entered the land between them. They were partners. I was a boy at the time Sayid said came. I don't remember. I was not born. I said I was a child because I was not born at the time.

Umar bin Ali was conversing in his house when I heard him say the land belonged to the Three Tribes. It was over 2 years ago and have remembered it. He has spoken to me about the Three Tribes by this case in the last two weeks. I don't know what the case is about. Abdul Karim bin Chalagana and Ahmed bin Haf told me to give evidence but they did not tell me what they wanted me to say.

Read over correct.

Edw. N. J. Hasleau.

Umar bin Hajid el Hijabi sworn:-

My grandfather was Jabir bin Abdulla. He was Tamin of the Arabs, all the Arabs of Bombay. I recognize this document - No. 9- I got it from my father. My father got it from my grandfather.

Mr. Daly formally objects to all these documents being put on the ground that they are not proved.

Edw. N. J. Hasleau.

The Sheikh Jabir bin Abdulla mentioned in the document is my grandfather. Sulaiman bin Hamed was a minister of the Sultan. Hajid bin Said was the Sultan. Fandi-gani is at Khayaganer. From the Fort to the Light House I have never seen fishing stakes, but I have heard that there were some. The Government stopped people putting fishing stakes there. I am 31 years

No. 49  
Mr. Harrison.  
  
by Mr. Daly.

No. 50  
Mr. Harrison.

of age. The Three Tribes own the fishing stakes on the Murrumbidgee side. The 9 Tribes own the fishing stakes from Murrumbidgee to Murrumbidgee.

A certain part was awarded to my father by the Sultan where he could erect fishing stakes or give permission to fish and erect fishing stakes. We do pay Government Tax of Rs. 6 for erecting stakes. My father was the Chief of all the Arabs. The Murrumbidgee are not Arabs. It was his father who was the Sheikh of all the Murrumbidgee of Murrumbidgee.

Lead over correct.

Sd/- A. J. Malcolm.

Masjid bin Masid bin Masid:-

I am 6 years of age, born in Murrumbidgee. I am a reader. My father was Masid bin Ali, he was a Murrumbidgee of the Government in Murrumbidgee. He died about 20 years since he died. I have heard that from the Big Port to near the small Port at Masid bin Masid belonged to the Murrumbidgee. My ancestors told me. Masid bin Masid my uncle told me. I went to Murrumbidgee when I was a child. I have heard that that land belongs to the Three Tribes. I have never seen the ruined Tomb. The land between the small Port at Masid bin Masid and the Big Port used to belong to the Murrumbidgee now it belongs to some one else. It is like that with land. That is why we are not there. I have never seen the Murrumbidgee doing anything with the land.

Lead over correct.

Sd/- A. J. Malcolm.

Witness No. 20

by Mr. Harrison.

Nashid bin Salim Nasrai sworn:-

I was born at Hadramah. I look after my sheeko. My sheeko is in Hadramah. I know the land at Habrani. I have heard from my father that it belongs to the Three Tribes. I am about 48 years old. My father died about 6 years ago. The Nasrai held land from the small Fort at Ras Hainle as far as a small Fort at Shauyagani. The land beyond the small Fort at Ras Hainle belongs to the Three Tribes. Beyond Shauyagani it belongs to the Bahilis, the 9 Tribes. When I was a child I was on the Hainle land, that is where I was shown. There was a sheeko of a relative of my father's, Jann bin Dawid Nasrai, he had a Wahan sheeko near the Hainle. It is marked by a Wahan tree. I don't know how far the Nasrai land went on the North side. I know the Hainle side only. I know the ruined Tom. I heard that the Hiji Wihata lived there in ancient days. The Nasrai did not live there.

by Mr. Daly.

The Three Tribes are the Wintagani, the Mashaqwan and Wakilindai. The Three Tribes are not Arabs. I have never been shown the boundaries of the Nasrai land. I was only told about that 15 years ago in course of conversation with my father. No one has spoken to me about the boundaries in the last two weeks. Sheikh Bahila asked me to give evidence. He did not ask me about the boundaries. He told me to say what I knew. The Nasrai left off cultivation when the Europeans came. The Nasrai got the land because they were rulers here, before Sayid said came. After which Sayid said was the Sultan of all the people in Hadramah.

Read over correct.

Sd/- A.J. Mallean.

The Court is adjourned until 10 a.m.  
Friday 20th Sept. 1912.

By A. J. Wilson.

10 a.m. 20th Sept. 1912.

Present Messrs. Harrison, Daly and Henderson.

Mr. Harrison desires the Court to proceed to the house of Hitti Khalil bin Hitti, whom he alleges states that her father called Seyid Said from Muscat to Zanzibar and was appointed an Ambassador (Smith in commission). That he called on the Sultan on account of the quarrel between the Three Tribes and the Masru. That she was a girl when Seyid Said came to Mombasa and fought at Kilindini. That Kilindini Town was destroyed because the Masru occupied it during the fight. That she heard from her father that his father was born at Unarani in the Old Town. That her father told her this was recorded in a "Shajara" (Genealogical Table). She used to pay vows both at the Big Shwara and the Small one, and that she went in her youth to the shambas cultivated by the Three Tribes.

The Court will proceed to hear the above evidence after the statement of the following witness.

Ahmed bin Khalil Masru.

My father's name was Khalil bin Abdulla.

My father had Ali bin Abdulla were brothers.

That is Ali bin Abdulla who was Khalil of Mombasa was my uncle. He brought me up. My uncle died in 1912. I think he was born in 1842. Mumba a slave of my grandfather was cultivating beyond the Fort and had a house near by. About where the Annis Court and Public Gardens are now.

Witness No. 63.  
A. J. Harrison.

Witness No. 53.  
Mr. Harrison.

Beyond Mamba's shamba there was a shamba cultivated by Kariki, a slave of a relative of Saraji the Kisumu's Arabis Chief. The Mistress of Kariki was a Masai. I know there was a well on it. I have been there even while the shamba was in cultivation. Beyond Kariki's shamba was another of John Mwalu, who is alive now. I think his water belonged to the 3 tribes

John Mwalu is said to be 'itama' 20-17. Mwalu was killed, but it is not at all certain.

Mamba my grandfather's slave used to beat him at night on the shamba to frighten away pigs, but Mr. Ainsworth set dogs on him, so that he left and went to Mamba Teyari and died there. I was born in 1884, 25 or 26 years ago. I heard from my uncle Sheikh Ali that some slaves came from Parba and the Three Tribes took them. There arose a dispute between the the Sheriffs and Three Tribes, and there is a Fort (Saraji) marking the boundary between the Masai land and that of the Three Tribes. The Sheriffs, owners of the slaves, who were on their way from Kilua to Mamba were stranded at Kilindi, demanded the slaves but the Three Tribes said anything that was lost on their land belonged to them and refused to give up the slaves. The Sheriffs masters of the slaves complained to my uncle and it was found that it was the custom that whatever lost or wrecked on their land belonged to them. The Fort is at the entrance to the Kilindi Harbour. There are Forts in the Masai land and others in the Three Tribes land. Those in the Masai land were guarded by Masai and those

Case No 23  
 Mr. Harrison.

In the Three Tribes land by their members.  
 I have heard that All his Athlaga lived in the  
 Town at Kiliindini but no other land.  
 Karasiki is dead. Munda cultivated near Mr.  
 Ainsworth's house. I don't know how long ago.  
 Karasiki cultivated quite a short while ago  
 about 5 to 12 years ago. I have seen many others  
 cultivating but I don't know their names. The  
 well in Karasiki's estate is near the Uganda  
 railway on the north side. I don't know if the  
 land is on that claimed by the 3 tribes. I can  
 point out the well.

I know that the land beyond Munda  
 belongs to the Bariffu and the Three Tribes.  
 I don't know if the well came into this land  
 or not. Beyond the fact that a Fort stood on  
 the boundary between the Munda Tribes and the  
 Three Tribes, I never know of any other  
 boundary. The estates adjoined each other were  
 mixed up. I was a boy when the Bariffus  
 brought a complaint to my uncle. I don't know  
 how long ago. The Three Tribes never had arma-  
 ris, they themselves used to keep guard. I  
 never saw them keeping guard. I don't know how  
 many Forts there are. It is about 5 or 6 years  
 ago since I went to the ruins. There the graves  
 were it was cultivated the other parts were  
 covered with bush. All this side was a mixture  
 of bush and shambas. I know the house Mr.  
 Ainsworth was living in.

Land etc correct.

Sgd. A. J. Haslam.

11.30 am. The Court adjourns for the  
 purpose of hearing the evidence of Binti  
 Mulin vs Buki and Binti Yuma at 2 p.m.  
 this afternoon.

Sgd. A. J. Haslam.



3 p.m. At the House of Sheikh bin Wahab.  
resident Messrs. Daig, Morrison and Undergill.

Dearah binti Yusus daily affirms

I know Sheikh Wahab bin Yusus, he was my  
brother. Sheikh Wahab is older than I am.  
My father bin Wahab was my husband. He is dead.  
He was an "Abungahwa". He was an "Uso" of the  
"Abungahwa". The name of the wife. I have heard the  
song about my brother.

Witness were present the song given before  
in this case ending

"Sheikh Wahab bin Yusus chapa abatu"

1888. A.J.D.

I heard this a long time ago. I have heard an  
answer to this.

"Sheikh bin Yusus

"Sheikh bin Yusus

"Sheikh bin Yusus

"Sheikh bin Yusus

Sheikh Wahab bin Yusus sang this to the  
witness. I knew the witness. I went there when  
I was young. I went to pay a vow on account of  
my child. I have seen the Old Town near the  
witness. The Haji Mitatu were the owners. All  
the land around was cultivated by our slaves.  
I know binti Yusus wa chapa. She is older than  
I am by much. I don't know how old I am. (Note:  
She is about 80 years old).

I remember Wahab bin Yusus. I was  
about 30 years old at that time. It is about  
40 years since I was at the ruined town. People  
are still cultivating there. I have a slave  
still cultivating there. Hingirawi. There are  
other people cultivating, not my slaves. I  
don't know their names. There was nothing but

... from ... to ... and from ...  
 onwards when I was there.

By Mr. ...

... is a ... Her husband is  
 Abedi. He is alive.

... over ...

... ..

... ..

... ..  
 ... affirmed.

... ..

... ..

My father was an ... of the ...  
 ... .. He was an  
 ... of the "Miji Mitatu". Sayid bin Said was  
 the Sultan when my father died. Ali bin ...  
 was the ... My father was an old man when  
 he died. My father went to ... to bring  
 Sayid Said to ... My father quarrelled  
 with ... that is why he went to  
 call Sayid Said. ... was a ...  
 I remember Sayid Said coming, I was a small  
 child at the time. There was fighting at the  
 time. I went to ... to get my years  
 ... There were people living there at the  
 time. When Sayid Said came there was fighting  
 there and the people ran away, that is why it  
 was abandoned. The town was at ...  
 ... People were living both in the town  
 and ... at that time. ...  
 ... was my grandfather's name. He was born  
 in the ... My ancestors told me,  
 I have ... said ... at ... by the big  
 tower. It was standing at that time. My father  
 wrote a "Shajara" which is paper to write words  
 on, if you have anything to write about. My  
 father wrote two. The "Shajara ..." has gone  
 to ... My father gave it to Sayid Said at  
 the time he went to call him. The other one is

last. The Old Town was surrounded by Bush at the time of "Walid" or "Wahabi". The two Mirra belonged to my fathers.

By Mr. Aiy.

The whole of Kouban belonged to my father. It is about 4 years since my father died. My father was the Mage of the Three Tribes. He went to Lasant with his brother. That is all we know else. I saw them go off in the snow. I have seen "Walid" Chirazi. He was the Mage of the Three Tribes when "Wahid" came. He did not go to call "Wahid" because he did not care to. My father told me that my grandfather was born at Lasant Town - over 40 years ago. I don't know when my grandfather died.

and over correct.

Sgd. A. J. Maclean.

The Court is adjourned until 10 a.m.  
the 23rd September 1912.

Sgd. A. J. Maclean.

10.30 a.m. 23rd, September 1912.

Recent News. July, Anderson and Morrison.

Jadi bin Hassan Mahabib speaks:-

I am an Arab, I live at Otago now. I cultivate there. I was in Government work formerly. I was looking after the Likani Ferry. Since arriving here from Hiseat I worked for the Government. I have had fishing stakes, one was on the mainland, the other was at Likani. I paid 5/- for permission. I never paid anything else. I kept whatever I caught myself. I gave no portion of it to anyone. Mungye Watao was the owner of the fishing grounds. He was a Millindini. There were other fishermen. They did not pay the same as myself. I paid 4/5 because I was a stranger. It is about 20 years ago since I was there.

My first fishing stakes were on the mainland. Mungye Watao was the owner of the mainland and the island. I don't know about the North side of the island but I know the Likani side. At the time of said Mungye I put up my first fishing stakes, more than 30 years ago. It is the only time I paid "Ado". It is 10 years since I left off fishing. I was fishing near Likani before I left off. Hassan Mahabib and Mungye Watao had fishing stakes at the same time as myself. I know they pay the Government now if they put up fishing stakes and if they don't pay their stakes are removed.

I have never seen the Government remove any fishing stakes.

I have never known a man refuse to pay the Government tax.

Read over correct.

Sgd. A. J. Maclean.

Case No. 64  
Statement No. 1.  
Mr. Morrison.

Mr. July.

Mr. Morrison.

Court.

Case No. 87

Case No. 1.

W. Harrison.

Statement of Halesi Kama:

I was a freed slave of the Halesi. I was freed at the time of King Kamehameha. I was born in Halesi. I live at Changaroo now. I cultivate. I don't know how old I am. I remember when King Kamehameha was Sultan. (He is about 70 years of age). I used to cultivate in Halesi. Sheikh Mohamed George Kama gave me permission. I was cultivating near the well, where King Kamehameha is buried now. The well is now filled in. I can show where the well was. I used to draw water from it with my own hands. It was on Halesi Kama's land. When I came to Halesi I was not there, I did not know him. I can't remember the name of anyone who was cultivating near King Kamehameha was Sultan when I left and went to Changaroo.

W. J. King.

Sheikh Mohamed bin Yusuf was Sheikh of Halesi of the Three Tribes. Anyone wanting permission would have to go to Mohamed bin Yusuf to cultivate anywhere in the Island. He was a very big Sheikh. The Slaughter House was not there when I was cultivating. I paid \$5 for permission to cultivate. I cultivated 12 years. I then went to Changaroo. I followed the food. I got permission to cultivate from an Indian; to cultivate in his garden. I saw Mohamed bin Yusuf at Halesi in his house at the time of King Kamehameha.

W. J. King.

I don't know anyone else. I could have got permission from to cultivate on the Island except Mohamed bin Yusuf.

and over correct.

Sgd. A. J. Maclean.

Mr. Morrison states that he has not got the request in question as to what the Government is relying on to prove its claim, he reserves his right to produce rebutting evidence at the end of the case.

Sgt. A. J. Maclean.

Sheikh Abdulla bin Sheikh bin Yuzus reminded that he is on oath - recalled.

Documents Exhibits 10, 11 and 12 are put in witness's hands.

I obtained these documents from my father Mohamed bin Yuzus - brother of my father - my uncle.

Mr. Daly objects to these documents exhibited 10, 11 and 12 as they are written to the Livali of Nambasa - Ali bin Nasor - and is doubtful how they came into witness's hand.

Sgt. A. J. Maclean.

Ex. 13 is then given to witness.

I got this document from Livali Ali bin Salim. I asked Ali bin Salim for it.

I got the documents from my father. I found them among my father's property when he died.

Read over correct.

Sgt. A. J. Maclean.

Ex. 10. A letter purporting to be from Khalid bin Said. (Note. Said to be the eldest brother of Sayid Said bin Sultan).

Ex. 11. A letter from Saleman bin Hamed, Prime Minister to Ali bin Nasor as regards the appointments by Sheikh bin Ghirazi. 1256 A.D. 1838.

Ex. 12. From Hajid bin Said to Livali Khalifa bin Nasor bin Khalaf regarding Sheikh

by Mr. Daly.

Mahomed bin Yusuf being Sheikh over his people at Kilindini and that certain customs were due to him. 1879.

Mr. 15. Sayid Khalifa bin said to Iwali Dalin bin Khalifa stating that the customs of the 3 tribes and 9 tribes must continue as allowed by Sayid Said, except where it is their duty to follow their present custom - dated 1306.

Mr. Morrison wishes to note that he intends to refer to "Vasco da Gama's 1st voyage" published by Hakluyt Society, where it mentions a large tower at the entrance to the Harbour.

Mr. Morrison also states that he intends to refer to the proclamation by Khalifa bin Said to the people of Mombasa at the time the Sultan made the concession or confirmed same to the I.B.A.A. Coy.

Sgd. A. J. Maclean.

Mr. Daly mentioned that Stranvays - History of the Portuguese - give a map of the Island in 1600 odd and that he will refer to it and also to Admiralty Chart made in 1828, and also to Baron Carl Ulms Von der Decken Meisnie in Ost Afrika written in 1869.

Mr. Morrison puts in Ex. 14 being an indenture made between Sheikh Mahomed bin Yusuf and others and R. Crawford, Ag. Commissioner E.A.P. being an agreement of exchange of certain pieces of land.

Sgd. A. J. Maclean.

The Court is adjourned until 2 p.m. on Wednesday afternoon when it is proposed to view the land in question.

Sgd. A. J. Maclean.

23 Sept. 1913.

From Sultan bin Nasir,

Prime Minister.

To Khalid Ali bin Nasir. As regards Sheikh bin Shirani he is the Sheikh of the three tribes. Whosoever he chooses as Sheikh, he shall be Sheikh whether he is old or young and whosoever he chooses as his successor, that Sheikh shall be head for ever. As regards Muhsin bin Khalid he cannot be Sheikh or head of the tribes except with the consent of Sheikh bin Shirani. If he chooses him to be a Sheikh he is head, if he is not chosen he is not. No one is to oppose him in regard to the three tribes. You shall obey to Emir Said's order and the letters herewith.

30 Moharrar 1256.

A.D. 1838.



Ex No 8

From Hajid bin Said to all who may see this.  
Let no one interfere with Khalid bin Said bin Khumbe  
and the 9 tribes with regard to their possessions  
in Muzhah and the mainland.

Their possessions which existed in the past  
at the time of my predecessor are to remain.

Salam.

Written by his slave

Salim bin Ali.

6 Muharram 1833.

(Signed) Khalifa bin Said.

Seal

## Translation of Kx. 1.

From Said bin Sultan.

To all who may see it.

We appointed Sheikh Shirasi in all that concerns his people to be first and no other to precede him and to that I swear before God and his Prophets far as long as his sons and grandsons shall continue and they shall have all the old customs as formerly.

If any of his tribes commits a crime they should be consulted with and shall have jurisdiction to deal with it not my Wali They and their adherents shall be exempt from custom duty.

They are all in my peace their persons and their property and everybody who becomes enemy to them is the enemy of my representative if anybody commits a crime and if they wish him to be pardoned he should be pardoned.

My Wali has to consult the Wasee if any of my Walis is displeasing to the people of the towns and if the people of the towns dislike him he shall be dismissed.

They must not be troubled by my representative.  
Let it be known to every body seeing

By Order

Written by Suliman bin Mahmud

Signed

Sealed

Khalifa bin Said

H.H. the Sultan

Said Said of Zanzibar

Dated 26th Ramadan 1252.

A.D. 1834.

## Translation of Ex. No.2.

From Saliman bin Hamed

Prime Minister.

To all to who may see this. With reference to the Sheikh Shirasi he holds his position as Sheikh as before with all that is due to him from his people the three tribes.

If the Sultan gives his instructions or orders he must obey them and if any Kathi of the three tribes dies or he wishes to reduce any one of them or to dismiss any Kathi he can do so.

By allowing him to choose any fit person to be a Kathi he must be guided solely by his religion and also the Wanika who are concerned with the three tribes.

And any-thing which jointly concerns the Wanika and the three tribes must be subject to his orders.

I exclude from this order Priests - anything concerning marriages and funeral ceremonies and charities these matters having nothing to do with the Sheikh unless the parties mutually consent and make it so known.

Written on the month of Sderban 1266

Said Said confirms

"True"

Written by his own hand

Confirmed also by Kalifa bin Said.

Translation of No. 3.

Written by Sulaiman bin Ahmed.

To All To Whom These Presents Shall Come.

We appoint Mzee Katane bin Shada el Kilindini as head of his tribe of Kilindini people he has his right from the Government Customs 2/10 for himself and his tribes-men also.

No one is to interfere with regard to the Wanyika under him and his brothers and tribesmen. If any of the above mentioned tribes rebel against H.N. Said Bargash or does not obey his orders he has to punish them and the Liwali on behalf of H.N. Zanzibar Government has to help him. Let it be known to everybody seeing this.

Dated 6th Shawal 1287.

Sgd. by Sulaiman bin Ahmed.

Sealed by Said Bargash bin Said.

Seal  
Sultan.

## Translation of Ex. 4.

Muhammed bin Mutana bin Shaddu Ksilindini  
 agreed having sold his shamba at Kilindini in the  
 Island of Mombasa to Salim bin Khalifa bin Amay  
 Hibusaidi for Rs. 42/- Neighbours are on the North  
 by a shamba of Salim bin Baba Kimatifi, on the West  
 by a shamba of Sharif Ahmed bin Alawi, on the East  
 by a shamba of Hassan bin Hassan on the South by a  
 shamba of Muhammed bin Mutana with all its boundary  
 fruit coconuts and other trees are all sold and  
 the price has been paid and the shamba also has  
 been possessed. The length of this shamba on East  
 200 ft. West 200 ft. North 1400 ft. and South  
 1400 ft. 17 Jumadilakhir 1313.

Mushiri bin Hamed bin Habi.

Witness Hassan bin Hassan.

Muhammed bin Yusuf.

Sgd. Salim bin Khalifa.

Certified translation of Reg. Dec.

No. 25 A of 1896. Mombasa Registry.

## Translation of Ex. B.

From Hajid bin Said to all who see and read  
this.

To the Sheikh Jumadar Tanjai bin Shambi  
El-Balushi, Akida Mohamed bin Abdalla Hatharai  
and all the head men of Kadhman. Let it be known to  
you that we have appointed Mohamed bin Yunus Chief  
instead of his father Sheikh Yunus and he is still  
to take the Customs money which his father took  
except the customs money which our friend Mwinji  
Kha used to take and divide among his people. We  
instruct our friend Sheikh Mohamed bin Yunus that  
if any mischief threatens him from one of the head  
of his tribes and he wishes to debase him, and  
appoint another instead, no one is to oppose him.  
And also we order the Wanykas under him to refer  
their affairs to him for settlement.

Be you and he in one state by order written  
by Ahmed bin Nakhman - 27 Rubulawul 1276.

What is written here is affirmed and the  
other is annulled.

Written by Hajid by his hand.

Seal.

## Translation of No. 6.

Salim bin Babu Elmutafi agrees having sold his shamba at Kilindini in Mombasa to Salim bin Khalfan bin Omar Elbusaidi for Rs.42/- Neighbours are on the North and West by the shamba of Sharif Ahmed bin Alawi, South by a shamba of Hassan bin Hasan, on East by a shamba of Muhamed bin Matano with all its boundary fruit coccanut and other trees are all sold and the price has been paid and the shamba also has been possessed. The length of this shamba on East 200 ft. on West 200 ft. on North 1400 ft. and South 1400 ft. 17 Jamadilaker 1313.

Bushiri bin Hemed.

Witness Hassan bin Hassan.

Muhamed bin Yunus.

Sgd. Salim bin Khalfan.

Certified translation of Reg. Dec.

No. 36 A of 1896. Mombasa Registry.

Translation of Ex. 7.

Charif Ahmed bin Alawi agree having sold his shamba at Kilindini in the Island of Mombasa to Salim bin Khalfan bin Omar Elbusaidi for Rs. 80/- neighbours are on the North by a shamba of Muhidini bin ~~Muhidini~~ on West by a road, on South by a shamba of Salim bin Babu, on the East by the Govt. road with all its boundary fruit cocconut trees and well are also sold and the price has been paid and the shamba has also been possessed. The length of the shamba is 300 ft. on West 380 ft. North 1400 ft. and South 1400 ft. 17 Jamadilakhir 1313.

Bushiri bin Hamed.

Witness Hasan bin Hasan.

Muhammed bin Yunus.

Sgd. Salim bin Khalfan.

Certified translation of Reg. Doc.

No. 38 A of 1896. Mombasa Registry.



Translation of No. 12.

From said bin Sultan.

To all who may see this, that we have reappointed  
our friend Mohammed bin Khalil to be the head of  
his family's possessions, & the head of them, & their  
are under him, & all the disputes to be decided  
by him. Let this be known.

Written by his order by his slave

Muhammad bin Mohammed.

10th. Ruzman 1264.

at. Khalifa bin Said.

Translation of No. 10-101.

From Hajid bin Said bin Sultan.

To all who met see this, that we have recognized  
 our friend Sultan bin Sulaym bin Sulaym as the  
 head of his Jazirat Mubarakah - Sheikh of them, &  
 he is to decide their disputes, & no one to inter-  
 fere with him in that.

written by his order by his slave Ahmad bin  
 Ahmad.

By 20th Rabi ul Awwal 1075.

(Sd.) Khalifa bin Said.

From Salaman bin Hamed

to all Arabian people who may see this.

Regarding the place where the persons standing  
their fishing stakes from Fandi gani to the fort  
which were claimed by Hamdy, we awarded it to Hamid  
Jahir bin Abdulla to make use of and no one else  
should interfere with his use and the use of his  
children, and descendants this should be known  
dated 15th, Jumad thani 1282.

Signed by Hamid bin Said with his own hand.

Translation of No. No. (2).

From Sultan bin Humad

To all Muscat people who may see this.

Regarding the fishing stakes from Hander  
Fandi ghai to the fort which claimed by the  
Muscatians.

We have awarded them to Sheikh Jafir bin  
Abdulla to make use of and no one should interfere  
with his use and the use of his children, and  
descendants. This should be known. Dated the 13th  
Jumadilthani 1282.

Signed by Najid bin Said with his  
own hand.

No. (1)

From Khalid bin Saïd to  
 Shaikh the All bin Umar bin Khawla.

After compliments - regarding our beloved  
 Shaikh Ghirazi and his secretary, Sa'ad bin. If  
 Shaikh Ghirazi wishes to keep him as his secretary  
 he can do so and if he wishes to dismiss him he can  
 if he pleases and he can meet instructors and you may  
 look after him.

Salam.

Written by his slave All bin Khawla  
 with his own hand.

And also regarding the three tribes who are of  
 Biladini Shaikh Ghirazi has the power to appoint  
 any one of them to be Shaikh and to dismiss any  
 Shaikh except Shaikh Muslim who must remain a  
 Shaikh.

Let this be known.

This is from us -  
 written by Khalid bin Saïd with  
 his own hand.

From Hajid bin Said

to

Sheikh the beloved Lualli Khalifa bin Husein bin  
Khalaf Almarouli.

After compliments know you that our friend  
Salman bin Yusuf is Sheikh over his people at  
Bilindini. Any custom due with respect to him  
must be given to him it must not be refused.

Salama.

written by his slave Suliman bin  
Ali with his hand.

26th month of Rarhorum 1279.

True

signed by Hajid bin Said  
with his own hand.

No. 13.

From Khalifa bin Said to the friend the beloved  
 Salim bin Khalifa. God bless you after that the  
 Swikhs of the Arabs and of the 9 tribes and of the  
 3 tribes of Moushous.

Only on the notices which you have received  
 from the Lord my Father Said bin Sultan. Their old  
 customs must continue just as mentioned in the above  
 notices, except that it is their duty to follow the  
 present custom.

Salam.

Written by his humble slave

Geff slave

with his own hand.

22 Shaban 1305.

Iko minara mirefu iliyo wakwa kadimu,  
 wakikaa wengofu Miji Mitatu timamu,  
 Jamwa akiwashufa akamba nao namu,  
 Husifanye usumu nondani Kwera Shihiri.

(a) There are high towers which were built in olden days  
 Were inhabited by civilized complete three tribes,  
 When people see them said yes,  
 Don't persist go back to your Shihiri-land.

Wanaso wakilindi tulitama witu,

Minara miwili mialamu yetu.

Sheikh Mohamedi tupe shapa chetu.

(a) The beginning of Kilindini we cleared the bush,  
 The two towers are our marks,  
 Sheikh Mohamedi give us our record.

Shajara lina waseo wanao linao.

Wakama wala mingalifwa.

Kula wenyewe shakwe akakitambua.

(a) The record is with waseo they have retained it,  
 And if I got it I would have given it,  
 Every one who has got his property to recognize it.