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MICRO METHODS LTD EAST ARDSLEY, WAKEFIELD, YORKSHIRE,  
ENGLAND, IN CONJUNCTION WITH THE AFRICAN STUDIES ASSOCIATION  
OF THE UNITED KINGDOM

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UGANDA PROTECTORATE

REPORTS OF THE COMMITTEE APPOINTED TO CONSIDER THE QUESTION OF NATIVE  
LAND SETTLEMENT IN ANKOLE, BUNYORO, BUSOGA AND TORO WITH APPENDICES

(GOVERNMENT PRINTER, ENTEBBE, 1914, 1915)

REPORT OF THE COMMITTEE OF ENQUIRY INTO THE GRIEVANCES OF THE MUKAMA  
AND PEOPLE OF TORO

(GOVERNMENT PRINTER, ENTEBBE, 1926)

REPORT OF THE COMMITTEE OF ENQUIRY INTO LAND TENURE AND THE KIBANJA  
SYSTEM IN BUNYORO

(GOVERNMENT PRINTER, ENTEBBE, 1932)

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INTRODUCTION BY

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1970

INTRODUCTION TO THE TEXT

A large and highly important part of the Agreement of 1900 which Sir Harry Johnston concluded on behalf of the Crown with the Baganda was concerned with the land settlement. . . On the assumption that the chiefs and notables of the kingdom who exercised political control over areas of land had rights in such land comparable to ownership in a European sense, about one half of the land in Buganda was parcelled out to these chiefs and notables as private estates under a form of tenure (thereafter known as mailo) closely approximating to freehold under English law. Under the Agreements made with Toro and Ankole in 1900 and 1901 similar arrangements were made, though the number of chiefs and the area of land involved was very much smaller than in Buganda. These Agreements provided precedents and set the pattern for official attitudes in Uganda towards land policy during the following decade. In areas such as the western kingdoms and Busoga where the social organisation was similar to that in Buganda with its chiefly hierarchy, it was felt that land arrangements should be introduced similar to those which had been put into effect in Buganda and the local chiefs were given to understand that such was the government's policy. Later, when the Protectorate Government was to change its mind and, doubting the wisdom and justice of the earlier Buganda settlement, to reverse its policy, these undertakings given to the chiefs were to be a cause of considerable embarrassment.

The dominating force in the formulation of land policy in Uganda at this time was William Morris Carter, who had come to Uganda as a High Court judge in 1903 and who was later appointed as Chief Justice in 1912. Carter made a particular study of land tenure matters, producing valuable reports on land tenure both in and outside Buganda.<sup>1</sup> He was a firm believer in the virtues of individual ownership of land and he was convinced that in areas with chiefly societies the land was owned by the

chiefs, the peasants being merely occupiers. He was, moreover, convinced of the benefit which would accrue to the Protectorate from the development of land by non-Africans and of the need for an ample supply of such land to be available for alienation by the Crown. In 1907 he was a member of a committee appointed to examine outstanding land problems in Uganda. The findings of this committee were mainly concerned with Buganda, but it was indicated by the committee that a system of tenure similar to that which had been established in Buganda would be suitable for the neighbouring areas.<sup>2</sup> The outcome of this was the setting up in 1911, under the chairmanship of Morris Carter, of a committee to consider the question of land settlement in Ankole, Bunyoro, Toro and Busoga. The committee submitted its first report in January, 1912, its second report in March, 1913 and its third report in November, 1914. The three reports were printed together in 1914 by the Government Printer, though they were never released to the public<sup>3</sup> and in the following year the appendices, consisting of correspondence with the Provincial Commissioners, were also printed. The text of these two volumes is reproduced on this microfilm.

The majority recommendations of the committee represented very strongly the views of the chairman: areas, varying from about 28% in Busoga to about 11% in Bunyoro, of the land in the district concerned were to be allocated to the chiefs and the rest of the land was to be available for alienation by the Crown. The Land Officer, on the other hand, submitted a minority report that no private estates, additional to those guaranteed by the Agreements, should be given to the chiefs and that this land should instead be in the nature of native reserves. Spire, the Provincial Commissioner of the Eastern Province, commenting in respect of Busoga which was in his province, was of the opinion that the whole district should be declared as Crown land with the greater part of it reserved for the Basoga as a native reserve.<sup>4</sup>

In August, 1915 Sir Frederick Jackson sent the reports of the Committee with the appendices to the Secretary of State. Jackson when giving his general approval to the majority report can have had little idea that this was but the first stage in protracted and largely abortive negotiations on the committee's recommendations which were to continue for the best part of the next decade.

"I agree in general with [the committee's] proposals", Jackson wrote,<sup>5</sup> "and consider that the method adopted for calculating the amount of land required for native occupation is the best available in the circumstances and will ensure ample provision for the future needs of the native population...The distribution of land allocated among natives is a matter of some difficulty. I agree with the Committee that Mr. Spire's proposals would be subversive of all progress and the scheme of the majority, in spite of admitted drawbacks, is the only one by which a satisfactory settlement can be arrived at in the districts concerned..."

The officials in the Colonial Office who first saw the papers, if they were unenthusiastic about the committee's recommendations, agreed, nevertheless, that there was no alternative to accepting them.

"The principle of giving to the chiefs the land required for the needs of the people...seems the only possible course to adopt in a country where the idea of property in land...is simply that of chief ownership. The principle has been foreshadowed, and to some extent provided for, in the Toro and Ankole Agreements and its adoption is expected in Bunyoro and Busoga. We cannot reject it now without creating unrest and destroying the power of the chiefs on which our administration is founded."<sup>6</sup>

It was not until the matter reached Sir John Anderson the Permanent Under-

Secretary that the whole basis of the proposed settlement was questioned.

"I cannot help feeling", Anderson minuted, "that the whole of this is on the wrong lines and that the proper thing to do would be to give the chiefs a civil list and make all the lands Crown lands, the natives who now pay rent or services to the chiefs rendering them in future to the Crown. In turning chiefs into private owners of enormous areas with full powers to evict the natives now residing or cultivating them, they are proposing to commit the same blunder as was committed in the Bengal Land Settlement. Because Sir H Johnston and the Foreign Office made a vicious arrangement in the Buganda, and some other, provinces, is no reason for extending it to the other provinces, but the contrary. I should tell the Governor that as nothing practical can be done in the matter till the end of the war, he should in the meantime consider whether in the permanent interests of the cultivators it would not be better to give the chiefs a civil list and make [the cultivators] all Crown tenants."

Bonar Law agreed and Jackson was so informed in January 1916. Spire's reaction to the Secretary of State's decision, which largely vindicated the views he had put forward, was that the time was "about ripe for payments in labour or kind to be given a cash value so as to form an adequate remuneration for the administrative duties which the chiefs perform. In the course of time this cash tribute...should be paid into the Lukiko funds...in exchange for a yearly income payable to the chief out of the fund...but it would be premature to make the change now."<sup>7</sup>

In 1917 the committee, sitting with Kingdon the Acting Chief Justice and not Carter as chairman, produced its fourth report in which it was stated that the recommendations for freehold grants had only been made because it had "been understood that the natives of the districts concerned

...had been promised that they would be treated similarly to the Baganda". The committee was, accordingly, "of opinion that the system suggested by the Secretary of State...is a very good one", but only "if it is not precluded by promises already made". Schemes were to be worked out by the Provincial Commissioners of the Eastern and Northern Provinces for consideration by the Committee. The Acting Governor in commenting on the report to the Secretary of State<sup>8</sup> stated that in Ankole and Toro it was uncertain how far the inhabitants had been given to understand that estates additional to those guaranteed under the Agreements, would be distributed and that there was no record of any such promise having been made. In Bunyoro there was little doubt that the Mukama and chiefs had received promises that favourable consideration would be given to granting them the same treatment as the rulers and chiefs of Toro and Ankole and that in 1913 chiefs had been allowed to select their estates. On the other hand, after the arrival of the Secretary of State's dispatch in 1916, the Provincial Commissioner had told the Mukama that no private estates would be granted and the Mukama had replied that he was prepared to abide by the government's decision provided sufficient land were set aside for Banyoro use only, without fear of alienation. In Busoga, the Acting Governor added, no promises appeared to have been made, save that the Basoga need not fear disturbance in the occupation of their lands..

The sixth report of the committee was produced in 1919. It was of little importance in itself, in that it merely dealt with the allocation of estates in Toro and Ankole which had been guaranteed under the Agreements, and its interest lies in the fact that the Provincial Commissioners drew up a statement of policy which was sent with the committee's report to the Secretary of State and in the fact that this was followed by a minority report drawn up by Morris Carter. The Provincial Commissioners felt most strongly that the anxieties of the African population as to their security in the land they occupied must be

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set to rest and an official statement issued "as to the generally benevolent intentions of the government with a promise that as little as possible of the land they at present occupy will be alienated in the future". The Provincial Commissioners were strongly in favour of a policy, basically the same as that advocated by Spire in 1913, of the declaration of native reserves in respect of which there would be a "clear and absolute guarantee that no part of such land would be alienated". The area of the reserves would be based on a figure of six acres per head of the population in respect of Busoga and Toro and eight acres in respect of Ankole and Bunyoro.<sup>9</sup> Morris Carter, who had not been present at the meeting between the committee and the Provincial Commissioners, submitted a minority report.<sup>10</sup> In the first place, he reaffirmed his belief that estates should be allocated to the chiefs "on similar lines to those followed in Buganda". If chiefs were to receive salaries, this was to pay them for their services as administrators and could not be considered as compensation "for the loss or whittling down of their land rights", especially as their heirs would not be entitled to them. Secondly, he was convinced "of the unwisdom of creating large reserves definitely guaranteed for all time to the natives and from which non-natives are practically excluded from holding land", since it was impossible to foresee what part of the country might be needed in the future for non-native occupation. The new Governor, Coryndon, was also of the opinion that "it would be a grave mistake to create in Uganda native reserves as they are understood in Southern Rhodesia which are in effect definitely reserved for all time for native occupation and within which no European can own or lease land". He believed that the interests of the African "would be fully safeguarded by a liberal allocation of land to be recognised as a native area not a reserve". Coryndon agreed with Morris Carter that certain chiefs in all the districts concerned should



have estates, but that these should be more limited in scale than under the Agreements.<sup>11</sup>

No pronouncement of policy on the committee's reports had been made by the Secretary of State since 1916 and, since it was now clear that the policy as formulated by Anderson at that time had not found general acceptance locally, the Colonial Office was prepared to abandon it. In view, however, of the divergent opinions being expressed in Uganda and of the fact that, as a result, there was "no clear lead from local opinion which in the special circumstances of Uganda would naturally command great weight"<sup>12</sup> it is hardly surprising that the Secretary of State's dispatch of June 1920<sup>13</sup> was cautious in the extreme.

"The views of the Provincial Commissioners in this matter... must necessarily command great weight and I have no doubt that a declaration such as they propose would have the best effect in reassuring the natives as to the intentions of the government.

On the other hand, I cannot but concur with the view of Sir Robert Coryndon and yourself that it is not desirable that the government should fetter itself for all time in this matter... I agree, therefore, to Sir R. Coryndon's proposal that the reservation of land for native purposes should be of a less rigid character than that recommended by the Provincial Commissioners, but it is important that the natives should be fully assured that they shall always have land adequate in amount and quality for their needs. When the requirements of the native population as a whole have been met in this way the question of granting estates to individual chiefs can be decided with regard only to the necessity for satisfying hopes which have arisen and maintaining the prestige of those through whom the government of the native populations must be carried on. I agree that for these objects it will be possible to limit both the number of such estates and their

extent and I consider also that as a rule the land granted as a 'private' estate should be small compared with the 'official' estate."

In September 1920 the committee produced its seventh and last report.<sup>14</sup>

It recommended that a statement of policy should be issued indicating that the government had "decided that ample provision will be made if a total of four/five acres per head, man, woman and child of the population be reserved and the Government guarantees that this amount of land (including the private and official estates) shall permanently remain in the hands of the natives." Furthermore, private estates, additional to those covered by the Agreements, would be allocated to such princes and chiefs as the district and provincial commissioners might decide upon locally, no estate being less than half a square mile in extent. The committee's recommendations were approved by the Secretary of State in 1921;<sup>15</sup> they were, however, never to be put into operation.

Administrative opinion in Uganda was now hardening in its opposition to freehold grants to chiefs and, with the transfer of Morris Carter to Tanganyika as Chief Justice in 1920, the principal, and by now almost the sole, protagonist of the chiefs' claims was removed from the scene. The administration was not merely opposed to the principle of granting freehold rights in land to individual chiefs, but could in any case see no justification for granting inheritable rights in land to the chiefs who happened to be in office at the time since the chieftaincy was not an hereditary institution. A proposal put forward at this time to overcome this aspect of the problem was that, in place of private freehold estates, "life estates" would be granted which on the death of the grantee would revert to the native administration concerned for reallocation. The current trend of opinion was greatly fortified by the Bataka agitation then at its height in Buganda which underlined the injustices to which the Buganda land settlement had given rise. In September 1922 the Acting

Governor wrote to the Secretary of State <sup>16</sup> that "during the past year a flood of light has been thrown on the dangers and difficulties involved in the introduction of the mailo, or freehold, system into Buganda...In these circumstances, the wisdom of extending the Buganda system even in a modified form to other districts appears to be more than unquestionable." He enclosed the recommendations of the Provincial Commissioners' conference of that year which had his general approval. The conference opened its recommendations by pouring scorn on the scheme proposed in the last report of the land committee, and approved by the Secretary of State the year before, on the ground that "for the great mass of the population, the peasants and the predecessors and successors of the chiefs now in office, this settlement cannot be called a settlement at all." Instead, the following proposals were made. In each district there should be set aside for the tribe, "under a system of communal tenure", an area amounting to five times the total population, a guarantee being given that in the area, which would "be recognised as Crown land held in trust for the natives", occupiers would not be disturbed unless the land were required for public purposes. Within this area, smaller areas might be demarcated and allotted as spheres of influence for individual chiefs, to whom tribute would be paid by those living within their spheres. Those living outside chiefs' spheres of influence would pay tribute to the government and this would be apportioned for payment of salaries to chiefs and to defray the expenses of the native administrations. On Africans living on land outside the areas reserved for native use (land which would be available for alienation) the Crown might charge rent. The Provincial Commissioners went on to state that

"no conception of 'landlords' in the European acceptance of the term existed among the tribes of this Protectorate until the land clauses of the Agreement of 1900 were brought into operation...It is a matter

of deep regret that the ideas of 'freehold' and 'landlordism' have been introduced into the Protectorate by the Uganda, Ankole and Toro Agreements...and this disastrous mistake should not be perpetrated in districts where the Government has not committed itself to any such unfortunate contracts."

The Secretary of State approved the policy as outlined by the Provincial Commissioners in January 1923.

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The Uganda Government now had the task of attempting to implement this policy. In the first place, it was proposed that a comprehensive Land Ordinance, replacing the Crown Lands Ordinance of 1903, should be enacted embodying the new policy, and work began on the early drafts. Seldom, however, can a piece of legislation have gestated for so long and to such little effect. Drafts and re-drafts were produced and the proposed Ordinance was finally abandoned - but not until 1949. The most constructive action taken by the government in this field during these years was the start which was made on the elimination of tribute as such and its conversion into an annual tax payable by all Africans which went into the revenues of the native authorities and from the proceeds of which salaries and pensions were paid to the chiefs - a policy which had been recommended by the Secretary of State as early as 1916.

The government had considerable difficulties to contend with. In the first place, there was a general suspicion of the government's intentions as regards land policy and, as the controversy over closer union between the East African territories developed during the nineteen-twenties, this suspicion deepened. The replacement, in whole or part, of the tribute by salaries was by no means welcome to the senior chiefs who foresaw a considerable loss of income as a result. Moreover, they still had hopes that freehold estates would be granted to them, hopes in which they had undoubtedly been fortified by past policies and vacillations, if not definite promises, on the part of the Protectorate Government. This was most

embarrassing to the government and in 1921 an attempt had been made in Toro and Ankole to find a cheap way of discharging the government's moral obligations in this respect. It was proposed that those chiefs who had been allocated estates under the Agreements and had since been dismissed should be deprived, either in whole or in part, of their land which should then be reallocated to chiefs now in office. The Toro Native Government objected strongly, maintaining that this would be in breach of the Agreement. The Ankole Native Government, on the other hand, welcomed the proposal and a reallocation was agreed on and was approved by the Governor. Meanwhile, on account of Toro's intransigence, the matter was referred to the Secretary of State, whose legal advisers ruled that the original allottees could not, under the terms of the Agreement, be deprived of their property. In the case of Toro this merely meant that nothing further could be done, but that as far as Ankole was concerned, fresh land, amounting to 66 square miles in all (mostly in the form of life estates), had to be found for the chiefs now unable to take up the estates assigned to them which had to be returned to the original allottees.

Provincial Commissioners had for long advocated the issuing by government of a full policy statement in an attempt to allay the Africans' fears as to the future of their land, and in 1924 such a statement was publicised in Ankole, Toro, Bunyoro and Busoga.<sup>19</sup> This statement followed closely the Provincial Commissioners' proposals which had been approved the year before. Land, the extent of which would be based on five acres a head, would be set aside for African use and would "never in any circumstances be taken away from the native population", though if the population increased additional amounts would be added to it. The mailo system would not be introduced, except in so far as it was already in force under the Agreements. On land not set aside for African use, Africans could settle but would have to pay rent to the Crown. A distribution of areas "to be held for life only will be made to the families of the old chiefs or elders of the

country who, though they may not be doing government work, are looked upon as dignitaries amongst the people." "Tribute from any land set aside for native use and not apportioned to individual chiefs will be paid into the Lukiko fund for the good of the district."

The 1924 pronouncement was inevitably unpalatable to the chiefs of the western kingdoms and Busoga. There were bitter recriminations, particularly from Busoga, regarding past promises, and in Toro relations between the local administrators and the Mukama and his government became so strained on the land issue that in May 1926 the Governor decided that it would be best to investigate "the grievances real and imaginary"<sup>20</sup> of the Mukama and his people. He accordingly appointed a committee of inquiry composed of C.E.E. Sullivan, the Acting Provincial Commissioner, Western Province and H.B. Thomas, the Deputy Director of Surveys. The committee's report, which is reproduced on this microfilm, was published by the Government Printer in 1926 and was approved by the Secretary of State.<sup>21</sup> The principal innovation which the report advocated was the introduction of certificates of occupancy and these were introduced, not only in Toro, but also in Ankole, the government being convinced that such certificates would "do much to allay the feeling of insecurity which has been the cause of constant complaint on the part of the natives who do not possess freehold lands".<sup>22</sup> However, despite some initial enthusiasm for the scheme locally, it did not prove a success in either Toro or Ankole and by the end of the nineteen-thirties, it had fallen into complete disuse in both these districts.

The Toro committee of inquiry had made no mention of the setting aside of a definite portion of the district for African occupation, and the Colonial Office raised this point with the Governor<sup>23</sup> and Gowers merely replied<sup>24</sup> that there was nothing in the proposals which was incompatible with this policy. In fact, however, the policy of demarcating in each

district an area for African occupation based on five acres per head of the population had now gone out of vogue and had been replaced by a proposal that all the land of the Protectorate should be open to native occupancy and that not more than one fifth of that land might be alienated to non-natives.<sup>25</sup> The Protectorate Government, however, was still unable to devise a firm land policy embodied in legislation. Fresh drafts of the Land Ordinance were prepared and petitions from chiefs asking for freehold estates continued to be addressed to the Governor.

In 1931 it was decided to appoint a committee of inquiry to investigate the land tenure system of Bunyoro, a kingdom in which a form of land tenure known as kibanja, the origins and peculiarities of which are fully described in the committee's report,<sup>26</sup> had developed. The committee, whose report was published by the Government Printer in 1932 and is reproduced on this microfilm, was composed of J.G. Rubie, the Provincial Commissioner, Northern Province and H.B. Thomas, the Deputy Director of Surveys, who had sat on the Toro committee and who had by now become an outstanding authority, not only on land matters in Uganda, but also on the general history of the Protectorate. The report is a most interesting document and a valuable contribution to the history of Bunyoro during the previous half century. Its recommendations, in general, bear a marked similarity, not surprising in view of the authorship, to those for Toro in 1926. The underlying theme is a radical approach aimed at the protection of the interests of the peasantry, tempered by a desire to shield the members of the ancien régime from too sharp an impact with the egalitarian influences of twentieth century Europe. No private estates are to be granted (apart from the special case of the Mukama), but the members of the royal clan are to continue to enjoy for their lifetime their traditional privileges. Moreover, the historic pride of this ancient kingdom is to be gratified by the conclusion of an Agreement with

the Protectorate Government. As for the peasantry, the security of the tenure of their holdings is to be guaranteed by the issue of certificates of occupancy.

The Secretary of State approved the suggestion that an Agreement should be entered into since the decision not to grant freehold estates would "be a cause of disappointment which will not be entirely mitigated by the grant of definite salaries and pensions and in these circumstances...the Native Administration of Bunyoro should be given the privilege of a formal Agreement with the Government of Uganda under which its rights in various directions will be specifically recognised."<sup>27</sup> The Agreement was concluded in 1933 and it was specifically stated in it that every native of Bunyoro was eligible to receive a certificate of his right of occupancy of his land. In Bunyoro, unlike Toro and Ankole, the introduction of this system of certificates of occupancy was successful and popular, but ironically this was largely because the scheme, as implemented, took a form very different from that which the government had envisaged. Directions were laid down by the government as to how the certificates were to be issued. The gombolola chief was to visit the area applied for and confirm that the applicant was actually occupying or cultivating it and mark out the boundaries round the area which was to be slightly more than twice that which the occupier was actually cultivating. In practice, however, the new system had little effect upon the existing kibanja estates held by private individuals. The chiefs, who were responsible for implementing the new system, had a vested interest in preserving the old, and it would appear that certificates of occupancy were, in effect, granted to most of the kibanja holders in respect of the original extent of their estates.<sup>28</sup> This was certainly not what Rubie and Thomas had had in mind when they produced their report, but it was the outcome which the chiefs wanted and one in which the peasants were apparently prepared to acquiesce.



Notes to the introduction

1. "The clan system, land tenure and succession among the Baganda", Law Quarterly Review (1909), 25 158-77 and Uganda Law Reports (1910), I, 99-110. "Land tenure in the Protectorate outside Buganda", Uganda Law Reports (1910), I, 121-7.
2. H.B.Thomas and A.E.Spenser, A History of Uganda Land and Surveys, pp. 53-5.
3. Thomas and Spenser, op. cit., p. 56.
4. Appendices, p. 23.
5. Dispatch of 17.8.15., C.O. 536/77.
6. Minute by W.C.Bottomley, C.O. 536/77.
7. Spire to Chief Secretary, 15.4.16, enclosure to dispatch of 9.8.17, C.O. 536/86.
8. Dispatch of 9.8.17 (enclosing fourth report), cited above.
9. Dispatch of 9.I.20 (enclosing sixth report and Provincial Commissioners' memorandum), C.O. 536/99.
10. Dispatch of 24.I.20., C.O. 536/99.
11. Coryndon to Under-Secretary of State, 31.5.20., C.O. 536/107.
12. Minute by Bottomley, 5.6.20., C.O. 536/107.
13. C.O. 536/107.
14. Enclosure to dispatch of 4.II.20., C.O. 536/104.
15. Dispatch of 22.2.21., C.O. 536/104.
16. Dispatch of 12.9.22., C.O. 536/120.
17. Telegram of 30.I.23., C.O. 536/120.
18. Opinion given by H.G.Bushe, 5.10.22., C.O. 536/120.
19. Enclosure to dispatch of 20.4.28., C.O. 536/149/20104.
20. Phrase used by Gowers in his dispatch of 21.5.26., C.O. 536/139.
21. Dispatch of 15.I.27., C.O. 536/143/7438.
22. Dispatch of 21.9.26., C.O. 536/143/7438.

23. Bottomley to Gowers, 5.II.26., C.O. 536/143/7438.
24. Letter of 29.II.26., C.O. 536/143/7438.
25. Entebbe Secretariat Archives, D.187, see also Thomas and Spenser, op. cit., p.59.
26. See also J.M.Beattie, "The Kibanja system of landholding in Bunyoro", Journal of African Administration (1954), 6, 18-28 and 178-85.
27. Dispatch of 17.8.32., C.O. 536/171/22057.
28. Beattie, op. cit.

Uganda Protectorate.

REPORTS

OF THE

Committee appointed to consider the question of Native Land  
Settlement in Ankole, Bunyoro, Busoga and Toro,  
with appendices.



ENTEBBE:

PRINTED BY THE GOVERNMENT PRINTER, UGANDA.

1914.

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**Report of the Committee appointed to consider  
the question of land settlement in Ankole,  
Bunyoro, Busoga and Toro.**

1. This report contains the recommendations of the Committee appointed to consider the question of land settlement in Ankole, Bunyoro, Busoga and Toro. In connection therewith reference may be made to the report of the Committee appointed to consider the Land Laws of the Protectorate dated 17th March, 1907,\* the reports by Judge Carter on native land tenure dated 2nd October, 1906,\* and the 16th September, 1907,\* and on land in Ankole dated 19th October, 1909,\* and the Memorandum of the present Committee dated the 12th October, 1911.\*

2. The Committee apprehend that the object which should be kept in view in making their recommendations is a settlement whereby (1) the natives generally will be guaranteed in the possession of land adequate for their requirements, (2) individual natives will be as little disturbed as possible in the enjoyment of whatever rights they may have and these rights will be defined, and (3) the land in the hands of the Crown available for development by Europeans and others in the best interests of the country will be easily ascertainable.

3. The subject falls naturally into two main divisions (1) the allocation of the land to be made (a) as between the natives and the Crown and (b) as between the natives themselves, and (2) the tenures upon which the land is to be subsequently held by the natives.

**Allocation of the Land.**

**(a) As between the Crown and the natives.**

4. In the two Agreements with Ankole\* and Toro, it is provided that all waste, uncultivated and forest land is to belong to the Crown and we presume that the Government, subject to the proviso that ample land is secured to the natives for their requirements, intends that similar land in Bunyoro and Busoga shall be Crown land.

5. It seems clear that the amount of land necessary for the present requirements of the natives is the amount of land at present under cultivation (leaving out the question of pasturage, which is dealt with later under the heading of Tenure by reference to the Land Law, 1908, in Buganda.)

6. It is of course impracticable to measure the land under cultivation but we believe that the area may be approximately arrived at in the following way.

7. Enquiries in various directions have been made and as a result of these enquiries it is estimated that an average family in the Protectorate consists of five individuals and has from one to two acres of land under actual cultivation. A larger area is, however, necessary for its support, as land is left fallow for a certain time and other land broken up for cultivation. It is estimated that four acres would provide ample land for a family, and for the purposes of this report we regard the land so required as "the land under cultivation".

8. On this basis the total acreage of land under cultivation can be estimated by taking the population of the district and dividing it into families of five persons and multiplying the result by four. In this way, if the area and population of a district are known, the estimated amount of land under cultivation and the amount of uncultivated land is at once ascertainable. The result for the four districts which are dealt with in this report is shown in Schedule A.

9. We should therefore be disposed to recommend that cultivated land to the amount arrived at in the manner described should be allotted to the natives in the several districts were it not for the fact that it would be impracticable to allot nothing but cultivated land. If the persons to whom the land is allotted were allowed to pick and choose their land and to require that their estates should include only cultivated land, the expenses of survey

\* Not printed. † The Ankole Agreement 1901. ‡ The Toro Agreement 1900.

would be out of all proportion to any advantage the native might gain in this respect. In Buganda the estates average a square mile in extent and are not broken up into the innumerable plots which there would be if every estate were to consist of cultivated land only; and yet, as the natives have been allowed to mark out their estates with boundaries to suit their pleasure the time and cost of survey are at least twice as much as would have been necessary for surveying an equal number of estates of a rectangular shape.

10. We would therefore recommend that the estates to be allotted should be of a rectangular shape (the boundaries of which, as far as possible, should face north, east, south and west) and of a reasonable size, and that as they will include a certain amount of uncultivated land and some which is unsuitable for cultivation they should in the aggregate amount to more than the acreage specified in the third column of Schedule A. The acreage shown in that column is arrived at in the manner indicated in paragraph 8.

11. The approximate total amount of land which we would suggest should be allotted is shown in the fourth column of Schedule A and the suggested distribution of the land is shown in Schedule B. The reasons for arriving at the area mentioned are set out in paragraphs 20 to 29 hereof.

12. All the land which is not included in this allotment, except such as has been disposed of already by prior grant, will be at the disposition of the Crown.

13. In addition to the allotment we would recommend that any minor chiefs who have been accustomed to receive rents from natives under their control but who are not allotted estates under the above scheme should be allowed to enjoy the receipt of these rents during their lives; this arrangement would we consider reduce to a minimum changes of existing conditions and should tend to remove any grounds for discontent.

(b) Allocation as between the natives.

14. It would appear that according to native customs no land was owned by anyone except the chiefs, and that the peasants were merely occupiers. In Ankole and Toro the chiefs were liable to be dispossessed by the Kabakas, and in Bunyoro they appear to have only held as their own estates small plots of land for burial purposes. In Busoga alone, as there was no paramount chief, could the chiefs be regarded as having a safe title to the land and even in their case they were always liable to be dispossessed as the result of inter-tribal warfare.

15. The native custom in this respect has in a sense been followed in the three Agreements with native Governments, and, whatever views may be held as to the system of land-holding which is best calculated to promote the interests of the natives generally it would seem to be too late now to adopt any other system in districts where the people and customs are so nearly allied to each other and to those of Buganda.

16. We would therefore recommend that all the land which is to be allotted should be given as official or private estates to individual chiefs with the rights and limitations described below under the heading of Tenure.

17. We consider that no land should be allotted under the suggested settlement to Baganda or other chiefs who are not natives of the district, and we would recommend that where such persons hold office they should enjoy the possession of the official estate connected with that office but that no private estate in respect of such chieftainships should be allotted.

18. If the Government consider that private estates should be given to these chiefs or any of them as a reward for good services, we are of opinion that a gift of Crown land should be made to them. The matter should be treated as a separate question from that now under consideration.

19. We would recommend that estates of the nature and size specified in Schedule B, should be allotted to the Kabakas, Saza, and Goinbolola Chiefs (chiefs who hold Courts), and that the balance of the land to be allotted be distributed among princes and princesses and minor chiefs in approximately the manner set out in the said schedule.

20. The figures have been arrived at after taking into account the Toro and Ankole Agreements and after a consideration of the suggestions put forward by the Provincial Commissioners in charge of the districts dealt with in this report.

21. By the Toro Agreement, 1900, and the modifications of it which have been approved by the Secretary of State, 386 square miles of land have been guaranteed as official or private estate, to 15 persons—the Kabaka, Namasole, Katikiro and Saza Chiefs and three other chiefs—and it is possible that a tenth Saza chief will be appointed in which case if he is treated similarly another 26 square miles must be regarded as guaranteed making a total of 412 square miles among sixteen individuals.

22. In Ankole, if the lines of the Ankole Agreement, 1901, are to be followed almost as much land must be regarded as required for the Kabaka, Katikiro and Saza Chiefs.

23. In order that the dignity of the Kabaka and Saza Chiefs in Bunyoro and of the Saza Chiefs in Busoga should be properly maintained, it would seem right that the official estates of these persons in those districts should correspond approximately to those held by persons holding similar positions in Ankole and Toro.

24. We therefore recommend that the Kabaka of Bunyoro should be given estates of the same area as the Kabaka of Toro and that the Saza Chiefs of Bunyoro should get estates of 8 square miles each, which correspond in size to the official estates of chiefs in similar positions in Buganda. In Busoga where there is no Kabaka and where the population under the governance of the Saza Chiefs is much greater than in Bunyoro, we would suggest that an estate of 20 square miles should be allotted to the President of the Lukiko and that the Saza Chiefs should get estates of 10 square miles each, which are similar in size to those allotted to such chiefs in Ankole and Toro.

25. As regards the private estates of the Saza Chiefs in Bunyoro and Busoga, we have adopted the areas recommended by the respective Provincial Commissioners, i.e., 5 square miles and 8 square miles. It would seem unnecessary to give such large private estates as have been guaranteed in Toro and Ankole, and we consider that the official estates suggested should be sufficient to maintain the office of Saza in a suitable manner. The office of Saza chief is not hereditary, and the giving of larger private estates to the present holders would not improve the position of their successors.

26. It seems essential that chiefs of the second grade, who have been selected as the native chiefs next in rank to the Sazas with a seat on the native council and with administrative and judicial power, should have official estates suitable to their position; and that the present holders of these offices, who in the main were chiefs of some importance prior to the advent of European Government, should be given private estates.

27. We would suggest that official estates of 3 square miles and private estates of 2 square miles for Mumyukas (the officers next in rank to the Sazas) and official estates of 2 square miles and private estates of 1 square mile to the other second grade chiefs be given in all the countries, except Busoga.

28. In Busoga we would recommend an increase in each case of one square mile owing to the relatively greater importance of such chiefs in that district from the fact that there is no Kabaka at the head of the native Government and from the greater size and population of the sub-districts which they administer.

29. After a comparison of the districts as regards the land allotted to the more important chiefs and the size of the population, we would recommend that in Toro 50\* square miles; and in Ankole 100\* square miles; and in Bunyoro 150 square miles be distributed among the most deserving minor chiefs in such proportions and either as official or private estates as the local committee think best, no estate of over one square mile or less than half a square mile to be allotted.

30. In Busoga we would suggest that 224 minor chiefs, being four to each second grade chief should be given 1 square mile of both official and private estate. It would seem from the size of Busoga that minor chiefs will be required to assist in the government of the country and that it would be well to encourage them by giving them estates. Possibly it may be found advisable to reduce this number.

31. Subject to the suggestions with regard to minor chiefs in Busoga contained in the last paragraph we consider that the number and nature (whether official or private) of the estates to be allotted to princes, princesses and minor chiefs and the persons to whom they are to be given should be

\* See para 48 of further Report of the Committee.  
\* See para 52 of further Report of the Committee.

left to a local committee consisting of the Provincial Commissioner, the District Commissioner or Assistant District Commissioner and such number of the chiefs not exceeding five, as may be appointed by the Lukiko with the approval of the Provincial Commissioner subject to the ultimate approval of the Governor and Secretary of State.

32. The same committee would decide any questions arising as to the position of any of the estates under the allotment. It should be laid down that a man should not be allowed to choose where his estates shall be but must take them as far as possible out of land of which he is actually in possession; and that he should only have a right of choice as between estates of which he is in possession in the event of the number of estates to be allotted to him being fewer than those which he at present enjoys.

33. It should further be laid down that no estate to be surveyed under the land settlement shall be of less than four square miles in the case of an owner of eight square miles or more, nor of less than two square miles in the case of an owner of four square miles or more. Estates of one square mile or less should not be sub-divided, and no estate of less than half a square mile should be allotted, except in the case of town plots.

34. The objects of these suggestions are as follows:—First, to prevent what occurred in Buganda, namely, the chiefs in order of importance choosing where they would have the estates allotted to them, irrespective in many cases of existing rights and merely with a view to get the best situated and most productive land; secondly, to prevent a native from splitting up his property into many separate estates, and thus causing the estates of the Crown to be of an inconvenient size and shape and enormously increasing the cost of survey; and, thirdly, to prevent existing conditions being unnecessarily disturbed.

35. As regards the land in the occupation of the persons mentioned in paragraph 13, this land would at once become Crown Land and available for sale or lease subject to reasonable compensation being paid to the peasants and to any chief to whom such peasants were accustomed to pay rent; as a rule however we would suggest that such land should not be disposed of till the death of the present holder especially if it is at all thickly populated, but we would recommend that no hard and fast rule should be made against such disposition as an intending purchaser might frequently be ready to undertake to allow the natives to remain on the land. A list of such minor chiefs as may be recognised by the local committee should be made containing their names and the number of persons from whom they are entitled to collect rent. The list should be kept by the District Commissioner, who upon the death of any such chief, would strike his name off the list.

36. The rights of the peasant in his holding as against the chief are discussed under the heading of Tenure.

### Tenure.

37. We would recommend that the estates should be held upon similar tenures to those set forth in The Land Law, 1908, in Buganda, with the following alterations.

38. The maximum amount of land to be held as private estate without special sanction to be 8 square miles instead of 30.

39. The land allotted to the Kabakas should be held as Kabakaship male which would be inherited by each Kabaka and could not be sold. The present Kabakas out of their estates should be allowed to hold 16 square miles each as private estate under similar condition as to tenure as the private estates of ordinary chiefs.

40. The sanction of the Lukiko should not be necessary prior to the sale or lease by a private owner of his land to a non-native, etc. The Governor's sanction should be sufficient, but the Lukiko should be asked for their recommendations and the reasons therefor.

41. We make this suggestion as we understand that in Buganda it is possible, and it is said that it has actually occurred, that when a European wishes to buy land owned by a peasant or by a small chief that the latter has to consult his chief, who may get the Lukiko to refuse sanction or may order the owner to sell the land to himself at a very small price compared to that which the European has offered. It is considered desirable to avoid any chance of such occurrences taking place in the districts which are the subject of this report.

42. The minerals upon all land should be the property of the Crown but we would recommend that owners should be allowed to quarry stones for domestic purposes such as building houses or making private roads and should be permitted to take iron ore sufficient for local requirements, subject to a royalty, if a royalty is thought advisable.

43. The rights of pasturage mentioned in paragraph 2 (h) of The Land Law, 1908, should be permitted and should extend to Crown Land which has not been sold or leased.

44. In the days prior to European occupation when land was not bought and sold, the peasants can seldom have been disturbed in the possession of their huts and shambas except through raids or wars, unless they incurred the personal displeasure of their chiefs, as it was contrary to the interests of a chief to eject his tenants. Now that new conditions prevail and a demand for land is arising a native chief may sometimes be tempted to eject his tenants if an intending purchaser is desirous of obtaining vacant possession.

45. It therefore appears to the Committee that some restriction should be imposed upon the powers of landholders to eject their native tenants.

46. We would therefore recommend that peasants whether on Government, official or private land, so long as they pay the rent approved by the Government as being the proper rental should not be liable to be removed from the land without a reasonable compensation being given them in money or land, or both, unless they behave themselves in such a manner as to render their continued presence in the neighbourhood inadvisable.

47. All disputes in such matter between natives would be tried by the native Courts, and disputes between natives and the Government in the District or Additional District Courts, with the usual right of appeal in both cases.

### General.

48. A separate report will be submitted by the Director of Surveys with regard to the carrying out of the surveys of the estates recommended in this report.

49. The question of who is to bear the cost of surveying should also be considered. With regard to the proposed land settlement in Busoga, the Provincial Commissioner is apparently of the opinion that it should be borne by the Government, and the Land Officer that it should be borne by the owner in the case of private estates and in the case of official estates by the Government but that the natives should cut the boundary lines and erect the boundary marks.

50. As regards the official estates the Committee is of the opinion that the whole cost of survey, exclusive of the cost of cutting boundary lines and erecting boundary marks, should be borne by the Government, as these estates are not hereditary.

51. As regards private estates, however, we are of opinion that all the costs of survey should be borne by the owners, and if the payment is spread over a period of 10 years, as suggested by the Land Officer, the burden should not be severe and the owner will be led to develop his estate to meet the cost.

52. In this connection it would be well that the natives should be encouraged in as many cases as possible to have their land marked out in contiguous blocks in order that the costs of survey may be lessened. In the case of official estates it seems advisable that the areas allotted should be split up as little as possible, and it might be found possible to mark out the whole area to be allotted as official estate, e.g. to a Saza Chief, in one block, of 12 or 14 square miles as the case might be, allowing small private or official estates (of a total area of 2 or 4 square miles) to exist within the four corners of the large official estate, and not forming part of it.

53. The Committee consider that the question of imposing in the near future a tax on undeveloped land is one which should receive serious consideration. In the countries dealt with in this report the matter is perhaps not so urgent, as the areas allotted to natives are not so large as in Buganda, where the development of the country seems to be likely to be seriously retarded if some such step is not taken to prevent enormous areas of land being kept in an absolutely undeveloped state.

54. The other members of the Committee desire to state that the general scheme upon which this report is based was proposed and worked out by Judge Carter.

(Signed) WM. MORRIS CARTER,

ENTEBBE,

(Signed) ALISON RUSSELL,

15TH JANUARY, 1912.

(Signed) STANLEY PACKER.

### Schedule A.

	Population.	Total area in square miles (not including water.)	* Estimated cultivated land in square miles.	Suggested area to be allotted.	Area remaining with Crown.
Ankole ...	228,700.	5,995	287	974	5,021
Toro ...	115,041	5,436	144	807	4,629
Bunyoro..	130,922	4,671	164	497	4,174
Busoga ...	243,403	3,422	305	913	2,509

\* The area in actual cultivation is approximately one-third only of the figures below.



## Schedule B.

## Ankole.

	Official	Private.
Kabaka	50	16
Katikiro	16	12
18 Sazas (10 sq. m.)	180 (10 sq. m.)	130
18 Mumyukas (3 sq. m.)	39 (2 sq. m.)	26
90 Sub-chiefs (2 sq. m.)	180 (1 sq. m.)	90
Princes, etc.		30†
Town Plots*		0
Minor chiefs		250†
	420	554
TOTAL		974 sq. m.

## Toro.

Kabaka	50	16
Katikiro	15	20
Namasole	5	16
10 Saza chiefs (10 sq. m.)	100 (16 sq. m.)	160
3 Sub-chiefs (temporary)	21 (3 sq. m.)	9
10 Mumyukas (3 sq. m.)	30 (2 sq. m.)	20
50 Sub-chiefs (2 sq. m.)	100 (1 sq. m.)	50
Princes, etc.,		30†
Town Plots*	5	0
Minor chiefs		160†
	326	481
TOTAL		807 sq. m.

## Busoga.

President of Lukiko	20	0
8 Sazas (10 sq. m.)	80 (8 sq. m.)	64
8 Mumyukas (4 sq. m.)	32 (3 sq. m.)	24
48 Sub-chiefs (3 sq. m.)	144 (2 sq. m.)	96
224 Minor chiefs (1 sq. m.)	224 (1 sq. m.)	224
Town Plots*	5	0
	505	408
TOTAL		913 sq. m.

## Bunyoro.

Kabaka	50	16
Namasole	5	6
Paulo (saza)	8	9
5 other Saza chiefs (8 sq. m.)	40 (5 sq. m.)	25
6 Mumyukas (3 sq. m.)	18 (2 sq. m.)	12
41 Sub-chiefs (2 sq. m.)	82 (1 sq. m.)	41
Princes, etc.		30†
Minor chiefs		150†
Town Plots*	5	0
	208	289
TOTAL		497 sq. m.

\* For houses for the chiefs to stay in when attending Lukiko.  
 † Or official, or partly one and partly the other.

### Minority Report of the Land Officer on Land Settlement in Ankole, Bunyoro, Busoga and Toro.

1. I agree with the Report dated 15th January, 1912, signed by the other members of the Committee appointed to consider the question of Land Settlement in Ankole, Bunyoro, Busoga, and Toro, except in so far as it relates to the allotment of land as "Private Estates" to natives other than those who are entitled to such private estates under the Agreements with Toro and Ankole. There are no Agreements with Bunyoro and Busoga.

2. I consider that it is essential to reserve for native occupation and use the areas specified in that Report, but I can see no justification for parting with the freehold of such lands.

3. The objects of the Land Settlement as I understand them are (a) To secure to the natives of the various districts their treaty rights as regards land, and to delimit the land to be allotted to them. (b) To reserve the areas which are necessary for their present and future requirements, and (c) To locate Crown Lands.

4. I consider that these objects can be attained in a manner which will ultimately be more satisfactory to all parties, and certainly to the Government, by granting no private estates, except those already guaranteed by treaty. The grant of private estates would only benefit the present holders of the offices to which they are, as a matter of fact, proposed to be granted, whereas the grant of a semi-official estate will benefit their successors as well.

5. If the Kabakaship in Bunyoro is hereditary I would make an exception in favour of the Kabaka to the extent of granting him a private estate of 16 square miles, like other Kabakas.

6. The additional lands which the other members of the Committee recommend should be granted as private estates should, I consider, be in the nature of native reserves, in charge of which the persons to whom it is proposed to allot them as private estates should be placed, and a percentage of the rentals on which they should be allowed to retain, the balance, if any, being paid to the Government. It will not matter to the peasants whether all the rent which they pay goes to the chief in charge, or part to him and part to the Crown.

7. It will probably be found that in time many of these reserves will no longer be required, since, as the country develops the natives living in them will gradually remove to and settle on the estates where they work.

8. If no private estates are granted the official estates will be more highly developed. This will mean that the holder of the office for the time being will derive a much larger official income therefrom than he would otherwise do. It will also be a very powerful incentive to ambitious natives to strive for the official positions, and, when they have them, to work hard to retain them, as they will not have their private estates to fall back upon where they can live a life of idleness. The result should be improved efficiency in the native civil service, and the securing for such service of all that is best among the native population.

ENTEBBE,

RAYMOND C. ALLEN.

15TH JANUARY, 1912.

Land Officer.

**Further Report of the Committee appointed to consider the native land settlement in Ankole, Bunyoro, Busoga and Toro.**

1. The Committee has carefully considered the opinions which have been expressed by His Excellency and the Provincial Commissioners with regard to the previous report upon this question and submits the following recommendations on the points which have been raised.

**Survey Fees.**

2. It is convenient to deal first with the question of the payment of survey fees. Various opinions have been expressed upon this subject and upon a consideration of the arguments put forward we are of opinion that there is some ground for the contention that the Government should pay a part of the survey fees even in the case of private estates, consequently and for reasons which will appear later with regard to the divisibility and shape of estates we would suggest a modification in favour of the native holder of the recommendations set forth in paragraph 51 of the report.

3. We consider that as suggested by Mr. Grant the cutting of boundary lines and erecting of boundary marks should be done by the natives as part of the one month's labour due to chiefs both in the case of official and private estates, and that the Government should, subject to certain conditions, pay  $\frac{1}{3}$  of the cost of the survey of private estates in view of the advantage secured to it by having the estates properly surveyed.

4. As regards survey fees we consider that the first instalment of the fees upon any particular estate should become payable immediately the owner has been notified of the amount found due in respect of the survey and that if any instalment should be in arrear for 6 months after notice has been given that it is due interest at the rate of 20% per annum should be charged thereon, and if any instalment is 3 years in arrear the Government may after giving notice sell so much of the land as will pay the amount of the fees still unpaid and any interest due on the instalments in arrear, together with the costs of any survey consequent upon the proceedings and all costs of the sale.

5. We consider that some such arrangement is essential as it has been found in Buganda that after the survey has been completed and the owner informed that his final certificate is ready it frequently happens that being assured of his estate a man leaves his certificate in the Office of the Provincial Commissioner and pays no fees until he wishes to dispose of his estate.

**Divisibility of Allotments and Shape of Estates.**

6. The next question we propose to deal with is that of the divisibility of the allotments and the shape of estates. It has been pointed out that if the division of allotments is limited as suggested in paragraph 33 of the report hardship will be inflicted upon those who at present have several scattered estates and that moreover in some cases the smaller chiefs would be ousted from their holdings. Further the advantage of a saza chief having several estates in different parts of his county has been remarked upon.

7. It has also been suggested that if estates have to be marked off in rectangular blocks a person who has cultivated land of an irregular shape will lose valuable land.

8. The Committee while recognising the force of the objections first appear and feels that some give and take as between the Government and the natives are inevitable in any scheme which has for its object the settlement of the question with fairness to both parties but without undue delay.

9. It is to be observed that as between the Government and the chiefs the general principle of the scheme is that the chiefs get the land which is cultivated, the Government the uncultivated land, but that in order to save expense and delay it is suggested that estates should not be broken up into a number of small areas and that consequently some cultivated land should fall to the Government, the chiefs being compensated by a far larger area of land than that to which they are entitled.

10. With this object in view and also in order to provide for the needs of future generations of natives, the amount of land which it is proposed to allot to the chiefs is approximately nine times in excess of that which is estimated to be in actual fact under cultivation.

11. This being so it appears to the Committee that the suggestion that estates should be in approximately rectangular blocks will only infrequently or to a very small extent involve the loss by a chief of land under cultivation, as the block of land which he will get, will, generally speaking include all the land under cultivation and will form as it were an island surrounded by uncultivated land which will thenceforward belong to him.

12. It is further to be observed that in the districts to which the report refers there is practically no land planted with valuable trees or plants so that if a chief does lose small pieces of land or gardens they will contain nothing more valuable than banana plants which in the ordinary course become useless after a few years.

13. The advantages of adhering generally to the rectangular shape of estates owing to the time and expense which will be saved appears to the Committee to much more than counterbalance the disadvantages.

14. The extra expense involved by the survey of irregular shaped estates would not be confined to the first survey, but would be involved on every subsequent survey in which a part only of the estate is transferred.

15. But in order to minimise the objections upon both the points under consideration the Committee desire to make the following recommendations.

16. As regards the official estates which, except in the case of the Kabakas are not hereditary, we presume there is little objection to their being marked out in approximately rectangular blocks, and we recommend that this be done.

17. We further recommend in view of the advantages which appear to be likely to result from a saza chief having estates in different parts of his county that a saza's official allotment may be split up into 4 estates provided that no estate is under 1 square mile in extent. The limitation to 4 estates is made as it appears from an examination of the official estates allotted by the Lukiko to the sazas in Buganda to correspond approximately with what has been found convenient by the natives in that Province.

18. As regards the private estates we recommend that no individual should be allotted less than  $\frac{1}{2}$  square mile, and no estates should be less than  $\frac{1}{2}$  square mile, and that no person to whom  $\frac{1}{2}$  a square mile has been allotted should be allowed to subdivide his allotment; further that an owner of 8 square miles or more may divide his allotments into one estate for each 2 square miles, and an owner of less than 8 square miles may divide his allotment into 4 estates.

19. We recommend that the Government should pay  $\frac{1}{3}$  of the costs of survey if the following conditions are complied with:—

- (1) The estate is approximately rectangular.
- (2) The boundaries face approximately North, South, East and West.
- (3) It is not less than  $\frac{1}{2}$  square mile in extent, and
  - (a) in the case of an owner of 12 square miles or more, the allotment is divided into estates of an average area of 3 square miles or more.
  - (b) in the case of an owner of 6 square miles or more, but less than 12 square miles, the allotment is divided into not more than 3 estates.

(c) in the case of an owner of more than one square mile and less than 6 square miles the allotment is divided into not more than 2 estates.

(d) in the case of an owner of one square mile or less the allotment is not subdivided.

20. In all other cases the owner should pay the whole of the actual cost of the survey and should then only be permitted to mark out an estate in a shape which is not approximately rectangular if the Provincial Commissioner considers that serious hardship would otherwise be involved or that it would be generally convenient owing to natural boundaries, etc.

21. We consider that in the case of princes and princesses the restriction that no allotment to an individual should be of a less area than  $\frac{1}{2}$  square mile should not apply and that if such a person is allotted, e.g.  $\frac{1}{2}$  square mile only the Government should pay  $\frac{1}{2}$  of the cost of the survey if the other provisions as to shape, etc., are complied with.

22. In order that owners of small areas should not be deprived unnecessarily of cultivated land the suggestion made towards the end of paragraph 52 of the report with regard to official estates might be applied to private estates, that is to say small owners might be allowed to mark out their allotment within the area allotted to a large holder, but so as not to form part of it.

23. We further suggest that where cultivated land becomes Crown land in consequence of the proposed settlement, the owner of cereal crops should be allowed one year and the owners of banana plantations three years in which to gather the produce, and that otherwise compensation according to the estimated value of the crops should be payable to them.

24. The Committee recommends that it should be laid down in all cases that the areas to be allotted are to be approximate only and that excesses or shortages found upon survey amounting in the case of private estates to not more than 10% of any individual estate and in the case of official estates to not more than 10% of any individual estate and less than  $\frac{1}{2}$  square mile will not be adjusted so far as the individual holders are concerned.

25. It is recommended that an administrative officer should be present at the provisional marking out of all estates. If the officer's detailed for this duty have some knowledge of surveying the areas marked out should be approximately correct.

26. Excesses of more than 10% should be cut off on survey and revert to the Government.

27. As regards private or official estates in the event of shortages of more than 10% amounting to  $\frac{1}{2}$  square mile or over the holder should be granted a new allotment in respect of the shortage.

28. As regards private estates if a shortage of more than 10% amounts to less than  $\frac{1}{2}$  square mile the owner should be given a certificate of right to the balance, this certificate should be transferable.

29. Any person who holds certificates representing an area amounting to  $\frac{1}{2}$  square mile or over should be granted an allotment to the extent of the area mentioned in the certificates.

30. The Committee is informed that a similar procedure with regard to certificates of right has been recommended in Buganda for native allotments.

31. If upon the completion of the survey it is found that the shortages of 10% or less on private or of 10% or less and less than  $\frac{1}{2}$  square mile on official estates amount to a total exceeding the excesses of less than 10% the difference should be put at the disposal of the local committee to allot either as private or official estates to such persons as they consider proper.

32. These recommendations are made in order to save the very large amount of additional work and expense involved in Buganda by the reallocations of small areas due to shortages, all of which require survey and often necessitate another reallocation with another survey.

### BUSOGA.

33. We propose now to deal with such points of the minutes of the local authorities as have not been touched upon above.

34. The only point remaining over in Mr. Grant's letter No. 16/11 of the 17th April, 1912,\* is that raised by him in paragraph 8 in which he suggests that the 20 square miles for the President of the Lukiko should be allotted half as private and half as official estate instead of being entirely official.

35. The Committee consider that the original suggestion is preferable. The office is not hereditary, and so might be held by a man who had little or no private land, moreover the present holder is a Muganda and therefore an alien and consequently has no right to private land as part of a settlement of local rights.

### BUNYORO.

36. With reference to Mr. Eden's memorandum No. 86/36/12 / 2198 of the 23rd May.\*

37. Peasants should we consider still be allowed to cultivate cereal crops on unoccupied Crown land on payment of such rent as may be considered desirable.

38. Paragraph II (a) (b) (c).

With the modifications now suggested there is little difference between Mr. Eden's recommendations and those of the Committee.

39. Paragraph III (c).

Paragraph 52 was not intended as a suggestion that all the official estates in one county should be marked out in one area.

### TORO.

40. With reference to Mr. Grant's letter No. 126/52/3 of the 29th October, 1912, paragraph 2\* the Committee consider that the request of the Mukama and chiefs that the area to be allotted to them should be increased to 1,300 square miles, though perhaps natural, is not reasonable.

41. It will be noted if reference be made to Schedule A that the population and consequently the actual requirements as to land and the actual area under cultivation in Toro are smaller than those of the other three districts under consideration and that it is already proposed that a larger area of land in proportion to the population and cultivation should be allotted to the natives than in the other districts.

42. Owing to the comparatively large areas guaranteed to the Mukama and a few chiefs it was found necessary to make this difference in order to provide land for a proportionate number of Gombolola and minor chiefs and princes.

43. The area already suggested for allotment is 14 times as great as the area estimated to be under actual cultivation (whereas in Busoga and Bunyoro the areas suggested are only 9 times as great) and involves the surrender by the Crown of a large amount of uncultivated land to which it is presumably entitled.

44. It should further be noted that under paragraphs 13 and 35 of the report all minor chiefs who are not allotted estates but are in the enjoyment of land and rents at the present time would continue to enjoy them or their equivalent during their life time.

45. The Toro chiefs are in the opinion of most of the officials who have come in contact with them very incompetent and have an exceedingly exaggerated idea of their own importance, neither of which facts would appear to necessitate specially favourable treatment. If the British Government had not appeared upon the scene till a few years later than was the case the position of the Toro Mukama and chiefs would probably have been rendered a very unpleasant one owing to the neighbouring Mukama of Bunyoro, whose achievements as a general the surrounding tribes have reason to remember.

46. In view however, of the opinion of Mr. Grant that the minor chiefs are not adequately provided for, an opinion which is shared by Mr. Haldane with regard to Ankole, the Committee consider that some further provision might reasonably be made.

47. Adopting the basis of calculation (set forth with regard to Ankole by Mr. Haldane in paragraph 15 of his notes)\* of 1% of the adult male population as a fair proportion of Batongole chiefs to tax payers, it appears that there should be approximately 385 Batongole chiefs in Toro of whom 70 have been given land as Sazas and Gombolola chiefs, leaving 314 to be provided for.

48. In Schedule B, 50 square miles has been provided for this purpose we now suggest that an addition of 110 square miles be made to this provision, so that an official estate of  $\frac{1}{2}$  square mile may be allotted to each of the minor chiefs, who is necessary for the native administration of the district.

49. With regard to the five Saza chiefs mentioned by Mr. Grant, 3 of them are provided for in schedule B. They get 7 square miles official estate temporarily and 3 square miles private (S. M. P. 516/1906). The cases of the other two chiefs should be considered and they should be suitably provided for, due consideration being given to the question as to whether the persons who have succeeded them have been guaranteed or should be given any private estates; no future Saza will be granted a private estate in consideration of his succession to the position.

50. The Mukama is entitled by the Agreement to 50 square miles of private and 16 square miles of official estate and the Committee has recommended that the 50 square miles should be held as official and 16 as private estate. This recommendation is suggested by what has been done in Buganda where the 350 square miles to be allotted under the Agreement as plantations and other private estates of the Kabaka are now to be held as Kabakaship mailo of the Kabaka for the time being.

51. If the office of Kabaka or Mukama is to be maintained it would seem essential that both in Ankole and Toro a comparatively large area of land should be held by each succeeding Kabaka, consequently whether the land to be allotted to the present holders is to be styled official or private, the large bulk of it should be held under a tenure which should prohibit the Kabaka from alienating it.

#### ANKOLE.

52. With reference to Mr. Grant's letter No. 144/52/5 of the 14th November, 1912,\* and Mr. Haldane's notes forwarded therewith the Committee recommend that the additional 150 square miles suggested for minor chiefs be allowed.

53. The question of the alien chiefs has been dealt with in the report and we still consider it should be dealt with separately from the settlement of local native land questions. There is however, no reason why it should not immediately succeed and be practically simultaneous with that settlement.

54. The Committee concurs with the suggestion in paragraph 13 of the notes that all estates allotted to minor chiefs should go to the recognised holders of Batongole chieftainship in order of their importance and that such estates should be official.

55. With reference to the suggestion in paragraph 17 of the notes that chiefs should be allowed to pick and choose their land the Committee is very strongly of the opinion that chiefs should only have the option of choosing between estates of which they are in occupation. If the areas of which a chief is in occupation are not sufficient to make up the area to which he is entitled and contiguous land is not available, he might be allowed to select land in such places as the local committee approve, always premising that he would not thereby be ousting persons with a claim to such land.

56. The Committee agrees with Mr. Grant's comments (paragraph 6) on paragraph 22 of the notes with regard to the question of consultation prior to sale. As between the natives there is no object in keeping private estates in the hands of incompetent persons, and as between the natives and the non-natives, the Government would presumably refuse sanction to a sale if it is considered that the land was required for native occupation or would only agree to the transfer subject to a suitable amount of land being provided for the native elsewhere in a convenient position.

\* Not printed.

## PROVISIONAL DEMARCATION.

57. As soon as the general lines of the land settlement in these districts receives sanction the Committee would recommend that the provisional marking out of land by the natives should be proceeded with so that the holders should know approximately with as little delay as possible what estates they were receiving as private and official estates and should be able to commence planting valuable products without fear of dispossession. The Government too would then be in a position to make grants of Crown land subject to adjustment on survey.

## GENERAL.

58. Amended schedules are attached hereto showing the areas now recommended for allotment.\*

59. The Land Officer wishes to place on record that he adheres to the views expressed in his minority report dated 15th January, 1912, as regards the allotment of land as private estates.

(Sd.) Wm. MORRIS CARTER,  
Chief Justice.

ENTEBBE,  
18TH MARCH, 1913.

(Sd.) RAYMOND C. ALLEN,  
Land Officer.

(Sd.) DONALD KINGDON,  
Attorney General.

\* The amended schedules only have been published see pages 7 and 8.

**Report on Survey of Lands allotted and proposed to be allotted to Natives in Ankole, Bunyoro, Busoga and Toro.**

The areas which have already been allotted, and which it is proposed to allot, and which will have to be surveyed, are as follows:—

Ankolé	...	...	974 sq. miles.
Toro	...	...	807 " "
Bunyoro	...	...	497 " "
Busoga	...	...	913 " "
			3,191 sq. miles.

Of this area Official Estates amount to 1450 sq. miles. It is recommended that the Government should pay the entire cost of surveying these, and one quarter the cost of surveying Private Estates.

2. The question of survey, including sizes and shapes of estates, divisibility, etc., is very fully dealt with in paragraphs 2 to 32 inclusive of the further Report of the Committee on Land Settlement, dated 18th March, 1913.

3. I do not think that any simpler, cheaper, or more expeditious method of surveying these estates can be devised than that at present being employed for the survey of native estates in Buganda, combined with the recommendations of the Land Committee, viz, that all estates should be rectangular and should run approximately North and South and East and West.

4. The methods at present being employed in Buganda are briefly the covering of the District to be surveyed with a net-work of triangulation, by means of which points are fixed by intersection at distances apart of about 1 mile. The detail work is then filled in by plane tabling.

5. Except in Busoga a great deal of the principal triangulation work has already been done, but whether outside of Buganda its accuracy is sufficient for the purpose of work on a large scale I do not know. In any event a good deal of time and money would have to be spent in breaking up the large triangles and fixing intersected points. This work must be done sooner or later, and the sooner it is done the cheaper it will prove in the end as no satisfactory survey can be carried out without the preliminary triangulation.

6. The only alternative method of survey would be a series of isolated surveys not connected with one another, and not forming a reliable map of the country. In view of the fact that a system of Land Registration, similar to the Torrens System, the possibility of adopting which is dependent upon a connected and reliable map, without which it cannot be carried out, has been in operation for 5 years, and that a more comprehensive system of registration has recently received the final approval of the Secretary of State, isolated surveys embracing thousands of separate estates appear to be out of the question even should such a system of survey be cheaper, which I feel sure it would not be in the long run.

7. The cost of survey of Native estates in Buganda per square mile for the past four years has been as follows:—

1909-10	...	...	£ 7 6 10
1910-11	...	...	7 15 4
1911-12	...	...	5 2 0
1912-13	...	...	6 14 0

The above figures are exclusive of Headquarters expenses, cost of Main Triangulation, and cost of cutting of boundary lines of estates which latter is done free by the natives themselves. Isolated surveys which are not connected with the triangulation cost approximately £20 per sq. mile.

8. The survey work which will have to be carried out in the various Districts under consideration will probably be a combination of surveys of areas where a number of estates are grouped together, and of estates more or less isolated. The reason why survey work in Buganda is being done at such a very low figure is because large areas are being surveyed in blocks, and there are no gaps in between. The cost per square mile will therefore

be very much higher in Bunyoro, Toro, Ankole and Busoga, and taking groups of estates and isolated estates I do not think that it can safely be put at less than £15 per square mile for field work, including the further triangulation which will be required. On this basis the total cost of the survey will be about £48,000, of which it is proposed that about £28,000 should be borne by the Crown and repayment of the balance of £20,000 should be spread over 15 to 20 years according to the length of time occupied by the survey. If this is taken at 5 years repayment would be spread over 15 years, the amount received per annum gradually increasing from the second till sixth year, from which to eleventh year it would be constant, and would then decrease till the whole sum was paid off in the sixteenth year. I am assuming that the period of 10 years for payment of survey fees recommended by the Committee will be approved.

9. At first sight £48,000 appears to be a great deal of money to spend on surveys of native estates, but it must not be forgotten that the result will be to place at the disposal of the Crown an area estimated at some 16,333 sq. miles a large proportion of which will be very valuable for European settlement. The position at the present time is that the development of the Protectorate is being seriously retarded owing to the impossibility of granting land to non-natives until native lands have first been demarcated. Also it must not be forgotten that much of the survey work which will be done free for natives will ultimately be paid for by non-natives who take up estates the boundaries of which adjoin surveyed properties, so that, apart from the opening up of the country to European settlement, the net loss in actual cash will be very much less than the figure given above, viz., £28,000.

10. Whatever staff is provided for this work should be in complete parties of four. The average cost per annum of each party would be about £2,500, made up as under:—

1 Surveyor @ £400 p.a.	£ 400
3 Surveyors @ 300 p.a. (average)	900
Porters	550
Caravan Equipment	100
Instruments, etc.	50
Passages (1/3rd of 8 single passages)	150
Travelling allowances	360
	£ 2,510

11. Assuming the correctness of the estimate of cost given in paragraph 8 and with a reasonable allowance for unforeseen contingencies and additional leave under recent regulations, one party constituted as above would complete the work in about 20 years. Four parties would therefore complete the work in about 5 years, a period beyond which the completion of the work should not be extended. The cost would be about £10,000 per annum. Of this sum a very small proportion would be received back as revenue while the survey was in progress, probably not more than £1,000 in the fifth year, and less in preceding years. After completion of survey revenue should be at the rate of £1,500 to £2,000 per annum for a number of years.

12. Additional Office staff consisting of one extra assistant to take charge of the work at Headquarters (probably selected from present staff); two more draughtsmen, and at least one extra clerk, costing in all, say, £1,100 per annum, would be required to deal with the work.

13. The total sum to be provided per annum would therefore be about £11,000 if the survey is spread over 5 years or £6,000 if spread over 10 years; the extra cost if spread over a longer period being accounted for by an increase in the amount of leave falling due, and a probable increase in cost of labour.

ENTEBBE,

19TH MAY, 1913.

RAYMOND C. ALLEN,

Director of Surveys.

**Third Report of the Committee appointed to consider  
the native land settlement in Ankole,  
Bunyoro, Busoga and Toro.**

1. The Committee held a meeting on the 27th May, 1914, and arrived at a decision upon all the points raised since the last report, with the exception of certain points of local detail in the Western Province upon which a general agreement only was arrived at, the details being left to the Chairman to settle after discussion with the local authorities upon the spot, during the course of a tour which was then contemplated by him.

2. These points have now been decided upon as arranged.

3. Prior to the above meeting the various opinions of the Provincial and District Commissioners had been carefully considered separately by each member of the Committee.

**Busoga.**

4. It is proposed to deal first with the letter of Mr. Spire, Provincial Commissioner of the Eastern Province, dated the 15th August, 1913. (Appendices, No. VII).

5. This letter contains various recommendations which, as the writer says, differ from his first letter upon the subject; it in effect advocates an entirely different method of dealing with the question.

6. His main proposal is to create a number of native reserves instead of the system of official and private estates hitherto recommended.

7. The Committee is unanimously of opinion that this suggestion should not be adopted for the following main reasons.

(1) The policy of creating native reserves in a large tract of country which is sparsely populated by roving tribes has obvious advantages in limiting the areas which these tribes are entitled to occupy and in throwing open very large tracts of country to others.

But these advantages would obtain very little in a country like Busoga which is comparatively thickly populated and where the reserves suggested would occupy the bulk of the country.

(2) In Busoga moreover for years past other people have been allowed to enter, to occupy land and to trade throughout the district; the proposal to create reserves would militate against the freedom of trade generally and prevent proper facilities from being available for non-native trade, and would in our opinion unnecessarily tend to prevent towns springing up in the District.

(3) The Committee (subject, so far as the Land Officer is concerned, to his general objection against private estates being allotted to natives—for which see the Report dated 15th January, 1912) considers that the chiefs should get similar rights to those granted to the Baganda chiefs. It considers moreover that they have even a better claim to private estates; inasmuch as they were not subject to a paramount chief who had over-riding rights, and were consequently in a more independent position than the Baganda chiefs prior to the advent of the Government. That there would be great dissatisfaction among the chiefs if they were not allotted estates is obvious and is evidenced by paragraph 6 of Mr. Eden's letter of the 8th July, 1913. (Appendices, No. V).

(4) From the point of view of labour the objections are also strong, as the creation of a comparatively few large reserves would tend to bring the natives into particular areas and leave the rest of the country sparsely populated. Planters would then have to get their labour from a distance, and labourers instead of being able to return home at the conclusion of their day's work would have to leave home during the whole period of service to a much greater extent than is at present the case.

In the alternative, if they settled on the planters' land with their families the chiefs would lose rent from, and control over, them, and the cultivation of the reserves would become a difficult problem.

(5) The creation of native reserves involves the setting aside of an unnecessary amount of land in order to provide for problematic future requirements; the withdrawal of such a large area from possible alienation to non-natives or natives of other tribes appears to the Committee most undesirable, tending as it would to cause large tracts of the best land to remain undeveloped.

(6) The instability of tenure under the proposal would be most pronounced and would tend to prevent development.

(7) While legitimate dealings in lands would be stopped, difficult legal questions would not be avoided, such as the raising of money on crops and disputes on the part of individuals as to who had cultivated a tract of land and who was entitled to its produce.

(8) In addition to the foregoing objections it would in our opinion be impossible to frame practical legislation to compel the development of land in the reserves, which according to the proposal would be owned by no one.

(9) Finally, the proposal only settles the question of what land would be available for planters but offers no settlement of the rights of natives among themselves, a matter which is to be left to the administration. As there are to be no landowners it would seem possible that there would be no permanency in the allotments and that consequently settlement by the administration might resolve itself into a series of orders which differed with each succeeding officer, and thus add to the original insecurity of the tenure.

8. The Committee see nothing in this letter to indicate that its original recommendations would not provide sufficient land for the needs both present and future of the natives of Busoga.

9. The subject of grazing has already been considered and dealt with in paragraph 43 of the first report; it will be the duty of the administrative officers, when advising the Governor with regard to applications for land by non-natives, to consider carefully the local requirements in this respect and before recommending that applications be entertained to assure themselves that ample land for grazing purposes will be available for the natives' flocks and herds.

10. The question of land settlement in Bukedi, Teso and Lango dealt with in another letter from Mr. Spire dated the 18th August, 1913,\* is outside the province of this Committee. It is without doubt a subject which should receive early attention, but as not only the problems and conditions in these districts, but also the tribes, are quite different from those in the areas with which we have to deal, it appears that no useful purpose would be served by postponing action in the countries to which this report refers.

11. Mr. Spire appears to have based his calculation of the amount of land required for reserves upon the assumption that all natives would live on the reserves and that consequently the non-reserved land would be without natives; it is most unlikely that this would be the case, though, as indicated above, there would certainly be grave difficulties in conveniently obtaining native labour in sufficient quantities for the requirements of planters and others.

12. It is not proposed to deal at length with Mr. Eden's letter of the 28th August, 1913, for the reason appearing in the next paragraph; we would merely observe with regard to paragraphs 3 and 7 as to safeguarding the interests of the peasant that this subject is dealt with in paragraphs 44 to 47 of the first report, and that a thrifty and intelligent native should moreover under the original scheme find himself in a position to purchase or lease an estate of his own.

13. Towards the conclusion of the tour abovementioned the Chairman had the advantage of an interview with Mr. Eden in which the Committee's views with regard to Mr. Spire's scheme were laid before

\* Not Printed.

Mr. Eden, who, after consideration of them, reverted to his original opinion, and authorized the insertion of a statement in this report that he was satisfied that the original proposals were the better.

14. Two points of detail call for comment, the first is that the post of President of the Lukiko of Busoga has now been abolished; consequently the provision suggested for the holder of that post might now be omitted.

The second is that two more Saza chieftainships have been created, one of which already has its complement of Gombolola Courts, and the other will presumably soon be similarly placed. This necessitates an amendment of the schedule, which might also, we consider, be further amended by providing areas, not exceeding 400 square miles, for minor chiefs in place of the provision for them which was suggested in paragraph 30 of the first report.

This land could be divided among such number of Chiefs, not exceeding one to every 100 of the adult male population, as may be considered desirable, preferably as official estates, no estate of less than one half a square mile or more than one square mile in extent being allowed.

If, as will probably be the case, it may be found necessary in Busoga or elsewhere to make some variation in the number of chieftainships, the distribution of land held as official estates could be varied correspondingly.

15. We will now pass on to the points raised with regard to the original scheme and will deal first with the Memorandum of Mr. Eden. (Appendices, No. V).

#### Bunyoro.

16. As regards paragraph 1 of the Memorandum the Committee considers that the matter of the land to be allotted to Baganda and other non-natives of the district is outside the scope of its enquiry.

17. The members of the Committee however see no reason, as they have stated before, why the allotment of Crown land to such persons should not be simultaneous with the settlement of the native question. They would suggest that it might be considered while the general settlement is under consideration at home; they further consider that the allotment should be concurrent with the allotments under the general scheme in order to prevent hardship which might otherwise be caused by the estates of non-native chiefs upon which they have spent money being allotted to natives who have no special claims thereto.

18. They however consider that it should be impressed upon the natives that any allotment so made is made out of Crown lands as a reward for good services and is in no way in derogation of the rights of the natives themselves.

19. As regards paragraph 2 of the Memorandum the Committee is very strongly of opinion that peasants should pay rent for any Crown land occupied by them.

20. This is already the practice in Buganda and the other districts with which this report deals. The rents charged are small and can perfectly well be paid by any peasant who cultivates the land.

21. If no such rent were charged the result would be either to deprive the chiefs of their rent or else to deprive them of their people who would naturally migrate to land where no rents were payable; this would be subversive of the present system of administration through the chiefs.

22. It is moreover to be remembered that a native does not appreciate anything for which he does not pay and is therefore more likely to make proper use of land for which he pays a rent than of that for which he pays nothing.

23. Further we apprehend that one of the objects of the proposed settlement is not only to ascertain what is Crown land but to enable the Crown to get some return from the land which belongs to it and for the costs of survey, etc., incidental to the settlement.

24. Paragraph 3 of the Memorandum. The Committee concurs with the suggestion that the Saza chiefs in Bunyoro should be given eight square miles of private estates instead of five.

25. The suggestion made in paragraph 4 that an additional officer be appointed to superintend the provisional marking out of estates is an administrative matter; it appears to be a sound one.

26. Paragraph 5 of the Memorandum. The Committee considers that the limitations suggested could not be fairly imposed in the Agreement countries of Ankole and Toro, and does not consider it advisable in other places; it would tend to make the labour question more difficult than ever for planters who presumably will get more work out of a labourer than a chief would do, owing to more skilled supervision and more up to date methods and machinery.

27. The limitation on the right of transfer suggested in Sub-paragraph (b) would tend to keep the land in the hands of those who just managed to satisfy the conditions and would also tend to prevent it becoming the property of the very persons who would best develop it, namely, those who by their skill and perseverance had become able to extend their holdings or to develop from tenants to landlords.

28. The transfer of land is already safeguarded by the provisions suggested, and accordingly there appears to be little reason why an owner should not sell and invest his money, possibly in concerns for which he is better adapted than for agriculture.

29. A similar procedure as to the number of sub-chieftainships might, if necessary, be made and on similar lines to that suggested later with regard to Toro.

#### Toro.

30. Turning now to the letter of Mr. Grant of the 13th August, 1913, (Appendices, No. VI) the first point for consideration concerns certain ex-chiefs. With regard to this the Committee is of opinion that whatever land they were entitled to under The Toro Agreement ought to be allotted either to them or their heirs, or, alternatively, to the present holders. The Committee is inclined to the view that the former is the better course, as in its opinion the proposed land settlement must be regarded as dating as far as possible as regards Saza chiefs from the dates of the agreements in Ankole and Toro; whereas, in Busoga and Bunyoro, it is to be regarded as a new arrangement dating from the date when the settlement is concluded.

31. With this view the Chairman found the present Provincial Commissioner, Mr. Browning, and Mr. Haldane, whose opinions were recorded in Mr. Grant's letter, in thorough accord.

32. The Committee therefore recommends that the suggestions made in paragraph 2 (a), (b), (c), (f) and (g) in connection with these chiefs be approved.

33. As regards the present Pokino and the present Sekibobo, (paragraphs (d) and (e)), however, it is unable to see why any private land should be allotted to them in these capacities; if a Saza chief be appointed the day after the settlement comes into operation he will be granted no private estate; in view however of the fact that if they had not been appointed to Saza chiefs they would certainly have been Mumyukas at the present time and so entitled under the scheme to three square miles each, it is recommended that they each be granted that amount of private land; moreover, if it be considered that the scheme would more easily be accepted by the natives if more land were given to these persons, who are members of the Lukiko, the amounts suggested by Mr. Grant—six square miles each—might be conceded.

34. Having regard to the facts set forth in paragraph (g) it is recommended that the three Sub-chiefs, for whom provision was made by the suggested allotment of seven square miles each and three private, should in lieu thereof receive ten square miles each of private estate as recommended by Mr. Grant.

#### PARAGRAPH 5 BATONGOLE. (MINOR CHIEFS).

35. It appears that owing to the inferior capacities of the present sub-chiefs in Toro one chief is inadequate for every 100 persons, but it is felt by the present administrative officers that there are far too many of these chiefs and that as time goes on it should be possible to reduce their numbers when more intelligent men take their places. It is also clear that these minor chiefs are not of equal importance, and that half a square mile in many cases is an excessive amount of land in proportion to the position that they hold.

36. It is therefore recommended that the amount of land previously suggested be set aside for the minor chiefs, but that official estates of either  $\frac{1}{2}$  or  $\frac{1}{4}$  of a square mile may be allotted to such number of Batongole chiefs as is found necessary, not exceeding 1 to every 75 of the population; this will permit of provision being made for the requisite number of chiefs without any increase in the land originally set apart for them; and, as the numbers become reduced, two small estates could be thrown into one to provide for the more important chieftainship created by amalgamation.

37. No private land should be allotted to them but they should be permitted to enjoy the privileges suggested in paragraph 35 of the original report.

38. As regards the provision of land for "Butaka-holders," suggested in the last part of paragraph 5, it is recommended that the local committee should decide whether any, and if so, what number of persons have claims of this nature and that those who are able to substantiate their claims be allowed to purchase at a specially low rate from the Crown but that they should pay the full survey fees and that succession to the estates should be limited to the family and should not be capable of being sold to others. If, however, such a person chooses to buy at the ordinary price he should have full rights of disposition of the property. This privilege should only be exercisable within five years of the date of the settlement coming into force, and would be in addition to the privileges under paragraph 35 of the original report.

39. The Committee is averse from giving any such intimation as that suggested in paragraph 7; when, if ever, the time indicated arrives, the natives should be in a position to be able to purchase from the Crown; and, in any event, the matter could then be considered in all its aspects under the then existing conditions.

#### Ankole.

40. The Committee is in favour of the recommendation as regards the Katikiro made in paragraph 9.

41. Re paragraph 11, the present Kimbugwe, who is the heir of the Kimbugwe who signed the Agreement, should inherit the 10 square miles.

42. As regards the other five Saza chiefs mentioned we would recommend that they receive three square miles each, as recommended with regard to the Toro chiefs in a similar position; the requirements mentioned in paragraph 12 would appear to be correct.

43. Re paragraphs 14 and 15 Kazine should inherit as suggested and Kacheto might be given the area suggested as private estate.

44. With regard to paragraphs 16 and 17 the present Provincial Commissioner thinks that the 30 square miles recommended by the Committee is sufficient for the requirements of the princes and princesses; it is recommended that the land allotted to them should be hereditary, similar to Kabakaship mailo in Buganda; and that, when a prince or princess dies without children, the land should become available for distribution among descendants of the present and future Kabakas.

#### PARAGRAPH 18. ELDERS.

45. It is recommended that no land be allotted to the elders but that they be permitted to remain, under the provisions of paragraph 35 of the first report, on any land they occupy; if they make good use of it they should ultimately be able to afford to buy land for themselves.



## PARAGRAPH 19. (MINOR CHIEFS).

46. The same remarks and recommendations apply to this as to paragraph 5 *re* Minor chiefs in Toro.

47. As regards paragraphs 22 to 24, the land to be allotted to Baganda holders of offices, the remarks made above with regard to Bunyoro apply equally; any private estate granted out of Crown land to a Muganda who is still performing the duties of a chief should be expressed to be subject to continued good service.

## Grazing.

48. The observations made above with regard to grazing in Busoga are applicable to the subject in Ankole.

49. Mr. Browning, however, makes the suggestion that grazing fees should be charged; this is a matter which might well be considered, especially so far as Ankole is concerned where the chiefs possess enormous herds and contribute little in taxes towards the Government of the country.

50. It appears to the Committee to be unnecessary at present to employ an expert to determine the amount of land to be set aside for grazing purposes; the administrative officers should have no difficulty in deciding whether a grant can safely be made without endangering the proper provision of sufficient land for grazing purposes.

51. The Committee is not in favour of the proposal made in paragraph 26 as to survey fees.

52. The suggestion in paragraph 27 relates mainly to administrative matters; if such an officer be appointed it would seem right that the decision, involving as it would such important issues to the persons concerned, should be subject to appeal to the High Court in the usual way.

53. It is recommended that all forest land in Ankole should be Crown land, subject to the usual native privileges with regard to firewood and building timber for their own houses.

54. In Buganda there are comparatively large areas of forests, in Ankole trees are very scarce and the strict rights of the Government should therefore not be waived; in Buganda moreover it was only forests "of some continuity" which were to be reserved for the Government.

55. All the above recommendations with regard to Ankole and Toro have been agreed to by the present Provincial Commissioner, Mr. Browning, and by Mr. Haldane, the District Commissioner of Toro, who has had considerable experience not only of Toro, but of Ankole.

56. Revised Schedules are annexed in accordance with the recommendations made, and the changes which have taken place in the number of Saza and second grade chiefs, holding Courts in Busoga.

57. In consequence of the alterations in allotment now proposed the Director of Surveys desires to point out that paragraph 1 of his report on the Survey, dated 16th May, 1913, should now read as follows:—

"The areas which have been allotted and which it is proposed to allot, and which will have to be surveyed are as follows:—

" Ankole	...	858 sq. miles
" Toro	...	813 " "
" Bunyoro	...	511 " "
" Busoga	...	950 " "
		<u>3,132 sq. miles</u>

"of this area it is proposed that 2,276 sq. miles should be official and 856 sq. miles private. It is recommended that the Government should bear the entire cost of surveying Official estates and one quarter of the cost of surveying Private estates."

Paragraphs 8, 9, and 11 of the Director of Surveys' report will require modification in accordance with the above.

WM. MORRIS CARTER,  
*Chairman, Chief Justice.*

and for  
DONALD KINGDON,  
*Attorney General.*

RAYMOND C. ALLEN,  
*Land Officer and Director of Surveys.*

ENTEBBE,

26TH NOVEMBER, 1914.

## Schedule A.

	Population.	Total area in square miles (not including water.)	* Estimated cultivated land in square miles.	Suggested area to be allotted.	Area remaining with Crown.
ANKOLE...	228,700	5,995	287	858	5,137
TORO ...	115,041	5,436	144	813	4,623
BUNYORO...	130,922	4,671	164	511	4,160
BUSOGA ...	243,408	3,422	305	950	2,472

\* The area in actual cultivation is approximately one-third only of the figures below.

## Schedule B.

## Ankole.

	Official		Private.
Kabaka	50		16
Katikiro	16		14
12 Sazas (10 sq. miles)	120	(3 at 10 and 5 at 3 sq. miles)	45
Mkotani, Kaihura, Buchunku Rufusharara, Masiko	} Signatories to Agree- ment	10 miles each	60
Mazinyo			
12 Mumyukas (3 sq. miles)	36	(4 @ 2 sq. miles)	8
83 Sub-chiefs (2 sq. miles)	166	(42 @ 1 sq. mile)	42
Princes, etc.	30+		0
Minor Chiefs	250		0
Town plots*	5		0
	673		185
TOTAL			858 sq.m.

## Toro.

Kabaka	50		16
Katikiro	16		20
Namasole	5		16
10 Saza Chiefs (10 sq. m.)	100	(16 sq. m.)	100
Present Pokino and present Kitunzi (3 sq. m. each)			6
3 Sub-chiefs (S.M.P. 516/1906)			30
10 Mumyukas (3 sq. m.)	30	(2 sq. m.)	20
50 Sub-chiefs (2 sq. m.)	100	(1 sq. m.)	50
Princes	30+		0
Town Plots*	5		0
Minor Chiefs	160		0
	495		318
TOTAL			813 sq.m.

## Busoga.

10 Sazas (10 sq. m.)	100	(8 sq. m.)	80
10 Mumyukas (4 sq. m.)	40	(3 sq. m.)	30
60 Sub-Chiefs (3 sq. m.)	180	(2 sq. m.)	120
Minor Chiefs	400+		0
Town Plots*			0
	720		230
TOTAL			950 sq.m.

## Bunyoro.

Kabaka	50		16
Namasole	5		6
6 Sazas (8 sq. m. each)	48	(8 sq. m. each)	48
6 Mumyukas (3 sq. m. each)	18	(2 sq. m. each)	12
41 Sub-Chiefs (2 sq. m. each)	82	(1 sq. m. each)	41
Princes, &c.	30+		0
Minor Chiefs	150+		0
Town Plots*	5		0
	388		123
TOTAL			511 sq.m.

\* For houses for Chiefs to stay in when attending Lukiko.  
 \* Or Private or partly one and partly the other.

Note.—In addition to the above areas it is probable that certain areas will be required for Alien Chiefs but it is recommended that this matter should be dealt with separately.

Uganda Protectorate.

**APPENDICES**

TO

Reports of the Committee Appointed to Consider the  
Question of Native Land Settlement in Ankole,  
Bunyoro, Busoga and Toro,

CONTAINING

Correspondence with the Provincial Commissioners of the  
Eastern, Northern and Western Provinces.



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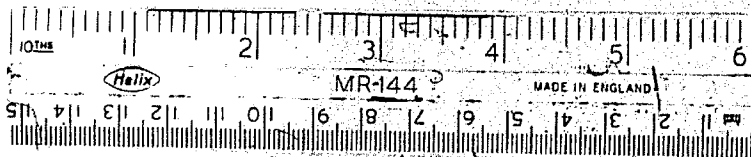
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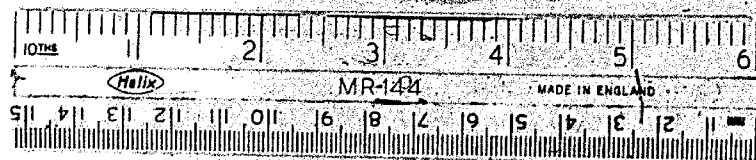
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From the Acting Provincial Commissioner of the Eastern Province  
to the Chief Secretary.

(Vide Report of 18th March, 1913, Paras. 34 & 35.)

No. 16/11.

PROVINCIAL COMMISSIONER'S OFFICE,  
JINJA.  
17TH APRIL, 1912.

SIR:

I have the honour to acknowledge receipt of your No. 2198 of the 10th instant with report of the Committee appointed to consider the question of land settlement in Ankole, Busoga and Toro, also copy of a Minute by His Excellency on the question concerned.†

2. The areas of the estates both private and official to be allotted to Saza Chiefs and Sub-Chiefs in this district, I consider are on a liberal scale, and ought to give satisfaction to all concerned.

3. In the event of Saza or Sub-Chiefs being deprived of their chieftainship, which occasionally happens owing to incompetence or for other reasons, I presume they would forfeit their official estates. In such cases would deposed Chiefs retain their private estates? If they would, land should be available for their successors in the chieftainship.

4. All the Saza Chiefs in this district have gardens and houses at a number of places in their respective counties, and they would naturally wish that these should be included in the land allotted to them. If the recommendations to bind them down to blocks of not less than the areas specified in para. 33 of the report are carried out it would, I feel sure, be considered a great hardship by all of them.

5. It would be an advantage from an administrative point of view to allow them to have estates at different parts of their counties, as it would be an inducement to them to tour their districts frequently instead of sitting down at one or two places, which they would be inclined to do, if their land is allotted in the blocks suggested. Having estates throughout the county would also enable them to draw on their own food supplies when moving about their own districts, instead of drawing on their Bakopi for supplies. Official estates, I think, might be confined to one or two blocks.

6. As regards Sub-Chiefs, with a few exceptions, I think their land might be allotted in single blocks, as most of them would have no claim to land other than their Butaka land.

7. Survey fees for private land, I consider, should be paid for by the natives, and payment spread over a number of years as suggested. For official allotments the cost should be borne by Government.

8. It is proposed to allot 20 square miles to the President of the Lukiko (official only). I would recommend instead, 10 official and 10 private.\*

9. With reference to paras. 17 and 18 of the report, we have a number of Baganda Chiefs in this district who have done exceedingly good work for the administration, and they should be rewarded for their good services by making them grants of land or in some other way.

I have &c.,

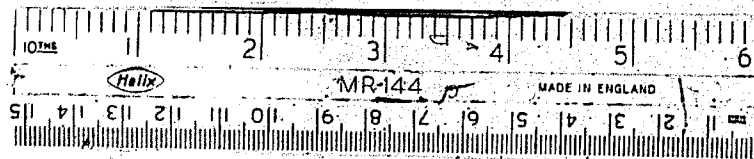
T. GRANT.

Acting Provincial Commissioner,  
Eastern Province.

THE CHIEF SECRETARY,  
ENTEBBE.

† Not printed.

\* This chieftainship has since been abolished.



From the Provincial Commissioner of the Northern Province  
to the Chief Secretary.

(Vide Report of 18th March, 1913. Paras. 36-39.)

No. 86/86/12  
2198.

PROVINCIAL COMMISSIONER'S OFFICE,  
NORTHERN PROVINCE,  
HOIMA,  
23RD MAY, 1912.

Re Land Settlement Ankole, Bunyoro, Basoga and Toro.

In acknowledging receipt of your No. 2198 of 10/4/12 enclosing copy of a Report of Committee appointed to consider the question of land settlement; and also a copy of His Excellency's minute on that question\* I have the honour to make the following observations:—

- (i) Reference to paras. 5 to 7 of Committee's Report:—It must be remembered that for the purposes of the cultivation of cereal crops, the majority of natives go considerable distances about every 4 or 5 years. Furthermore I presume peasants may still be allowed to enjoy the privilege of cultivating their crops (cereal) on any uncultivated Crown Lands.
- (ii) Reference to para. 10 and 32 to 34, also paras 7 to 10 of His Excellency's minute.
- (a) I feel convinced that the *greatest discontent* would prevail if the procedure was adopted as laid down in para. 33 of the Committee's report. The choice of estates should I consider be allowed somewhat after the proposal put forward in sub paras. (i) (ii) and (iii) section A page 2 of my number 86/100/11 of 26/9/11\* i.e. allowed to take up the total area in two different localities or more, according to the number of square miles allotted to any particular person; and I respectfully suggest that the following alternative, to the Committee's proposal referred to above, with regard to private estates, may have due consideration: i.e. That all those to whom it is considered advisable to concede private estates, and who are now locally recognised as in possession of one or more gardens, may take up his five square miles or less as the case may be, in either one or two or more of those locally recognised areas, but with the stipulation that not less than half a square mile be taken up as a whole or part of an estate. This to be irrespective as to the total number of square miles allotted to any particular person. The chiefs be allowed to only select these estates from their present locally recognised possessions, which would be well known to, and could be easily located by, the native members of the local Committee; and which would be enquired into fully and agreed to by the European Officers of that Committee; and by so doing the fear of chiefs grabbing land (such as is referred to in para. 34 of the Committee's report) would be obviated.
- (b) I am of opinion that existing conditions would be far less disturbed by this procedure, than by adopting the method referred to in para. 33.
- (c) This method would undoubtedly increase the cost of survey, but those who are allowed estates of any size, such as Saza Chiefs, could afford to pay the cost of the survey, or if they did not wish to, they could confine their total estate to a less number of separate areas.
- In any case the splitting up of property (as referred to in para. 34 of the Committee's Report) such as would be the case in the comparatively few larger individual estates would

\* Not printed.

not after all increase very considerably the large number of small estates which naturally must result by acceding many small estates of from one-half to say one square mile to the minor chiefs and princes as allotted in schedule "B" attached to the Committee's Report.

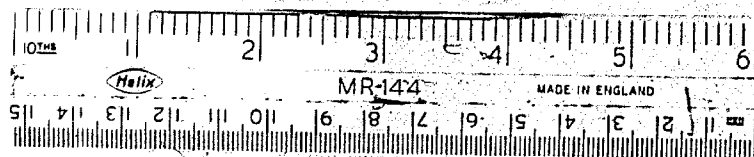
- (d) The estates even so divided and split up, could probably without much difficulty be made into a convenient shape for the purposes of survey, without depriving the owner of valuable areas of already developed land, by the method illustrated on the last page of His Excellency's minute.\* This procedure would also lessen the cost of survey to a great extent, and would be to the future holder's advantage to mark it out as carefully as possible.
- (ii) (e) With regard to the matter of carrying out the surveys, and as to who is to bear the cost of same; I am in agreement with the Committee (para. 50) in reference to official estates. I also agree that individual official estates should not be split up; but each chief allotted his official estate, same should be located in their several Gombororas—these official estates to be handed down to each succeeding chief, to that particular Gomborora;—It would be impracticable to mark out the whole official estates allotted to one county, in one area. (vide para. 52).
- (f) With regard to the cost of the survey of private estates being borne by the owners, the suggestion by the Land Officer, (vide para. 51 of the Committee's Report) would appear to be a convenient one for the purposes of the owners meeting the cost of the survey. I beg to suggest that the Director of Surveys may be asked to render an approximate estimate of the cost of the survey of an estate of say an area of one-half or one square mile, in order that the Chiefs and others may be acquainted of the cost at the same time as the general points of the Land Tenure are made known to them, finally.
- Re Baganda or other Chiefs (holding office) who are not natives of the district.
- (iv) (g) I agree with the contents of para. 17 of the Committee's Report, and with regard to para. 18, I respectfully recommend that all such chiefs to whom such private estates are to be given, as suggested, from Crown Lands; might be allowed to have the option of electing to have their private estates in their original country or in the district in which they are holding office.
- (v) In conclusion, and more particularly in connection with the matter referred to in para. (ii)(a) to (d) above, I am of the opinion that the original occupier of the land should have full consideration for a small portion of the land he has always lived in, even should the splitting up of areas cause the estates of the Crown to be of an inconvenient shape and size, (vide para. 34). The extra work which might accrue thereby would possibly be compensated by the satisfactory solution of what is by no means a simple matter to deal with.

C. W. GUY EDEN,

Acting Provincial Commissioner,  
Northern Province.

THE CHIEF SECRETARY,  
ENTRBBE.

\* Not printed.





From the Provincial Commissioner of the Western Province  
to the Chief Secretary.

(Vide Report of the 18th March, 1913. Paras. 40-51.)

No. 126/52/8

PROVINCIAL COMMISSIONER'S OFFICE,  
WESTERN PROVINCE,

FORT PORTAL,

29th October, 1912.

SIR,

With reference to your No. 2198 of 10th April\* and your telegram S. 406 of 24th\* instant in regard to the report by the Committee appointed to consider the land settlement question, I have the honour to submit the following report, and to state that I was under the impression that the matter had been already dealt with before my arrival here last month.

2. I have gone into the question with the Mukama and Chiefs in Baraza, and while asking me to convey to the Governor their expressions of gratitude for all the Government has done for them in the past, they humbly ask that the total area to be allotted to Toro be increased to 1800 square miles.

3. The increased area is to make provision for native Princes to the number of 190, the Rubuga, and minor chiefs, of whom there are over 1000, and to increase the Gombolola chiefs, other than Mumyukas, to two square miles private and two square miles official estates.

4. The area asked for is a large one compared to that suggested by the Committee; but I consider that the minor chiefs have been insufficiently provided for by the Committee. These chiefs might be described as "Fags" who do all the drudgery for the Gombolola chiefs, and are very useful men. They are of the greatest assistance in tax collecting, hunting up defaulters, collecting labourers and porters, superintending the making and clearing of roads, policing the shambas, etc., etc., and I hope it may be possible to accede to the request for the additional area asked for to provide for them. In Buganda 8000 square miles were allotted to such men.

5. If the area asked for is allowed it would still leave over 4000 square miles with the Crown, and I believe ensure satisfaction and contentment to the natives, instead of a great deal of discontent and hardship on deserving individuals if it is refused. It will not provide for all the existing minor chiefs; but it ought to provide for all who will be required and who deserve consideration. At present I consider there are too many minor chiefs, and their numbers should be gradually reduced; but this matter I think will right itself when the land question is settled.

6. The question of five Saza chiefs who held appointments when the Toro Agreement was signed over 12 years ago, but who have since been deposed, was also brought forward. Had it not been for the long delay in the settlement of the land question these men might have had their land allotted to them before they were dismissed, and, I presume, would retain their private miles after dismissal. The question asked now is, is any provision to be made for them? or are they to be treated in accordance with the latter part of para. 3 of the Agreement which states, that "should the Kabaka or Chiefs fail at any time to abide by the terms of the Agreement, they may be deposed, and their titles and privileges will pass to such other chiefs as may be appointed in their places."

7. I do not consider that it should be definitely laid down that estates should be rectangular, nor that the areas should be those specified in para. 32 of the Committee's report. At present chiefs have shambas at a number of different places, in some cases outside their own counties, and these shambas, I consider, they should be allowed to include in their allotments, if they wish to. They could, however, be advised to take up their land in as few lots as possible, and to arrange to have them of a convenient shape and this I think they would do.

\* Not printed.

8. As regards the cost of survey, I would recommend that the Mukama, Katikiro, Namasole and Saza Chiefs pay for the survey of private estates, and that the Government pay for the survey of their official estates, and for all estates both official and private allotted to persons other than those mentioned above.

Most of the sub-chiefs and minor chiefs are all men of very small means, and whose remuneration at present is small in comparison to the duties the Government expects them to perform. I therefore think that they should not be called upon to pay any survey fees. The survey is necessary to enable the Government to ascertain what land belongs to the Crown, and it seems reasonable that the Government should bear the greater part of the cost.

9. The Committee have recommended that the Mukama be given 50 official and 16 private square miles. He has asked that he may be given 50 square miles private and 16 official as he understood this to be the arrangement under the agreement.

I have &c.,

T. GRANT,

Provincial Commissioner,  
Western Province.

THE CHIEF SECRETARY,  
ENTEBBE.

From the Provincial Commissioner of the Western Province  
to the Chief Secretary.

(Vide Report of the 18th March, 1913. Paras. 52-56.)

No. 144/52/5

PROVINCIAL COMMISSIONER'S OFFICE,  
WESTERN PROVINCE,  
FORT PORTAL,

Sir,

14TH NOVEMBER, 1912.

I have the honour to forward herewith notes by the District Commissioner, Ankole, on the report of the Committee on the land settlement question in regard to that district.

2. I consider that the areas to be allotted in Ankole should be the same as in Toro for men holding corresponding chieftainships.

3. Having concluded that the report on the land question was forwarded before my arrival in this Province. I did not go into the matter as regards Ankole when I was there. I am, however, of the opinion that the areas allotted in Ankole should be the same as in Toro—and that sufficient land should be provided for the necessary minor chiefs.

4. The District Commissioner suggests an increase of 150 miles over the total area recommended by the Committee, this will have to be considerably increased if the areas allotted are made the same as in Toro.

5. I agree with para. 8 of Mr. Haldane's report. The alien chiefs are in most cases the most progressive and best chiefs in the district, and I consider that adequate land as private estates should be provided for them. Such estates to be of such an area as they could be reasonably expected to develop.

6. Para. 22. I do not agree that the members of a man's clan and those of his family should be consulted with regard to the sale of an estate. The estate is granted to the chief and will consist of considerable areas of waste land which he may not be able to develop. I therefore think if he wishes to sell such land to a person or persons who will develop it, he should not be prevented doing so. If members of the clan or family are anxious to retain the land, they, if industrious people, should be in a position to buy what they can develop. In any case they can always purchase or lease land on easy terms from the Crown if they want it.

7. Para. 24. Should it be decided that the natives are to cut the boundary lines and erect boundary marks, this work might be done in lieu of the Rs. 2/- or one month's labour due to the chiefs.

8. Para. 25. In Ankole half the total cost of the survey, I think, might be borne by the chiefs. Most of them own large herds of cattle and could afford it.

I have &c.,

T. GRANT.

Provincial Commissioner,  
Western Province.

THE CHIEF SECRETARY,  
ENTEBBE.

## ANKOLE.

Notes on the subject of the Report of the Committee on Land Settlement.

Para. 10.—I do not think that the shape or size of estates should be limited. In this connection the Governor's minute\* paragraph 10 meets the case.

(2) Even so, however irregular the shape, as estates will (all the same) include a certain amount of uncultivated land and some which is unsuitable for cultivation they should in the aggregate amount to more than the acreage specified in the third column of schedule A. If therefore, say, six acres for a family be allowed the total acreage to be considered as cultivated land would work out thus:—

$$\frac{1}{2} \text{ of population of } 228,700 = 45,740 \text{ families.}$$

$$\text{multiplied by } 6 \text{ acres.}$$

$$\text{Total "cultivated land" } = 274,440 \text{ acres.}$$

$$\text{or } 428 \text{ square miles.}$$

(3) In addition to this the Agreement allows for 348 square miles (partly or, for the sake of agreement, wholly) out of waste and uncultivated land to be given to the Kabaka, Katikiro and Sazas—776 square miles, so that column 4 of schedule A (i.e. 824 square miles) covers this with a margin.

(4) It is perhaps worth remarking that the Agreement is silent and makes no stipulation as to the manner in which the Banyankole are to dispose of the total area of "cultivated land" secured to them (i.e. the residue left over when the Crown has taken over "all the waste and uncultivated land".....). On the other hand it provides that the "Official Estates" which are to be allotted to the Kabaka, Katikiro and Sazas shall be granted (in addition to any which they may claim in the cultivated area?) out of the "waste lands" belonging to the Crown. It seems doubtful whether the "Private Estates" were to be allotted from native (i.e. cultivated) or Crown (i.e. waste) land.

(5) In any case, as regards the total to be provided, the provision of column 4 amply fulfils the undertaking of the Agreement.

(6) Para. 13.—This is an important provision and should certainly be guaranteed.

(7) Paras. 14-16.—Vide remarks under paragraph 46 below.

It would always be open to an enterprising peasant to purchase a small plot of Crown land from the Government subject to the usual condition of development.

(8) Paras. 17-18.—I consider that private Estates of equal size to those provided for native Ankole chiefs holding similar positions ought to be guaranteed to all Buganda (and other alien) chiefs who have satisfactorily fulfilled periods of probation. In order to avoid any violation of the Agreement such estates should be given out of Crown lands (as suggested in paragraph 18) and the areas thus retrenched in respect of private estates where chieftainships are held by non-Ankole chiefs would then be available to add to the hundred square miles assigned for minor Ankole chiefs.

(9) I do not think it advisable or fair to shelve this provision for future consideration "inasmuch" as such Buganda chiefs are the very people to whom we must look for a lead in land development and they cannot be expected to put their heart into the planting up of estates (with coffee and rubber, etc.) unless security of tenure be assured them. There is no need that they should have first choice of Ankole land; but

they should be allowed to choose immediately the Banyankole shall have provisionally selected their plots: and such provisional selection should be carried out as soon as possible.

- (10) *Para. 20.*—These proposals are not available to base calculation upon.
- (11) *Para. 29.*—If one-half square mile were to be the minimum size of an estate and if half the area were to be allotted as private and half as official, then out of the 100 square miles provided for minor chiefs only 100 minor chiefs at most could recover estates.
- (12) There should be no minimum of one-half square mile, however, *vide* Governor's minute paragraph 10.
- (13) I think however that all such estates should be official and that provision should be not for "the most deserving" only but rather for all recognized holders of Batongole chieftainships in order of their importance.
- (14) This would be in keeping into old custom whereby all tenure was to speak "official" i.e. it depended upon the continuance of good relations between chief and Government. It would also involve no hardship as such minor chiefs could in the meanwhile buy small private estates out of the Crown land. It is presumed, moreover, that the principle of hereditary succession to chieftainships will be encouraged as far as possible. These are, however, questions (paragraph 31) for local adjustment.
- (15) I venture at the same time to think that the land allowed for distribution amongst minor chiefs might reasonably be increased from 100 square miles to 250 square miles on the following basis of calculation—
- (I) That the Government recognize 1% of the adult male population as a fair proportion of Batongole chiefs to tax payers.
- (II) On the basis of some 62,000 adult males in Ankole this would allow of 620 Batongole chiefs (great and small.)
- (III) Deducting from this number all 1st and 2nd grade chiefs already provided for, i.e. 116, there would remain some 500 minor Batongole chiefs.
- (IV) To provide official estates of an acreage of one-half square mile for these 250 square miles would be required.
- (16) In making such a proposal I submit that the proportional Crown land area shown in column 5 of schedule A would not be reduced thereby inasmuch as the area of Ankole is probably more nearly 6,000 than 4,385 square miles as shown in column 2.
- (17) *Para. 32.*—I think that this lays down too hard and fast a rule. It would be hardship for a 1st or 2nd grade chief whose chieftainship lies in an unproductive county to be obliged to choose his private estates there. On the other hand official estates would be as little broken up as possible and necessarily situate in the county to which the office belongs. Surely it might be left to the local committee to safeguard existing rights.
- (18) *Para. 33.*—In view of the Governor's minute paragraph 10 this might be deleted.
- (19) *Para. 34.*—The chiefs need not be discouraged from selecting productive land provided they are not allowed to do so to the prejudice of existing rights.
- (20) Such rules as proposed in paragraph 33 would certainly rather involve than prevent disturbance of existing conditions.
- (21) *Para. 39.*—As noted below this involves a departure from the text of the Agreement. It is certainly a proper one, however, and the bulk, if not all, of the Kabaka's estate ought to be strictly entailed.

\* Not printed.

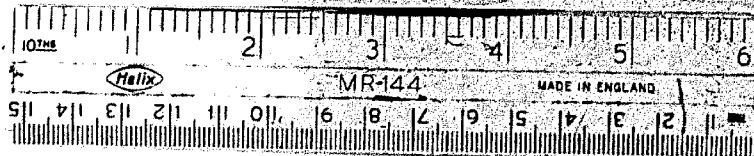
- (22) *Para. 40.*—It should be provided that the members of a man's clan and the other members of his family on behalf of his heirs should be assured ample say in such a matter and that it should not be left to individual caprice to part with a family estate. In any case any non-native purchasing land from a native should be obliged—in the interests of the latter's heirs and family—to purchase for him sufficient (I should say an equal) area of Crown land elsewhere; the price paid for this Crown land being deducted from the price to be paid over to the native for the land purchased from him. I consider that the interests of the native in this respect require safeguarding by the Administration as between ward and guardian.
- (23) *Para. 46.*—This is an important provision which needs to be distinctly guaranteed.
- (24) *Para. 49-50.*—I do not agree with the provision that "the natives should cut out the boundary lines and erect the boundary marks." This will lead to the same abuse as was brought about in Buganda in 1909-1910 (and which may possibly be still continuing) when hundreds of peasants were employed for months at a time on such work and paid nothing either by Government or by the native mailo-holders. The arrangement, though it no doubt appeared expedient and satisfactory enough from the Land Office point of view, absolutely stultified the guarantees given simultaneously to Bakopi by the administration, not to mention its prejudicial effect upon Poll Tax collection. Should it be considered that native chiefs ought to contribute towards the cost of marking out estates, this contribution should be arranged in the form of a proportional payment towards the total gross expense. In this way no unauthorized labour exactions would be made upon the peasants.
- (25) With regard to the cost of surveying and the setting up of boundary marks: inasmuch as in all cases where native land is to be bounded off from Crown land, this service is obviously just as much in the interests of the Crown as of the natives, it would in no case be less than half the cost should be borne by Government. This applies of course equally to Private as much as to Official Estate. In the case of the latter at all events Government should bear nearly all, if not all, the cost.
- (26) *Para. 53.*—This has no bearing upon Ankole now nor will have in the near future nor until access to markets be obtained. Were new development of any kind to become really practicable such provision would be sound.
- (27) *Schedule A.*—In column 2 the area of Ankole shown as 4885 square miles should probably be nearer 6000 square miles.
- (28) *Schedule B.*—This suggests departure from the Ankole Agreement in the following details; which in the case of Kabaka's "private" and "official" estate have already been noted above.

	Ankole Agreement.	Schedule B.
Kabaka's official	16	50
" private	50	16
" Total	66	66
Kutikiro's official	10	16
" private	12	12
" Total	22	28

- (29) In accordance with remarks above I should recommend that the provision for minor chiefs shown as 100 square miles "Private," might be increased to 250 square miles and shown in the "official" column. The total provision for Ankole would thereby be increased from 824 square miles to 974 square miles.

RUHAMA, RUAMPARA,  
ANKOLE,  
2ND NOVEMBER, 1912.

J. O. HALDANE,  
District Commissioner, Ankole.



From the Provincial Commissioner of the Northern Province  
to the Chief Secretary.

(Vide Report of 26th November, 1914. Paras. 16-20.)

No. 86/68/13.

PROVINCIAL COMMISSIONER'S OFFICE,  
NORTHERN PROVINCE,  
MASINDI,  
8th JULY, 1918.

SIR,

In acknowledging receipt of your 2198 of 27th June, forwarding printed copies of the Reports by the "Native Land Settlement" Committee, I have the honour to express my views, on several important questions connected therewith, in the enclosed memorandum submitted in quadruplicate, in accordance with para. 2 of the letter referred to above.

I have &c.,

C. W. GUY EDEN,  
Provincial Commissioner,  
Northern Province.

THE CHIEF SECRETARY TO THE GOVERNMENT,  
ENTEBBE.

NATIVE LAND SETTLEMENT, BUNYORO.

1. Para. 17 (page 2) of the Committee's Report and para. 53 (page 14) of the Further Report, refer to the question of Baganda chiefs and others (who are not natives of the district) not being allowed private estates.

In the latter para. referred to above it is, however, deemed reasonable and advisable that the question of allotting them land should be dealt with immediately succeeding and simultaneously with the General Settlement. In this connection I strongly advocate that this matter may be definitely settled and included in the General Settlement, under a separate heading:—

- (i) I observe that the Committee (para. 17) concur with my views on this point as originally submitted in para. 8 (b) 86/100/11 dated 26-9-11.\*  
S.M.P. 1019
- (ii) In view of the past disquietudes in Bunyoro in connection with the presence of Baganda chiefs and the fact that they will always be looked on as intruders, I consider that a very bad feeling against these chiefs would re-arise if those entitled by their good work and position were not simultaneously acceded private estates either in the district to which they actually belong or in which they are working.
- (iii) It is most desirable that the majority of alien chiefs especially those who were introduced by the Government into Bunyoro and Ankole to teach the local native the ways of the Government, and who have done good work for seven to ten years, and more in some cases, should be acceded similar privileges with regard to land as those natives holding the position of chiefs in their own districts.
- (iv) I advocate that the following suggestion, which I consider would overcome to a great extent the difficulties connected with this question, may have earnest consideration:—
  - (a) All alien chiefs holding positions as Batongole, i.e. 2nd class chiefs or as Saza chiefs and of good character, and who have held these positions say for five to seven years or more, to receive private estates, in accordance with their standing in Schedule B, in their own original District or in the District in which they are working.
  - (b) Any alien chief already in possession of a private mailo in Buganda, to have the option of relinquishing same in exchange for one to be acceded in the district in which he is working.

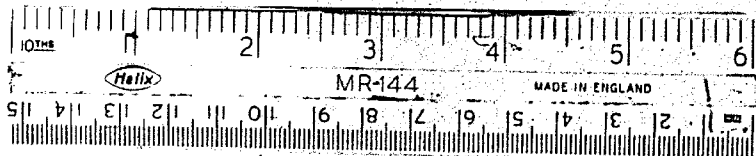
With regard to (a) several alien chiefs holding important positions such as Jemusi Miti Kago, in Bunyoro and Semei Mubiazalwa, The Kasuju in Ankole—who have done extremely good work for the Government, and spent a considerable amount of their private income in developing their respective Saza; and have been instrumental in teaching the local natives the ways of the Government from the commencement—such men as these are entitled to every consideration.

All other smaller grade alien chiefs might come under the suggestion made in para. 8 (b) of the letter referred to in para. 1 (i) above, i.e. "To hold their present gardens during their lifetime or until they resign or are dismissed for misconduct."

An alternative to the foregoing, although possessing some good points would I consider be too drastic a measure, in so far as it would be likely to set up individual tribal feelings to an unnecessary extent:—

"To accede all alien chiefs private estates in their own original districts."

\* Not printed.



This would in all probability result in the majority of alien chiefs resigning their present chieftainships or on the other hand those who held on would be constantly absent from their posts being occupied in developing their private estate in another Province or district.

\* I attach a list of the alien chiefs in Bunyoro showing their status, and in some cases length of service as chiefs, and general character.

It is not intended by this that all alien chiefs should be acceded private estates, but the local committee would consider each individual case in like manner to those chiefs and elders and heads of old and important families of the districts.

2. Para. 37 page 13. I very strongly advocate that all peasants be allowed as heretofore to cultivate their cereal crops *free of rent* to the Government on any unoccupied Crown land.

I consider that the poor peasant who, in the majority, have nothing much to gain by the Land Tenure itself, should be allowed to enjoy this old privilege.

### 8. Schedule B.

Item three under Bunyoro should be eliminated, as Paulo Byabachwezi, The Mukwenda, died on 4th October, 1912, and in consequence thereof item four should now read as "six Sazas" instead of "five other Saza chiefs."

Furthermore in consideration of the recommendation put forward in Min. 96 of S.M.P. 2198 dated 28-3-13; \* I advocate that the Saza chiefs be given Private Estates of 8 square miles each; in which case item 4 should read as follows:—

Bunyoro.

	Official.		Private.
Kabaka	50	...	16
Namasole	5	...	6
6 other Saza chiefs (8 sq. m.)	48	(8 sq. m.)	48
6 Mumyukas (3 sq. m.)	18	(2 sq. m.)	12
41 Sub-chiefs (2 sq. m.)	82	(1 sq. m.)	41
Princes, etc.	...	...	30†
Minor chiefs	...	...	150†
Town Plots‡	5	...	...
	208		303
	TOTAL		511

‡ For houses for the chiefs to stay in when attending Lukiko.  
† Or official, or partly one and partly the other.

The total under Official Estates would thereby remain unchanged, but the total under Private Estates would be increased by an additional 14 square miles thus showing a total for Bunyoro of 511 square miles instead of 497.

### 4. Para. 25 page 12.

With regard to an Administrative Officer being present at the Provisional marking out of all estates; I would strongly advocate that one Officer be appointed for each Province and that he be over and above the regular administrative establishment allotted to the districts concerned, for example:—In Bunyoro there is one District Commissioner and two Assistant District Commissioners, and their time is more than fully occupied, as it is, without additional work being put upon them.

Where possible it would be a very great advantage to appoint Officers who have a fair knowledge of Elementary Survey, but in this connection I observe from the staff list that there are only two District Commissioners and four Assistant District Commissioners who have attended the lectures under this heading at the Imperial Institute, there may however be more who have acquired a fair knowledge of Survey locally or elsewhere.

\* Not printed.

### 5. Re Undeveloped Land. (Para. 53, page 6).

(i) I consider that we should not only make every endeavour to guard against private mailos being left undeveloped indefinitely, but also opportunity is now offered to rectify in some way the various defects, in the Land Tenure granted to the Baganda, which time and experience have shown.

(ii) I am of opinion that instead of imposing a tax on undeveloped land, that some stipulations somewhat after the following lines should be included in the laws affecting this Land Tenure generally; which in time would produce an incentive to the native land holder to develop the various agricultural pursuits in the Protectorate:—

(a) Holders of private estates to cultivate any of the following products, up to so many acres (according to size and locality of estate, to be arranged by the Director of Agriculture) within say four years from the date of occupation:—

Cereals, Coffee, Cotton, Rubber, Cocoa, etc., etc. If the owner fails to fulfil this condition to the satisfaction of the district or agricultural officers, he may, at the discretion of the local committee, be given another two years to make good these conditions. At the expiry of such, and on the land being still left undeveloped the same to be held in reserve, for a specified period, say two years, to be allotted to any deserving applicant whom the local committee may recommend; then if not taken up by the expiry of the specified period the land should revert to the Crown.

(b) No native holder of a private estate shall sell the whole, or part, of his private estate until he has fulfilled the agricultural conditions on which he is acceded such an estate.

These conditions would ensure considerable increased agricultural development all over the Protectorate.

### 6. Re Land Officer's Minority Report.

I am not inclined to agree with the Land Officer's Minority Report; firstly, I consider that the natives of the country should be apportioned land to be their very own, freehold; but under the stipulations as now recommended in para. 5 (a) and (b) above which would I consider guard against the land being left undeveloped indefinitely.

Vide Para. 7 of minority report.

Secondly, I consider that if the conditions referred to above were adopted, larger areas would, in the long run, be developed than would be the case under a native reserve scheme, and by which it is possible that natives would gradually crowd on to the comparatively few estates which they were working on, this in my opinion is very undesirable.

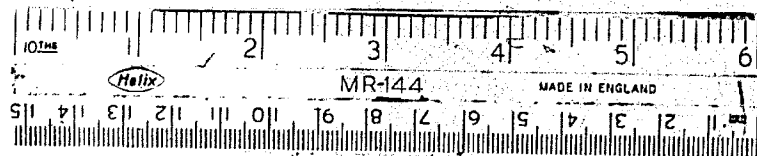
Lastly, I consider the native reserve scheme would bring about dissatisfaction, in that it does not give the land to the native absolutely, a fact which would at once discourage development.

C. W. GUY EDEN,

Provincial Commissioner,  
Northern Province.

MASINDI,

8TH JULY, 1913.



From the Provincial Commissioner of the Western Province  
to the Chief Secretary.

(Vide Report of 26th November, 1914. Paras. 30-55.)

No. 493/52/20.

PROVINCIAL COMMISSIONER'S OFFICE,  
FORT PORTAL,  
TORO.

13TH AUGUST, 1913.

Sir,

With Reference to your letter No. 2198 of 27th June, 1913\* in regard to the Native Land Settlement, I have the honour to submit the following recommendations as regards Toro and Ankole.

**TORO.**

2. SAZA CHIEFS. I propose to deal here with the Saza Chiefs, who, for incompetency or other reasons, have been deprived of their appointments, and were entitled to land under the Agreement, also their successors.

(a) NABANAIKI KAGWA. This man held the appointment of Pokino at the time of the Agreement, but was subsequently dismissed for misappropriation of tax, with the Governor's approval. No order was made at the time in regard to the land he was entitled to, I therefore recommend that he be allotted the 16 square miles private provided for Pokino.

(b) BULEMU Ex-SAZA CHIEF OF KITAGWENDA. The Lukiko petitioned that this man should be deposed in 1907 on account of his incompetency, and their request was acceded to, and confirmed by the Governor. I consider that he should be granted the 16 square miles private, as no order in regard to his land was made when he was dismissed.

(c) RAMAZAN. Who was originally Sekibobo in Toro proper, was entitled under the Agreement to 10 square miles, private or official not specified. He was deposed in 1905 for misappropriation of Tax and no order made about his land. I recommend that he be given 10 square miles private.

He was succeeded by one Tito Kamarampaka in 1905. This man resigned in 1908 abandoning all rights and claims to land, if he had any, and he need not be considered.

He was succeeded in 1908 by the present Pokino, Petero Tegwezire, who held the appointment until 1912 when he was made Pokino.

(d) If the recommendation in 2 (a) is approved there will be no private land available for the present Pokino. I therefore recommend that a special grant of six square miles may be made to him.

(e) THE PRESENT SEKIBOBO. He succeeded to the appointment on the transfer of the present Pokino. I have already recommended under (c) that Ramazan be granted 10 square miles which he was entitled to under the Agreement as Sekibobo, and as 16 square miles private are provided for this Chieftainship I recommend that the balance of six square miles be allotted to the present Sekibobo.

(f) NYAMA Ex-KITUNZI. He at the time of the Agreement was Saza Chief of Kitagweta. In 1904 he was deposed for misappropriating tax, and no order made about the land he would be entitled to. I recommend that he be allotted the 16 square miles private provided for this Chieftainship, and that a special grant of six square miles private be made to the present Kitunzi as in the case of the present Pokino.

(g) KAGORO who was Saza Chief of Kyaka at the time of the Agreement, and was subsequently dismissed for incompetency, and no order made about his land. I recommend that he be allotted the 16 square miles private provided for this county. The present holder of the appointment, Tomasi Banyu, is provided for by the committee. He is included in the three Sub-Chiefs to whom the committee recommended giving seven square miles each official and three private. This, I consider, should be all private, and I recommend that these three chiefs be allotted ten square miles each. In the addendum to the note at the foot of the Agreement it does not state that the land is to be partly official and partly private although this is indicated in H. M. Commissioner's No. 516/1906 of 13th July, 1906.\*

\* Not printed.

I would, however, point out that the other chiefs mentioned in the addendum who were in exactly the same position as these men at the time of the Agreement, get 16 square miles private, by being raised to the status of Saza Chiefs in 1906, and I think it is only fair to those three that they should be more liberally treated than the committee have recommended.

3. With regard to para. 2 (b) the present holder of the Kitagwenda Sazaship is the Katikiro, and he is provided for as Katikiro.

4. The above disposes of the Saza Chiefs who would be entitled to land, and if the recommendations made are approved will only entail an increase of 12 square miles private on the area recommended by the Committee viz: 6 square miles for the present Pokino and the same area for the present Kitunzi.

5. BATONGOLE (MINOR CHIEFS.) The Committee have made their recommendations in regard to the Batongole on a basis of 1% of the adult male population. This basis of calculation will not provide for the number of Batongole, who, I consider, are necessary. There should be at least one Batongole to every 75 adult males, and in discussing this matter with Mr. Haldane on whose report on Ankole, the Committee made the above recommendation, he agrees that a 1% basis will not be enough, and that it should be as I have stated. If this recommendation is approved 600 Batongole will have to be provided for exclusive of Saza and Gombolola Chiefs, and I would recommend that they be given half a square mile each official and one eighth of a square mile private. In addition to the above, provision should be made for about 200 claimants to Butaka land for whom I would recommend one eighth of a square mile each private.

6. The Mukama and Chiefs have been informed of the recommendations made above, and while they are prepared to accept whatever it is decided to allot to Toro, they wish it recorded that they still consider they ought to have 1300 square miles to make provision for all those whom they are of opinion should have estates.

7. I would suggest that if the area I have recommended above is allowed that they be informed that when they have developed that area, or when it is made apparent that it is insufficient to meet the needs of the people of Toro, the question of granting additional land will be considered.

**ANKOLE.**

8. THE MUGABE. He has asked for 50 square miles, official and 40 private. The District Commissioner, Ankole, has recommended that he be allotted 50 official and 25 private on the ground that approximately 25 square miles will be required to accommodate the 3507 men who at present live on what is now considered the Mugabes land.

The areas recommended by the committee are in my opinion ample for his requirements, and I do not recommend that these areas be increased.

9. KATIKIRO. He holds the dual position of Katikiro and Kago. He has asked that he be allowed 16 official and 14 private, which is only two more private than the area recommended by the Committee. He is, in my opinion, in every way superior to the Katikiro of Toro, and in view of the areas recommended for the latter, I would strongly recommend that the two additional square miles private be allowed.

10. SAZA CHIEFS. There are only 12 Saza Chiefs and not 13 as allowed for by the Committee. Of these only three held their appointments at the time the Agreement was signed. They are Kago, Mukwendo and Kangoo. Kago is provided for as Katikiro: 20 miles private and 30 official will therefore be required for these Chiefs.

11. There are six existing Banyankole Saza Chiefs who received their appointments since the Agreement was signed. Of these, Kimbugwe, who is heir to the Kimbugwe who signed the Agreement, will, I presume, inherit the 10 square miles private, his father was entitled to. To the other five for whom no provision is made, I would recommend the same area as I have recommended for chiefs similarly situated in Toro i.e. six square miles private each. The remaining three existing Saza Chiefs are Baganda. The total areas required for existing Saza Chiefs will be 120 square miles official and 60 private.

12. SIGNATORIES TO THE AGREEMENT OTHER THAN THOSE MENTIONED ABOVE. There are six viz:—MKOTANI deposed for incompetency (2) KAIHUA deceased (3) BUOHUNGU (4) RUTSHARARA (5) MASIKO (6) MAZINYO all deceased. For MKOTANI and the heirs to the deceased chiefs 60 square miles private will be required.



13. **GOMBOLOLA CHIEFS.** The Ankole Lukiko consider that all Gombolola Chiefs, including Mumyukas, should be allotted similar areas, viz. three square miles official and two private. This I do not agree with, and recommend that the areas be those suggested by the committee, i.e. the areas specified above for Mumyukas, and two square miles official and one private for all other Gombolola Chiefs. On going into this matter with the District Commissioner, Ankole, he expressed it as his opinion that all Gombolola Chiefs should be allowed two square miles private.

14. Of the 12 Mumyukas only five are Banyankole. One of these, Kazini, is Mumyuka in Nshara, and as he is heir to Rutusharara, who died, and who was Saza Chief of Nshara when the Agreement was signed, he will presumably be allowed the 10 square miles his father was entitled to. The total area required for Mumyukas will therefore be 36 square miles official and eight private.

15. There are 83 Gombolola Chiefs other than Mumyukas. Of these only 41 are Banyankole, and to these I recommend that the areas to be allowed be those specified by the committee—viz.—two square miles each official and one each private. In addition to the above 41, the District Commissioner, Ankole, has drawn my attention to the case of Kacheto, until recently Mutuba III in Igara county. This man is said to be one of the original chiefs of the land, and as he had to resign his appointment on account of illness, I would recommend that he be given a similar area as private estate to the other Gombolola Chiefs.

16. **PRINCESSES.** The Mamasole and Lubuga, officially the mother and sister of the Mugabe. To the former I would recommend allotting four square miles official and one private, and to the latter three square miles official and one private. In addition to those mentioned above there are 16 other female relations of the Mugabe, who it is thought are entitled to be considered, and to these I would recommend allotting one square mile private each.

17. **PRINCES.** The two most important are Igunira, and Lukuta, uncles of the Mugabe. The former was removed from Ankole by the Government, and is now living in Buganda, the latter is in Ankole. I recommend that they be allotted a total of five square miles private estate to be divided between them. Besides the above two there are 25 other male relations of the Mugabe who it is thought should be considered, and I would recommend that they be allotted one square mile private each.

18. **ELDERS.** There are 370, who, it is considered, should be provided for, and the area suggested is half a square mile private each. These men are nearly all BAIRU (Agriculturists) who live in the shambas made by them, but owned by the Mugabe and chiefs, and as these shambas will doubtless be absorbed by the owners in their allotments, I would recommend that they be given the area mentioned above.

19. **MINOR CHIEFS.** On the basis of one to 75 adult males the number required in Ankole would be 560 as the adult male population is estimated at 42,000. Of the existing Batongole only 121 are Banyankole the others are Baganda, the areas required under this head will therefore be 280 official and 16 private on the assumption that they will receive half a square mile each officially and one-eighth square mile private.

20. **TOWN PLOTS.** Five square miles as recommended by the committee.

21. The above recommendations dispose of the land which I consider should be allotted to the Banyankole. I will now deal with the land which I consider should be allotted to Baganda Chiefs in the Ankole District as private estates as a reward for their good services to the Government.

22. There are three Baganda Saza Chiefs, viz.—Kasuju of Kazara, Sekibobo of Mitoma and Kyambalango Bukanga. At the time of the Agreement in 1901 only Mitoma was included in Ankole the other two Sazas were incorporated in 1907.

23. I would recommend that they be each allotted a private estate of two square miles to include land cultivated by themselves in their own counties. Total required for these chiefs six square miles.

24. **GOMBOLOLA CHIEFS.** There are in Ankole 42 Baganda Gombolola Chiefs to whom I would recommend allotting half a square mile each as private estate, to include land cultivated by themselves as in the case of the Saza Chiefs. Area required 21 square miles. This disposes of all land required for individual allotment in Ankole.

25. The amount of land in the foregoing for Toro and Ankole does not include land which will be necessary for pasturage. It is most essential that adequate areas of grazing land should be set aside to meet the requirement of cattle owners in both these districts, and such land should be Crown land, which will not in the future be alienated for any other purpose. The area necessary should be determined by experts who would base their decision on the numbers of cattle, sheep and goats possessed by natives, and provision should also be made for a possible increase in the native herds.

26. With reference to para. 20 page 12 of the Committee's further report, I consider that in cases where the Provincial Commissioner allows natives to mark out their land other than in rectangular blocks, to avoid serious hardship, that the Government should pay a quarter of the cost of survey as in the cases mentioned under para. 19.

27. I also consider that an Administrative Officer should be appointed to enquire into and settle all disputes in regard to land claims as I feel sure that there will frequently be several persons entitled to land who will claim the same area, and as such disputes as to ownership can only be satisfactorily settled on the spot where the land is situated, I am of opinion that such questions should be dealt with by a specially appointed officer, as District Officers with their other duties to perform will not be in a position to devote the time necessary to go thoroughly into these matters.

28. In the case of forest land, I consider that the same conditions should apply as laid down in para. 2 of the Uganda Memorandum of Agreement (Forest) 1907.

I have &c.,

T. GRANT.

Provincial Commissioner,  
Western Province.

THE CHIEF SECRETARY,  
ENTEBBE.



## TORO.

	Official miles.	Private miles.	Total miles.
Mukama	50	16	66
Katikiro	15	20	35
Namasola	5	16	21
10 Saza Chiefs	100	160	260
Present Pokino and Present Kitunzi 6 each	—	12	12
3 Sub-Chiefs	—	30	30
10 Mumyukas	30	20	50
60 Sub-Chiefs	100	50	150
Princes	—	30	30
Town Plots	5	—	5
500 Minor Chiefs $\frac{1}{4}$ mile Official, $\frac{1}{4}$ mile Private	250	62 $\frac{1}{2}$	312 $\frac{1}{2}$
Other claimants 200 $\frac{1}{4}$ mile Private	—	25	25
<b>TOTAL</b>	<b>555</b>	<b>441<math>\frac{1}{2}</math></b>	<b>996<math>\frac{1}{2}</math></b>

T. GRANT,

Provincial Commissioner, Western Province.

## ANKOLE.

	Official miles.	Private miles.	Total.
Mugabe	50	16	66
Katikiro	16	14	30
12 Saza Chiefs	120	—	120
2 Saza Chiefs, 10 each	—	20	20
Kimbugwe	—	10	10
6 Saza Chiefs, 6 each	—	80	80
6 Signatories to Agreement 10 each	—	60	60
12 Mumyukas	36	—	36
4 Mumyukas	—	8	8
83 Sub-Chiefs	166	—	166
41 Sub-Chiefs	—	41	41
Kacheto Sub-Chief	—	1	1
Princesses	—	7	7
Princes	—	18	18
Elders	—	30	30
Minor Chiefs	—	185	185
Town Plots	280	16	296
Baganda Chiefs	5	—	5
	—	27	27
<b>TOTAL</b>	<b>680</b>	<b>476</b>	<b>1156</b>

T. GRANT,

Provincial Commissioner, Western Province.

## VII.

From the Provincial Commissioner of the Eastern Province  
to the Chief Secretary.

(See Report of the 26th November, 1914. Paras. 4—11).

Original.

No. 16/11.

S.M.P. 2198, Pt. II.

PROVINCIAL COMMISSIONER'S OFFICE,  
ON TOUR,  
15TH AUGUST, 1913.

Sir,

With reference to your No. 2198 of the 27th June\* transmitting copies of the reports of the Committees appointed to consider the question of Native Land Settlement for final review, I have the honour to reply as follows:—

2. In the first place I should like to explain that the recommendations here submitted differ from those put forward in my first letter on the subject—No. 16/11 of the 25th of April, 1911\*. Since that letter was written the attitude of the natives has immensely improved, and the recommendations now submitted are the result of that attitude, regarded in the light of knowledge gained by a close study of the working of various systems of Native Land tenures, both in the Buganda Province and in many other parts of the world.

3. The recommendations are:—

(1) That it be assumed that all land in the Busoga District is the property of the Crown.

(2) That the natives be granted occupancy rights over certain areas as stated herein, to be referred to as Native Reserve. By regarding the land as belonging to the Crown, all future difficulties arising out of "rights of property," such as power to sell, mortgage, or otherwise dispose of the land to aliens would be obviated. The sharp practices of money-lenders and speculators would be thwarted, and generally the natives would be protected against their own improvidence.

(3) That no part of the Native Reserve shall be taken from the natives except for public purposes and then only in return of due compensation; provided:—

(a) That except for land actually under cultivation and for buildings, no compensation be paid for land required for native churches, public lines of communications—i.e. Roads, Railways, etc.—Townships or Ports.

(b) That should the population show a material decrease for five consecutive years, a portion of the Native Reserve may be regarded as unoccupied and given to other natives of more crowded parts of the Province or Protectorate, or if not so required, may revert to the Crown for alienation.

(4) That a Law be promulgated compelling the gradual development by the natives of the Native Reserve.

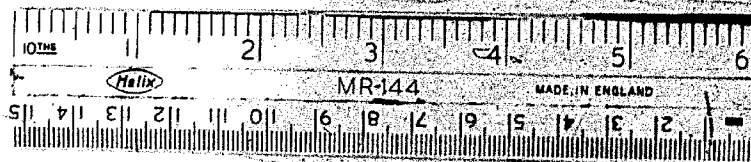
(5) That the Native Reserve comprise a total area of 1,428,944 acres.

This area is based on the following calculations:—

(a) Schedule A of the Committee's report gives a total population of 243,403—which has increased by several thousand, including upwards of 3,000 immigrants from Bukedi, during the past two years.

(b) The same schedule gives a total area—not including water but including Sleeping Sickness area—of 3,422 square miles.

\* Not printed.





(c) Paragraphs 7 and 8 of the Committee's report estimate a group of five natives to require four acres for its support, which gives a total of 194,724 acres;—in my opinion not a bit too much considering the present insanitary condition of native life and their system of cultivation.

(d) Land for cultivation of exportable products, and for future expansion of the Basoga and other tribes requiring land as mentioned in paragraph 3 (3) of this letter—five times the area allotted for the support of the present population, = 973,620 acres.

The Basoga are largely composed of hardworking agriculturists, who, in recent years, have produced annually, thousands of tons of cotton, as well as other exportable products, and are capable of increasing, and with guidance will increase, the output year by year.

(e) As to the area required for grazing purposes, in Ireland two acres of rich grass land is allowed for one cow and calf, in Australia ten acres are allowed for one sheep, the Masai are allowed from seven to ten acres for each head of cattle and one acre for each sheep. I submit that we should allow seven acres for each head of cattle and one acre for each sheep or goat. The Chief Veterinary Officer estimates that the Basoga have 30,000 head of cattle and the sheep and goats are estimated at 50,000. We should therefore allot for grazing purposes 260,000 acres.

(f) The foregoing figures, viz:—

For present support	194,724 acres.
Expansion, etc.	973,620 "
Grazing	260,000 "

gives a total of 1,428,344 acres,

which is occupied by the present population in a proportion of over 109 to the square mile, and leaves a balance of 761,736 acres for alienation by the Crown.

(6) That the three portions of the Native Reserve, i.e. (a) Land at present occupied, (b) Land for expansion, etc., (c) Land for grazing, be adjacent to one another, if habitable land be found adjacent; if not, then the nearest habitable land to that now occupied. It is of course important for the speedy development of the country that planters should be encouraged to take up the unoccupied land, and that efforts should be made to enlist the largest possible amount of enterprise and energy in the introduction of improved agriculture; but such efforts should not, in my opinion, be carried to the extent of alienating land adjacent to land now actually occupied by the natives, and so separating them from the area recommended for expansion and grazing. Many planters like to wedge themselves in amongst the native population, in order, no doubt, to be close to the labour supply; this attitude, should now in my opinion, be discouraged. With a labour supply close at hand there is the risk of destroying all incentive to invest much money in improved methods of agriculture and in machinery. Planters so situated will probably find it easier to avail themselves of a large proportion of the productive energy procurable in the country, instead of introducing new sources of energy and wealth.

(7) That the present native church and mission lands situated outside the Sleeping Sickness area be reckoned as part of the native reserve.

(8) That the native reserve should not be surveyed. Natives amongst themselves have a clear appreciation of an unsurveyed boundary.

(9) That the work of allotment of land within the reserve to chiefs, people, and native churches, be a matter for the administration.

(10) That the administration indicate to the Land Officer the area or areas in which the 761,736 acres for alienation may be surveyed in a rectangular block or blocks, or otherwise, as the Land Officer may desire.

(11) I discussed these recommendations with the Provincial Commissioner, Northern Province, on the 8th instant and that Officer informed me he agreed with them and would submit, in a supplementary memorandum similar proposals for Bunyoro.\*

I have &c.

F. SPIRE,

Provincial Commissioner,  
Eastern Province.

THE CHIEF SECRETARY,  
ENTEBBE.

\* Not printed.



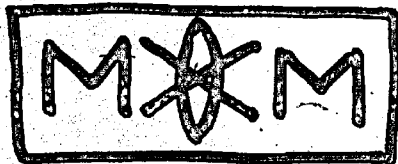
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ENQUIRY INTO GRIEVANCES  
OF THE MUKAMA AND  
PEOPLE OF TORO.

1926

COLONIAL OFFICE REFERENCE

10942. VOL. 3. N° 114



UGANDA PROTECTORATE.

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**Enquiry into the Grievances of the  
Mukama and People of Toro.**

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*REPORT OF THE COMMITTEE.*

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*Entebbe,  
Uganda,  
28th July, 1926.*

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ENTEBBE:  
PRINTED BY THE GOVERNMENT PRINTER, UGANDA.  
1926.

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## Enquiry into the Grievances of the Mukama and People of Toro.

### REPORT OF THE COMMITTEE.

The Committee appointed to enquire into the grievances under which the Batoro are labouring in connection with the interpretation of the Toro Agreement of 1900, and Sir Hesketh Bell's Memorandum of 1906, met at Fort Portal from the 8th to the 12th July, 1926. Steps had been taken through the Native Government some weeks earlier to make it known that the Committee was anxious to hear the views of representatives of interested parties, and it was requested that written statements of points at issue should be submitted prior to the meeting of the Committee. Such statements were received from the Mukama and County Chiefs on behalf of the Native Council of Toro, from the Babito and Babiitokati (Princes and Princesses) and from the "Young men of Toro," these representing the, at present, small group of educated youths of peasant birth who have improved themselves by their own efforts. Oral evidence was heard from representatives of these and other groups on July 9th and 10th.

2. We would preface this report by stating that the aggrieved parties probably number not more than 1,000 persons, or approximately 1% of the inhabitants of the Toro District. They represent, in fact, the ruling class. We are not persuaded that the bulk of the population has any strong feelings of dissatisfaction at the present state of affairs. It has, of course, the wish, common to every native, to be assured that he will not be disturbed in his occupancy and cultivation.

3. The statements presented and the points brought to our notice showed a great similarity. They had evidently been prepared in consultation between all parties concerned and may therefore be taken to represent with some exactitude the views of articulate opinion in Toro.

4. The grievances foremost in the minds of the Batoro are as follows:—

(a) **Land.**—The position of four classes of persons who claim private land to which they consider themselves entitled.

(i) Chiefs now in office, but not provided with private land under the 1900 Agreement.

(ii) The Babito and Babiitokati, scions of the ruling houses of Bunyoro and Toro.

(iii) The so-called "Bataka," persons (or the descendants of persons) not being Babito, to whom past Bakama or superior Chiefs have granted the enjoyment of an estate, together with the tribute from the peasants in occupation.

(iv) The small number of peasantry who have emerged from the tradition of serfdom—the "Young Men of Toro." Into this class will pass, as the modern outlook develops, the whole of the remaining population.

(b) **Bwamba.**—The political status of Bwamba-County.

(c) **Salt Lakes.**—The control of the proceeds of the Katwe and Kasenyi Salt Deposits.

The Mukama did not express dissatisfaction with the present arrangement by which he receives an agreed fixed salary in lieu of 10% rebate on Poll Tax collections. The misunderstanding referred to in some recent correspondence in regard to the Kibuga or native capital arises in fact out of grievance (a) above, and can be so dealt with.

5. It can be said at once that the LAND QUESTION dwarfs all other considerations, and is the real cause of almost all the friction between the British Government and the ruling class which has occurred in recent years. It is the inevitable clash between the old social order and the new: between vested interests and the democratic idea. A transition-stage is always difficult and these vested interests are bound to

4  
suffer; but we have endeavoured to approach the problem with a sympathetic desire to find a reasonable solution which would make the change as little drastic as possible. It is undesirable that such an upheaval should be precipitated by a sudden act of State and we consider that a generation or more could profitably be devoted to the effecting of such a change.

6. The wording of much of the Toro Agreement 1900 is vague and indefinite. From such of its provisions as are explicit no one party has a right to withdraw. In a number of instances, however, the British Government has already shown its readiness to agree to reasonable variations in its provisions. For instance, by Section 7, official estates are to be marked from waste land, but densely peopled areas have been in almost every instance included. Again, no attempt has ever been made to ascertain whether natives have entered into occupation of land which, being waste at the time of the Agreement, becomes, by a strict reading of Section 4, the property of the British Government. As a result no Crown Land rent has ever been paid by natives in Toro into Protectorate revenue, except from the Fort Portal Township area. By the 1906 Memorandum, the Mukama's anomalous position as a County Chief was rectified, and, by a recent arrangement, the Native Government has been permitted to operate and take the profits of the salt lakes.

#### LAND.

7. The outstanding deficiency of the 1900 Agreement is the absence of any indication in regard to the disposal of the cultivated land. Section 4 vests the waste land in the British Government (from which, by Section 7, certain official estates are to be granted). Section 7 confirms to the Mukama and his leading Chiefs a limited area of private estates. These two items obviously do not comprise the whole of the land of Toro. The difference represents, in general terms, the land occupied and cultivated by the Toro peasantry. To this land there is only one indirect reference in Section 5; where it is laid down that no tribute or gifts may be levied by Chiefs on natives without the consent of the British Government.

8. A review of the conditions of land tenure in Toro within recent times will, at this point, be of assistance. Prior to the establishment of the "Toro Confederacy" in 1894, it is doubtful if the writ of the Mukama ran at any time beyond the confines of "Toro Proper." The present counties of Mweuge, Kyaka, Nyakabimba, Kitagweta and Kitagwenda were chieftainships dependent upon Bunyoro. The Mukama's supremacy was, however, gradually established, and at the time of the 1900 Agreement he was generally accepted as the donor of all lands in the present Toro District; subject, doubtless, but in a decreasing extent, to the rights of the more important Chiefs. The whole of the country had thus, in the course of time, been parcelled out among, or confined to a limited number of Chiefs or Bataka and kinsmen of the Mukama. These "fiefs" were held solely by gift and patronage of the Mukama. Obviously, bigger Chiefs and long established elders would not be disturbed with impunity, but it is clear that the holders had no real security of tenure; that their rights were not even definitely hereditary; and that the Mukama could, and did at his pleasure, forfeit such "fiefs" and grant them to others. We made careful enquiry, and are satisfied that the Bataka System of Buganda is quite foreign to Toro, where family burial places are not maintained.

9. The attraction of these grants lay in the tribute (*entende*) of money, labour, food or beer paid by the occupying peasants to the Mukama's nominee. Prior to 1923, it may be stated in general terms that every peasant in Toro (outside of Bwamba) paid this tribute (which is sometimes loosely spoken of as rent or *bisuli*) to one or other of the 1,000 or so persons mentioned in paragraph 2.

10. This state of affairs was quite in keeping with the condition of the country in earlier times. A peasant could not afford to be independent, and would of necessity put himself under one Chief for protection from oppression by others. For the Mukama, the grant of these estates was the only available method of rewarding services rendered, of endowing chieftainships, and of pensioning old retainers. Even to-day the enjoyment of such estates is the only means comprehended by Chiefs of making provision for old age.

11. The British Government acquiesced in this state of affairs with a growing sense of the abuses to which it led. Although County Chiefs were, to some extent, provided for by the rebate of Poll Tax, and by the estates granted under the Agreement,

the Native Government had not the funds to support adequately the organisation of Gombolola and Batongole Chiefs, upon whom the whole system of native administration rested, and these Chiefs were permitted to supplement their incomes from the tribute derived from estates which were placed in their hands for that purpose.

12. At length, in 1923, a scheme was introduced to provide fixed salaries for Chiefs, the sums drawn by certain of whom were disproportionate to the services rendered by them, many of the lower grade Chiefs receiving no salary at all. At the same time the survey of the limited number of estates guaranteed under the Agreement was commenced and, for the first time, the position of these claims was ascertained. To secure the necessary money for this scheme, the revenue of the Native Government, from all sources, was placed in a common fund, from which the salaries, as fixed in consultation with the Native Government, were paid. A subsidy was granted by the British Government to make the initiation of the scheme possible. The Mukama and Chiefs, in expressing agreement to these proposals, which included the pooling of all the tax rebates granted under the Agreement, requested that consideration should be given to the position of those County Chiefs who, having been appointed since the Agreement, were entitled to no private estates. The request was that these Chiefs should be allowed to retain the benefit of certain estates, but they still hoped that freehold "Mailos" might be granted. It was suggested by them that a portion of the tribute, which had by this time become to a great extent a money rent, should be retained by the Chiefs and a portion paid into the central fund. A similar request was put forward on behalf of the Babito and certain elders and occupiers of private gardens, *i.e.*, Bataka. These requests were not acceded to, and, as from the 1st January, 1923, tribute (except on Agreement estates which had now been definitely allotted), was considered to be abolished, and all persons outside agreement mailos were instructed to pay a rent, now fixed at Shs. 6 per annum, into the central fund of the Native Government. The amount would thus, in theory, revert as salaries to the lower grade Chiefs.

13. These rents, although paid to the Native Treasury, were collected under the name of Crown Land Rents, a description which tended to prejudice the decision (which can, it is presumed, be looked for in the new Land Law) upon a fundamental but not immediately important point, *viz.*, in whom does the ultimate lordship and reversion of the cultivated land of Toro and the Protectorate lie. His Excellency the Governor has already directed the abandonment of this designation and its substitution by some less compromising alternative. We suggest some such term as "Obusuro Bwenzarwa za Toro"—(The rent of the natives of Toro).

14. Numbers of Chiefs, Babito and elders were, by this arrangement, deprived of rents and tributes of an estimated annual value of £1,050, which they had enjoyed for many years. Intense dissatisfaction not unnaturally prevailed, and the use of the term Crown Lands Rent was fixed on as finally removing any hope of having these "fiefs" confirmed to them under the long talked-of Land Settlement. We would, however, direct attention to a point which is sometimes overlooked, that, by these re-arrangements, no disturbance whatever was caused to these persons in the gardens which they themselves occupied and cultivated.

15. These interested parties argue that the discrepancy referred to in paragraph 7 above should be adjusted in the way most agreeable to them. Their desire is, in short, that their "fiefs" should be confirmed to them as freehold estates similar to the "mailos" of Buganda, a tenure far more secure than that previously held. In this contention they have always had the support of the Mukama who, although not personally greatly dissatisfied, in view of his freehold grants under the Agreement, is naturally attached to the old order of things.

16. The measure of their hopes may be gauged by the petition presented to us by the Mukama and his Chiefs, which contains a request that an area of 2,189 square miles, in addition to the area guaranteed under the Agreement (actually 376 square miles), should be granted as private land for the "Batoro", *i.e.*, the 1,000 or so persons mentioned in paragraph 2. The figure is apparently based on the assumption that this area represents approximately half of the Toro District, and is probably intended to include all cultivated land and all peasant rent payers. The interested parties have apparently no doubts as to the equity of living upon the labours of others, and it is a noteworthy illustration of the conception of the purpose of land grants entertained by the "landlord" class in Toro that, since the Agreement areas were allotted, there has

been a total absence on the part of the beneficiaries of any attempt to develop these estates, and they have been content to draw rents without consideration of their obligations as large land-owners.

17. A quarter of a century's delay in arriving at a settlement of the land question has had the most unfortunate results: well-meaning but unauthorised persons have encouraged these parties to believe that their wishes would be fulfilled, and this belief has given rise to a conviction that promises in their favour had been made. The Mukama and Chiefs, however, could not refer us to any such promises from responsible quarters, nor do we believe that any such have been made.

18. It seems clear that Sir Harry Johnston did not feel in 1900 that the time was ripe for a final settlement. He had recently signed the Uganda Agreement, in which the disposal of the whole area of Uganda was provided for, and the omission of similar provision from the Toro Agreement can hardly have been other than deliberate. Mr. George Wilson and Sir Hesketh Bell, in 1906, certainly considered that definite treatment of the question was premature; the former holding that the political status of Toro was not similar to that of Buganda.

19. In more recent years it has become almost impossible to disentangle this question from the discussion of a general land settlement policy for the Protectorate, and we wish most earnestly that such a policy could be enunciated at an early date. Meanwhile, we have not been unmindful of the desirability of making our recommendations such that they will not prejudice future decisions, particularly in regard to Bunyoro and Busoga. We remember also that arrangements made in Toro must be applied, if the Mugabe and his Chiefs so desire, to Ankole, with which a similar agreement has been entered into.

20. Although we do not find that any promise of further freehold grants has been made, there is undeniable evidence that an undertaking was given, and intended to be given, that no native should be disturbed in his occupancy. In a letter from Mr. Maddox, a Missionary, who interpreted the 1900 Agreement, for Sir Harry Johnston, which forms an enclosure to Mr. George Wilson's despatch No. 80 of the 21st April, 1906, to the Secretary of State, it is stated that Sir Harry Johnston definitely authorised him to "tell the Batoro that the natives would never be dispossessed of any land which they had cultivated at the time of the Agreement," and this statement can be confirmed from many independent sources as representing the considered policy of the Government in regard to the rest of the Protectorate as well as to Toro.

21. The preceding paragraph then represents our findings in regard to the British Government's obligations. It remains to consider how best such obligations can be implemented, bearing in mind the many vested interests which have been permitted to establish themselves unchecked and, until recently, unwarned. Acute disappointment in many quarters will be inevitable, but much can be done to ease the blow by measures which will not prejudice the ultimate application of the Government's policy. It will now be convenient to consider in more detail the cases of the various classes of persons detailed in paragraph 4 (a).

22. *Chiefs Unprovided with Private Agreement Lands.*—Chieftainships have become, to a large and increasing extent, positions filled from a Native Civil Service, and are now seldom, if ever, hereditary. Each occupant of a post, having carried out his duties in a satisfactory manner, and upon reaching an age for retirement, should be entitled to proper provision for his old age. It needs little consideration to see that it is impossible to provide every retiring chief, the numbers of whom would steadily increase in normal progression to an impossible extent, with an endowment of freehold estates carrying sufficient tribute to support him. In process of time it would be a matter of difficulty to find suitable allotments. We have, in any case, made it clear that we look upon the system by which the ruling class subsist upon the tribute paid by the peasant to be a pernicious one, and no arrangement which contemplates its retention, as a permanent institution, should be considered. The alternative is the immediate introduction of a pension scheme for Chiefs, and had this been done in 1923, one cause for the present dissatisfaction would have been obviated. A case in point is that of the most important County Chief in Toro who, having been appointed to that post subsequent to the 1900 Agreement, receives no grant of private land. He has been a Chief for 35 years and, should he wish to retire, feels that he has no means upon which he

can live and maintain his position with suitable dignity. The finances of the Toro Native Government have now so far improved that the funds necessary for such a scheme should be available without great difficulty.

As regards the present seven County Chiefs who are unprovided with private land, we recommend that an exception should be made, as they, more than all others, have had reason to believe that private mailos would be granted to them. They have, in most cases, spent a lifetime in public service. With the hope of a grant of private estates before them they have made no provision for retirement and, at their time of life, it is a special hardship that they should be forced to adapt themselves to a new order of things. The concession we have in mind is that each of these seven Chiefs should be granted a freehold estate of 100 acres on tenure similar to that accorded to grantees of private estates under the Agreement; these estates to be surveyed forthwith. Future Saza Chiefs would be appointed on the understanding that no private estates would be granted to them but that they would be eligible for a pension. It may be pointed out that Chiefs of all grades will, as natives of their country, retain undisturbed possession of the gardens which they occupy and cultivate by their personal efforts. They have it in their power to increase the value of their own homesteads, for instance, by planting permanent crops such as coffee, if they wish to supplement their pensions.

23. *Babito.*—The position of the so-called princes and princesses is one of peculiar difficulty. Among their numbers are many whose descent is not from the ruling line of Toro but from past Bakama of Bunyoro, Kyebambe, Mugenyi and even Kabarega. This latter fact will be readily understood when it is remembered that the extra "Toro Proper" counties were, until recent times, appanages of Bunyoro. Bahima monarchies, like German principalities, made no attempt to limit the dimensions of the ruling family by confining the royal privileges to the senior branches; and these persons having in their veins the royal blood, diffused though it may be through those enormous families which have become a byword, have, in accordance with tradition, been brought up with the idea that they are entitled to a competency supplied by the labour of peasants and without effort on their part. They are, in fact, drones, taking little part in the government of their country; a burden on the rest of the community which has to support them. That they are so is not their fault, and it is for this reason that they deserve some consideration. A list of some 61 persons who, by the re-arrangements of 1923, have been deprived of the profits of estates which provided for their support, was submitted to us, and with a view to mitigating the hardships of this social upheaval we recommend that these (with any additions or omissions which may, upon detailed investigation, appear desirable) should be permitted to retain for their lives the benefits of the estates of reasonable extent which they have hitherto enjoyed. Certain life estates were recognised by the 1906 Memorandum and such an arrangement is not therefore an unfamiliar one.

A carefully prepared list of these persons and of the gardens retained by them should be drawn up and filed as representing the final concession to this class of persons.

By this arrangement the Babito would be afforded an opportunity of educating their children to the idea of working for their living. We would add that we consider that the Government should inform the Mukama that it will, in future, be incumbent upon him to provide out of his large free holdings for the support of such of his kinsmen as he desires to maintain in a privileged position as members of the ruling family.

24. *Bataka.*—Under this heading are included all those holders of rent-farms who are not included in the groups mentioned in the last two paragraphs. In general terms these persons may be described as the servants, retainers or minor Chiefs of the Mukama, and of the larger Chiefs, or their descendants, to whom these estates have been awarded as a means of support or reward. Their tenure has probably been more precarious than that of the Babito and cases of dispossession and re-distribution within quite recent years came to our notice. These Bataka have not been schooled in the same traditions of idleness as the Babito and a number of them will benefit incidentally as minor Chiefs under the new salary scheme of 1923.

After carefully exploring the whole situation we have concluded that it is impracticable to find a dividing line between the deserving and undeserving cases. We consider that their privileged position must be made subservient to the general welfare of the tribe and recommend that no concession should be made to them. We would reiterate the statement that they will not be disturbed in their own homesteads.

25. The "Young Men of Toro," while representing educated peasant opinion, provide the key to the mind of the great mass of the inhabitants of Toro. They ask for freehold estates since this is the only form of guaranteed tenure which has become familiar to them, but they do not aspire to live by the labour of others. They are, however, genuinely anxious to be assured that they can build their own houses and develop their gardens without fear of disturbance, and with the knowledge that the benefit of these improvements will pass to their heirs. We have already made it clear that we consider every cultivator is entitled to such an assurance as of right. The means by which tangible evidence of this assurance can be given (for we do not doubt that such is the intention of the British Government), and the limitations which should, in the public interest, be imposed, form the real problem of native land settlement which is still engaging the attention of the Government's advisers. We consider, however, that it will not compromise the Government's freedom to deal with this most difficult problem in the manner which it shall judge best if, in the meantime, some form of certificate were granted, upon request, to any native in respect of his occupancy of any land cultivated by him outside of Agreement Estates, and of the areas recommended in paragraphs 21 and 22. We submit for consideration a draft of such a certificate which contains the conditions which we think it desirable to lay down, in particular that tribute may not be collected from any other persons in respect of that holding.

26. We would here refer to the fact that, without any very clear authority, some 41 Gombolola Chiefs have, since the re-arrangements of 1923, been permitted to retain or mark out one square mile each by way of supplementing their official incomes from the tribute or rent of the occupying tenants. For the actual purposes of Gombolola buildings and the Chief's residence and cultivation, a plot of 49 acres is the standard provision in Buganda. We consider that the same area should be allotted in Toro, and recommend that the earliest steps should be taken to give these Chiefs adequate salaries, and thus enable these temporary allotments of one square mile each to be withdrawn. It would probably be desirable to have these 49 acre plots surveyed, as in Buganda.

27. The Kibuga is the area, some 4,200 acres in extent, surrounding the Mukama's residence and the headquarters of the Native Government, and adjacent to Fort Portal Township. To the native mind the disposal of land within this area should be vested in a very personal manner in the Mukama.

When in 1925, the claims within the Kibuga of Agreement land-holders, and of the Missions, were surveyed, the recognised gardens of a number of Agreement land-holders were cut down to make room for official residences for those Chiefs who had no Agreement lands. The total area remaining unallotted after the survey of Agreement and Mission claims amounted to some 1,600 acres, no inconsiderable portion of which is swamp. The Mukama, while unwilling to take up this area as part of his agreement allotment, wished to control it for the purpose of patronage, but the position taken up by the local Administration was that this land should be removed entirely from his control for distribution by the Native Government, and that after the Chiefs not entitled to Agreement lands had been provided with a "Town" house and a garden for use when coming to headquarters on business, any occupiers of the remainder should be liable to pay rent which should be collected under the "Crown Land Rent" tickets, to which, as mentioned in paragraph 14, so much objection was taken. The Mukama considers this arrangement within the confines of his own capital to be derogatory to his authority. In a matter of such minor importance it seems better to defer to native susceptibilities, and we recommend that this unallotted area should be handed over to the control of the Mukama and the Native Council, with the clear understanding that priority is given to the provision of accommodation for "landless" Chiefs whose duties call for their periodical attendance at headquarters, and for other employees of the Native Government. The rents, if any, collected in this area, should be paid into Native Government funds.

28. A recapitulation of our findings and recommendations upon the land question can conveniently take the form of a pronouncement, *viz.*:-

"The British Government has considered the clauses of the 1900 and the 1906 Agreements, which deal with the subject of the land of Toro. It is satisfied that no further grant of freehold estates was promised either by these Agreements, or by any properly authorised person, but that there was an intention to promise that no native of Toro shall be disturbed in his occupation of the land which he cultivates, and upon which he has built his house. The Government considers that the grant of large

estates to persons who do not develop them but live only on their rents is contrary to the best interests of the country, and it does not propose to make a further distribution of such estates. A special exception will be made in favour of the seven present County Chiefs who have received no private lands under the Agreement: they will each be granted a private freehold estate of 100 acres, but no such concession will be granted to their successors who will, instead, receive a pension upon retirement.

The promise to every native of Toro that he cannot be driven out of his house and the garden which he cultivates (except for the construction of works for the good of the country, such as roads, in which case he will be given full compensation) is solemnly confirmed. The new Land Law will make the terms of this promise clear but, until this Law is published, a Certificate to this effect will be given, if asked for, to any native of Toro who has a cultivated garden or house. This does not apply to Agreement estates, nor to Fort Portal Township, nor to certain lands which will be left with some of the Babito for their lives.

The principal Babito and Babitokati, numbering about 61, whose names have been submitted by the Mukama, will be allowed to retain, for the rest of their lives, the rents of gardens of reasonable extent, which they enjoyed prior to 1923. This will give them time to teach their children that, though they are descendants of past Bakama of Toro and Bunyoro, they must not expect to live upon the tribute and labour of others. The Mukama must understand that, in future, he will be responsible for the support of any of his kinsmen or family, whom, in order to sustain his dignity, he wishes to lead the life of a prince. It is for this purpose he has received such a large number of Agreement Mailos.

The above are the only persons who will be allowed to receive rents for their lives. All other rents will be handed over to the Native Government of Toro to assist in the payment of salaries to Chiefs and for the general advancement of the country. This rent will be known as "Obusuro Bwenzarwa za Toro" (The rent of the natives of Toro).

The Government will arrange forthwith that all Gombolola and Batongole Chiefs receive a proper salary. The one square mile of official estate around each Gombolola will then be reduced to a plot of 49 acres, as in Buganda, which will be marked out for Court House and the Chief's residence and gardens. Chiefs will be paid a salary, and will not live on tribute derived from peasants.

A pension scheme will be instituted without delay. All Chiefs who have carried out their duties in a satisfactory manner will thus receive a pension upon retirement. Every Chief can remember that he is a native of Toro and is therefore entitled to cultivate a garden of his own to which he and his family can retire.

As regards the Kibuga: the allotment of those portions which have not been taken up by Agreement land-holders, will be placed in the hands of the Mukama and his Native Council on the clear understanding that prior consideration is given to the needs of those Chiefs and employees of the Native Government whose duties demand their attendance at headquarters, but who have no land. The rents, if any, collected in this area, will be paid to the Native Government in the same way as other rents."

## BWAMBA COUNTY.

29. Bwamba County lies between the Semliki River, being the boundary of the Belgian Congo, and the western slope of the Ruwenzori range, by which it is entirely cut off from the rest of the Toro District. It is inhabited by an industrious but primitive people who have no ethnological affinities with the Batoro, and no well-developed system of rule by Chiefs, such as obtains among the so-called "Bantu" tribes of the Protectorate.

30. In the Addendum to the 1900 Agreement provision is made for a grant of land to eight minor Chiefs whose combined spheres constituted the "Administrative Division of Toro," alias "Toro Proper" of the main Agreement. Among these Chiefs was Kasuju, the title of the County Chief of Bwamba.

31. In the years closely following the 1900 Agreement, the backwardness of its people, its isolated position, and its contiguity to the Belgian boundary, then in dispute, owing to uncertainty as to the correct position of the meridian of 30° east longitude, led to an almost complete abandonment of administration in Bwamba County.

This state of affairs obtained at the time of the 1906 Memorandum, and though Kasuju's position is referred to in the petition of the Mukama and Chiefs of Toro which preceded that document, it can only be assumed that for the foregoing reasons Kasuju alone was omitted, without comment, from the re-distribution of Agreement estates in "Toru Proper," which was confirmed by the 1906 Memorandum.

32. The present Bwamba County clearly came within British Territory as a result of the Uganda-Congo Boundary Commission of 1906-08. Of late years effective administration has gradually been introduced with very promising results, but at the same time, an impression was taking root in Government circles that Bwamba County was not a part of "Toru Proper" but was territory confirmed to the British Government, without obligations, by the Belgian boundary settlement, and it was without sufficient consideration identified as "one of those portions of the Toru District which border more closely on the Congo Free State," which are referred to in paragraph 2 of the 1900 Agreement.

33. Bwamba was directly administered by the British Government from the Fort Portal District Office, and the salaries of its Chiefs were provided from Protectorate funds. It was realised that it would be of ultimate advantage to place the County, when sufficiently advanced, under the Toro Native Government, and the transfer was eventually effected in 1924. Some years before this date, however, the local British Administration, anticipating the change and anxious to protect the Baamba peasantry from an alien "landlordism," submitted to Government that Bwamba could properly be treated as Crown Land unencumbered by Agreement obligations. The late Sir Robert Coryndon, upon the advice of the Attorney General, made a public announcement in Toro, in 1920, to that effect, and this decision has been confirmed by succeeding Governors.

34. The Mukama and Chiefs maintain that Bwamba is in fact part of "Toru Proper"; that it was so recognised in the 1900 Agreement and should, in all respects, be treated accordingly. We are satisfied that in this contention they are correct.

35. All witnesses asserted that Bwamba had, since the time of Kaboyo, the present Mukama's grandfather, acknowledged the supremacy of the rulers of Toro, and there was a clear recollection of periodical payments of tribute of ivory and goats arriving in Toro from Bwamba during the period prior to Kabarega's irruption into Toro. Although unprejudiced corroborative evidence is unobtainable, such a position would tally with known facts. The Bahima expansion, which appears to have been taking place from the focus of Bunyoro during the earlier part of the 19th century, not only penetrated to Toro, but spread far to the west of Lake Albert. Outlying tribes, awed by superior military strength, are known to have paid tribute to the rulers of Bunyoro, and it may well be that the Bakama of Toro, having asserted their independence of Bunyoro, compelled the Baamba people in the same way to become their tributaries.

36. Stanley, passing through Bwamba in 1889 on his return with Emin Pasha towards Zanzibar, was the first European to traverse and leave a record of the country. He found the inhabitants terrorised by Kabarega's warriors, who had some years previously over-run Toro, and from this it may be concluded that the means of access to Bwamba from Toro were well known. Stanley does not mention any Bahima villages in Bwamba. This agrees with the evidence given to us that the Batoro control consisted of a purely military occupation. Bands of warriors would periodically cross the mountain, live upon the country and stimulate the payment of tribute; but, prior to the British occupation of Toro in 1891, no Mutoro settled in Bwamba. The chieftainships were granted as tax-farms to Batoro whose permanent residences remained on the eastern side of Ruwenzori.

37. The most irrefutable evidence upon this question is, however, in the Agreement itself. Section 1 lays down the western and northern boundaries of "Toru Proper" as being the meridian of 30° east longitude, and the Semliki River respectively. It is interesting to note, as an example of the loose drafting of the 1900 Agreement, that the actual recital refers to the "30th Degree of East Latitude"; the intention is, however, unmistakable.

38. It can be assumed with some certainty that, at the time of the drafting of the 1900 Agreement, Sir Harry Johnston had before him Lt. Col. Macdonald's 10 miles to 1 inch "Map of Uganda" 1899-1900 (Intelligence Division, War Office No. 1429)

for on it appear all the place names of the Agreement, and, by tracing the boundaries of "Toru Proper" as described in the Agreement on this map, no doubt can exist that the present Bwamba County is included therein.

39. The 30° east meridian, and, therefore, the western boundary of "Toru Proper" was assumed on this map to run some twenty miles to the westward of its subsequently-established position, and by this fact, the intention of the parties to the Agreement to include Bwamba in "Toru Proper" is more firmly established. Even now, with our more accurate knowledge, only a small portion of the present Bwamba County, adjoining the Lamia River, has been ascertained to lie beyond the 30° east meridian.

40. Paragraph 2 of the Agreement, to which much of the confusion in the present matter is due, clearly refers to the area north of Semliki River, known as Mboga County, or Bulegga. Over this area the British Government exercised normal rights of sovereignty until, as a result of the boundary settlement of 1906-08, all territory north of the Semliki passed to the Belgians. The Chiefs, mainly of Bahima extraction, whose forbears had emanated from Bunyoro probably at much the same period that Toro was similarly occupied, collected taxes which were remitted to Fort Portal. The Government granted land to the Native Anglican Church in this County as being part of Toro. On the earlier editions of the "Lake Albert" sheet of the Uganda-Congo Boundary Commission, 1906-08 (G. S. G. S. War Office No. 2471), a "Boundary between Bunyoro and Toro" appears running due west from the western shore of Lake Albert, a mile or so south of Kasenyi, and the map accompanying Sir Harry Johnston's report as Special Commissioner (Parliamentary Paper; Africa No. 7 (1901)) exhibits, somewhat less clearly, the same information. There are, therefore, no reasonable grounds to doubt that the Mboga area was, in 1900, looked upon as part of the district of Toro, but not of the "Administrative Division of Toro."

41. Certain implications arise from the admission that Bwamba County is an integral part of "Toru Proper." For all practical purposes it is already so treated. It is administered by a County Chief through the Toro Native Government in the usual manner, and its poll tax collections are included among the considerations upon which is based the figure at which the Mukama's salary is, by mutual consent, fixed in lieu of the 10% tax rebate to which he is entitled under the 1900 Agreement.

42. It will not, however, be far from the truth if it is stated that the principal concern of the Mukama and Chiefs in Bwamba has been the desire to mark out estates there, and to impose upon the Baamba peasantry the same tribute obligations as are usual in Toro. A possible result of this might be the wholesale exodus to the Belgian Congo of the Baamba, to whose social organisation such an impost is entirely foreign. We are further satisfied that no Batoro Chiefs had permanent settlements in Bwamba at, or prior to, the time of the 1900 Agreement. There are, in fact, for all practical purposes, no such settlements to-day, for the Batoro find Bwamba an unhealthy country and generally dislike living there.

43. The wording of paragraph 7 of the 1900 Agreement appears to us, however, clearly to imply that the private estates to be guaranteed were such as were then so recognised, and for this reason we consider that any claim by allottees under the Agreement to mark out private estates in Bwamba may properly be rejected.

44. As regards official estates we recommend that the Mukama should be permitted, in order to sustain his position in Bwamba, to mark out one square mile from the 16 square miles of official estate allotted to him under the Agreement. The Kasuju, County Chief of Bwamba, has already been provided with an allotment of 10 square miles of official estate, this having become available upon the amalgamation, in 1924, of Kibale and Kitagwenda Counties. It may be explained that the Chiefs of these Counties were each entitled to 10 square miles of official estate, but since 10 square miles in all were deemed sufficient provision for the amalgamated county, the 10 square miles not required were transferred to Kasuju, the County Chief of Bwamba, of whom, as already stated, all mention was omitted from the 1906 Memorandum.

45. The 1900 Agreement, however, lays it down that official estates shall be allotted from waste land, and though this provision has been entirely ignored in the rest of Toro, we consider it should be enforced in Bwamba. If the Mukama and Kasuju can attract tenants to such estates marked out of waste land there can be no objection. It is, however, unthinkable that they should be permitted to impose themselves as



landlords upon the holdings of a hitherto free peasantry. We cannot make a definite recommendation that rent should not at any future time be collected from the inhabitants of Bwamba. Any policy in regard to peasant occupancy which may be adopted in respect of other tribes of the Protectorate similarly circumstanced (e.g., Lango, Teso, Bagishu) would presumably embrace the case of the Baamba as and when circumstances rendered its application desirable. Bwamba is, however, to our view, an obvious field for the application of a "one payment" tax system.

46. We realise that the restriction recommended in the last paragraph will greatly reduce the value of the endowments of the office of Kasuju, and as there is little present likelihood of this office being held by other than a Mutoro, we recommend that he should be permitted to mark out say five square miles of his allotment in other counties of the Toro District.

47. We submit, for consideration, a pronouncement which would comprise our recommendations in regard to Bwamba County, viz.:-

"The Government agrees that it was the intention of the 1900 Agreement that Bwamba County should be included within the boundaries of "Toro Proper" and it will in future be so treated. Bwamba is already administered by a County Chief through the Toro Native Government in the same way as other Counties and the rebate on Bwamba tax is included in the calculation upon which the Mukama's salary is fixed. As regards land, as the Batoro Chiefs had no permanent settlements in Bwamba at the time of the making of the 1900 Agreement, no private estates may be marked out there. The Mukama will, however, in order to sustain his position in Bwamba, be permitted to mark out one square mile of official estate from the 16 square miles allotted to him. The Kasuju may also mark out his 10 square miles of official estate in Bwamba but, if he prefers, not more than five of these miles may be marked elsewhere in Toro. But, because the Baamba have never paid rent, the words of the Agreement that official estates must be marked out of waste land, must, in Bwamba, be strictly adhered to."

#### SALT LAKES.

48. The future administration and disposal of the profits of the Salt Lakes at Katwe and Kasenyi are primarily matters of interest to the Mukama and Native Government. Upon enquiry we found that the unequivocal statement in the 1900 Agreement that all salt deposits shall be considered to be the property of the British Government was no longer challenged, and the petitions presented to us were merely a request that the present arrangements should not be disturbed.

49. These arrangements are that, for a nominal annual fee of £100, paid to general revenue in recognition of the Crown's ownership, the Toro Native Government is granted an annual licence to operate the salt lakes. The efficient control recently introduced and now carried on under the inspection of the British Administration by the employees of the Toro Native Government has produced substantial profits (amounting to in excess of £2,000 net in 1925), upon which the finances of the Native Government of Toro are for some time likely to be dependent.

50. The winning and distribution of salt from these lakes is a deeply-rooted native institution. Its organisation and operation are still, in essentials, such as have been developed in an impenetrable past in a way most suited to the native genius, and it is improbable that this organisation could, under present conditions, be replaced in a satisfactory manner by direct non-native control.

51. Furthermore, deprived of the salt revenue, the Native Government would require a subsidy from Protectorate funds. We consider, therefore, that the present arrangement is in the circumstances, an admirable one. We recommend that it should be continued, and that the Native Government should be informed that, while maintaining its full right of ownership, the British Government has no present intention of varying the existing arrangements by which the whole of the proceeds of the salt lakes is devoted to the purposes of the Native Government.

52. The advent of a motor road to Katwe, and the introduction of scientific methods of extraction and preparation are, however, factors which may lead to great changes in the present system. Further, it is possible that the Native Government

budget may become independent of the salt revenues. We recommend, therefore, that the Government should not in any way prejudice its complete freedom to re-consider the position at any appropriate time.

53. We note that the Mukama is being voted a sum of Shs. 2,000 annually out of the salt revenue by the Toro Native Council as compensation for alleged loss of income. We recommend that this arrangement should not be interfered with, subject to the Mukama's good behaviour, and to the money being available; but that the grant should be clearly terminable at the death of the present Mukama.

54. It has of late years been commonly suggested that, by the provisions in regard to salt deposits in the 1900 Agreement, the Government forced upon the Mukama the surrender of what had from time immemorial been the property of himself and his family; and although the matter is not clearly within the scope of our enquiry, the Government's right to the ownership of the salt lakes has been so frequently challenged that it may not be out of place to trace the circumstances under which it was acquired.

55. It goes without saying that, in the past, the power at any time controlling Busongora has always seized the salt lakes, and doubtless the founder of the present Mukama's dynasty, when throwing off his dependence on Bunyoro, asserted such a claim. Doubtless also, these valuable deposits were one of the attractions which led Kabarega of Bunyoro to overrun Toro some years prior to its first British occupation by Captain (now Sir Frederick) Lugard, in 1891.

56. One of the recorded objects of Lugard's expedition, in addition to the recruitment of the Sudanese troops at Kavalli's, was the capture of the salt lakes from Kabarega, and, by the barter of salt for ivory, to recoup for the Chartered Company some part of the heavy cost of the occupation of Uganda, which was then causing him great concern. Kasagama, the present Mukama of Toro, was, at the last moment, permitted to join this expedition. Lugard approached Toro by way of the salt lakes and there established the Company's control. He marched on towards what was then looked upon as more essentially Toro proper, and there reinstated Kasagama under conditions which obviously did not include the recognition of any but the Company's right to the produce of the salt lakes.

57. It is difficult to estimate to what extent Busongora County, with the salt lakes, was dependent upon Kasagama's predecessors in the chieftainship of Toro. The probability is that the Chiefs of Busongora exercised the direct control but acknowledged the supremacy of Toro by a tribute of salt. Some trace of this arrangement was discernible as late as 1915, when the Mukama agreed to share with the former Kimbugwe (County Chief of Busongora), the profits from the lease of the salt lakes which the Mukama then held from the Government. It will be remembered that the "Kingdom" of the extent now under the Mukama's control is a comparatively recent institution dating only from the confederacy of petty chieftainships arranged by Major Owen in 1894.

58. The salt lakes under Company control were not the source of profit which had been anticipated. In 1893, Sir Gerald Portal's first inclination was in favour of their abandonment, together with the whole of Toro, but he eventually provided for the retention of certain Toro forts, including that at the salt lakes, in the estimates which he submitted to the Imperial Government of the cost of the occupation of Uganda.

Re-arrangements in Toro were effected by Major Owen in 1894, in which the British Government's rights to the produce of the salt lakes were explicitly confirmed. The proceeds of the sale of salt were paid to the Officer-in-Charge of Toro, and salt was, at intervals passed down in safaris to Buganda on Government account.

In 1896, following the local friction between Captain Ashburnham and Kasagama, the ivory tribute fixed by Major Owen was reduced, and at the same time some concession appears to have been granted to Kasagama in regard to the salt lakes by which he was permitted to win salt from the lakes on payment of a tribute in kind. This tribute in kind became a money rent shortly after the 1900 Agreement, and so continued under various forms of lease or licence until the Mukama's tenancy from the Crown was finally terminated at the end of 1922.

59. The surrender by Kasagama of such suzerain rights as his ancestors may have had to the produce of the salt lakes had, in fact, originated as part of the consideration

for the protection afforded him by the British occupation, and it may be concluded that, in this connection, the 1900 Agreement merely confirmed a situation which had previously been established and which was, at that time, well understood. Mr. Bagge, who was in Uganda at the time of Lugard's visit to Toro in 1891, was Collector of Toro when Sir Harry Johnston signed the 1900 Agreement, to which document he is a witness. He must have been familiar with the history of the salt lakes since the British occupation and doubtless advised Sir Harry Johnston on that subject.

60. We submit for consideration a pronouncement which would comprise our recommendations in regard to the salt lakes, viz.:-

"The Government, while re-affirming its ownership of, and full liberty of action in regard to the salt lakes, has no present intention of varying the existing arrangements by which, upon payment of an annual fee, the Toro Native Government operates, and has at its disposal the profits from, the salt lakes. Subject to his good behaviour, and to the money being available, the annual grant by the Native Government to the Mukama of Shs. 2,000 out of the salt revenue (or its equivalent in salt) will be agreed to during the lifetime of the present Mukama."

C. E. E. SULLIVAN,  
*Acting Provincial Commissioner, Western Province.*

H. B. THOMAS,  
*Deputy Director of Surveys.*

28TH JULY, 1926.

APPENDIX A.

UGANDA.

No.....

(Toro.)

CERTIFICATE OF RIGHT OF OCCUPANCY OF A NATIVE OF TORO.

With the approval of His Excellency the Governor the Native Council of Toro recognises the right of.....to the occupancy of the garden cultivated by him at

.....Garden

.....Mutala

.....Gombolola

.....Saza

This Certificate is granted subject to the following conditions:-

- (1) The person named above, or his successor, is entitled to the undisturbed enjoyment of the land described above, subject to the requirements of condition (7) below.
- (2) The person named above, or his successor, is the absolute owner of all buildings erected by him, all trees planted by him, and all crops cultivated by him on the land.
- (3) No tribute may be collected from any native living on the land.
- (4) The person named above, or his successor, cannot sell, transfer, or sub-let any portion of the land; but on giving up his tenancy he may, upon giving notice of his intention to the Native Council of Toro, sell the buildings, trees and crops which are his property, to another native of Toro.
- (5) The person named above, or his successor, may leave his rights under this certificate and any improvements by will, or, in the absence of a will, his heir by native custom will be entitled to succeed him.
- (6) The person named above, or his successor, shall pay to the Native Council of Toro when due, an annual rent, the amount of which will be fixed annually by the Native Council of Toro, with the approval of the Governor.
- (7) The person named above, or his successor, may be disturbed in his occupancy, if necessary to allow of the construction of any works for the good of the country (for example, roads, railways, schools, dispensaries) in which case the person named above, or his successor, will be compensated for all damage.
- (8) The rights confirmed by this Certificate will be cancelled by a discontinuance of cultivation or occupation of the land by the person named above or his successor.

SIGNED on behalf of the Native Council of Toro

SIGNED.....  
*Officer-in-Charge.*

..... } Two  
..... } Members.

Date.....

ENDORSEMENTS.

## APPENDIX B.

## THE TORO AGREEMENT 1900.

Between Sir Henry Hamilton Johnston, K.C.B., Her Majesty's Special Commissioner and Commander-in-Chief for the Uganda Protectorate and the Adjoining Territories, representing the Government of Her Britannic Majesty the Queen of Great Britain and Ireland and Empress of India on the one part, and the Kabaka and Chiefs of the District of Toru on the other part.

1. That portion of the District of Toru to which the present Agreement applies shall be divided into the following Administrative Divisions:—(a) Toru, (b) Mwengi, (c) Kitakwenda, (d) Kitakweta or West Chaka, (e) East Chaka, and (f) Nakabimba.

They shall be approximately bounded as follows:—

The Administrative Division of Toru shall be bounded on the north by the Semliki River; on the east by a line drawn from the Semliki River starting at a point near a place called Dukala. From thence the line shall be carried past a place called Kisaja due south to the rise of the Toru Escarpment. From the summit of the Toru Escarpment the line shall be carried for a distance of ten miles eastwards along the edge of the escarpment and then shall be deflected south-east for a distance of 12 miles, and from this point shall be carried east-south-east to the right bank of the River Munobo, an affluent of the River Mpanga. From this point the eastern boundary shall follow the right bank of the River Munobo down stream to its confluence with the Mpanga, and thence shall follow the right bank of the Mpanga River down stream to its entrance into Lake Ruisamba. The southern boundary of the Toru Sub-Division shall be the northern coasts of Lake Ruisamba, of Lake Kafuru, and of Lake Albert Edward. The western boundary of the Toru Sub-Division shall be the 30th Degree of East Latitude.

The Administrative Division of Mwengi shall be bounded as follows:—On the north-west and north by the Semliki River and the coast of Lake Albert Nyanza; on the east and north by the left bank of the River Kuzizi or Misisi, from its entrance into Lake Albert Nyanza up stream to its confluence with the little river Kiji, about twelve miles to the west of "Fort Roddy" (Nakabimba). From this point the eastern boundary of the Mwengi Sub-Division shall follow the Kiji stream, up stream for about 14 miles, and from this point shall be carried west-south-west to the vicinity of the site of Fort Briggs. The southern boundary of the Mwengi district shall be a line drawn from the vicinity of the site of Fort Briggs in a west-north-westerly direction for about 36 miles, and from where this measurement ends shall be carried in a south-westerly direction for 20 miles and thence in a south-south-westerly direction to the vicinity of Mt. Loamaja. From the northern flanks of Mt. Loamaja the boundary shall be carried due west to the Mpanga River. The western boundary of the Mwengi Sub-Division shall be the River Mpanga and the eastern boundary of the Toru Sub-Division.

The Kitakwenda Administrative Division shall be bounded as follows:—On the north by the left bank of the Mpanga River, by the southern boundary of the Mwengi Sub-Division, and thence by a line drawn from the northern flank of Mt. Loamaja due east for a distance of 22 miles, or until the Isajasi or Kasinga rivulet is reached; on the east by the Kasinga or Isajasi rivulet as far as its confluence with the River Katonga; on the south by the River Katonga from its confluence with the Isajasi, westward to the vicinity of Fort Grant. From this point the southern boundary shall be drawn west-south-west and then westwards to the south coast of Lake Kafuru.

The Administrative Division of Kitakweta shall be bounded as follows:—On the north and west by the eastern and southern boundaries of the Mwengi Sub-Division; on the south by the northern boundary of the Kitakwenda Sub-Division; and on the east by a line starting from the point where the northern boundary of the Kitakwenda Sub-Division touches the Isajasi or Kasinga rivulet north-westwards till it reaches the eastern boundary of the Mwengi District, in the vicinity of Mount Fomi.

The Administrative Division of East Chaka shall be bounded as follows:—On the west by the eastern boundaries of the Kitakweta and Kitakwenda Sub-Divisions; on the south by the Katonga River; on the east by the Nabutari River and the frontier of the Uganda Province; and on the north by the eastern boundary of the Mwengi Sub-Division and the southern boundary of the Nakabimba Sub-Division.

The Administrative Division of Nakabimba shall be bounded as follows:—On the north by the Kuzizi or Misisi River; on the east by the boundary of the Uganda Province, which is a line drawn from the left bank of the River Kuzizi, near its source, and about 10 miles north-westwards of the Mubende Mountain, in a south-westerly direction for about 20 miles. From where this measurement of 20 miles ends, along the Uganda frontier the southern boundary of the Nakabimba Sub-Division shall be carried in a west-north-westerly direction till it reaches the right bank of the River Kiji near the site of Fort De Winton. The western boundary shall be the course of the River Kiji down to its confluence with the River Kuzizi or Misisi.

2. The above-defined Administrative Divisions do not include the whole area of the District of Toru, but those portions of the District which border more closely on the Congo Free State will be subject to the same regulations as those set forth in this Agreement, and will for the present be administered by the Principal European Official placed in civil charge of the Toru District.

3. By this Agreement the Chief Kasagama is recognised by Her Majesty's Government as the Kabaka or supreme Chief over all that part of the Toru District which is included within the limits of the above-mentioned Administrative Sub-Divisions; Nasaniri Kagwa Pokino is recognised as Chief over the Mwengi Sub-Division; Bulemo Katambala as Chief over the Kitakwenda Sub-Division; Nyama Kitunzi as Chief over the Kitakweta Sub-Division; Kagoro Lwekula as Chief over the East Chaka Sub-Division; and Mugema Kiambaranga as Chief over the Nakabimba Sub-Division. So long as the aforesaid Kabaka and Chiefs abide by the conditions of this Agreement they shall continue to be recognised by Her Majesty's Government as the responsible Chiefs of the Toru District. They shall be allowed to nominate their successors in the event of their demise, and the successors thus nominated shall be in like manner recognised by Her Majesty's Government as the successors to the dignity of chieftainship, on the understanding that they equally abide by the terms of this Agreement. But should the Kabaka or the other Chiefs herein named fail at any time to abide by any portion of the terms of this Agreement they may be deposed by Her Majesty's Principal Representative in the Uganda Protectorate, and their titles and privileges will then pass to any such other Chiefs as Her Majesty's Principal Representative may select in their place. Should the Kabaka of Toru—Kasagama or his successors—be responsible for the infringement of any part of the terms of this Agreement, it shall be open to Her Majesty's Government to annul the said Agreement, and to substitute for it any other methods of administering the Toru District which may seem suitable.

4. All the waste and uncultivated land which is waste and uncultivated at the date of this Agreement; all forests, mines, minerals, and salt deposits in the Toru District shall be considered to be the property of Her Majesty's Government, the revenue derived therefrom being included within the general revenue of the Uganda Protectorate; but the natives of the Toru District shall have the same privileges with regard to the forests as have been laid down and formulated in the aforesaid Regulations in force in the Uganda Protectorate as are applicable to the natives of each province or other administrative division of the Protectorate within such province or administrative division. Her Majesty's Government shall have the right of enforcing on the natives of the Toru District, as elsewhere in the Uganda Protectorate, the protection of game; and in this particular it is hereby agreed that within the Toru District the elephant shall be strictly protected, and that the killing or the capture of elephants on the part of the natives of the Toru District shall be regulated by the Principal European Official placed in civil charge of this District.

5. There shall be imposed henceforth on the natives of the Toru District the same taxation as is in force by a proclamation in the other provinces or districts of the Uganda Protectorate, to wit, the Hut Tax and the Gun Tax. All revenue derived from Customs Duties, Hut Taxes, Gun Taxes, Salt Deposits, or any other sources whatever shall be paid direct to the Principal Officer in civil charge of the Toru District. No Chief in the Toru District shall henceforth levy on other Chiefs or on natives tribute or gifts of any kind, except such as may be directly sanctioned by Her Majesty's Principal Representative in the Uganda Protectorate and as are specified in the clauses of this Agreement.

6. Justice as between native and native shall be administered direct by the recognised Chiefs of the six Sub-Divisions. In all cases where a sentence of over three months' imprisonment, or a fine exceeding £5 in value, or where property of over £5 in value is concerned, an appeal shall lie from the divisional native courts to the Lukiko of the Kabaka of Toru. In cases where the imprisonment exceeds a term of one year, or property involved exceeds the value of £100, an appeal shall lie from the decision of the Kabaka or his Lukiko to the Principal European Officer in civil charge of the District of Toru. All fines, fees, or other sums legitimately collected in the divisional native courts of the District of Toru shall be dealt with as follows:—One-third of the total annual value of these sums shall be retained by the local Chief administering justice; and two-thirds shall be remitted to the Kabaka of Toru. All cases between natives of the District of Toru and natives of other districts of the Uganda Protectorate, or between natives and foreigners, shall be tried by the British Magistrates in the District of Toru and shall be removed altogether from native jurisdiction.

7. From out of the total annual revenue received in the shape of Hut Taxes and Gun Taxes from the six Administrative Divisions above specified in the Toru District, 10 per cent. of the total value shall be paid to the Kabaka; and of the total value of taxes remitted by the Chief of each Sub-Division 10 per cent. shall be remitted to the recognised Chief of such Sub-Division. Thus the Kabaka of Toru will receive firstly 10 per cent. of the total value of the taxes collected in the six previously mentioned Sub-Divisions of the Toru District, and in addition 10 per cent. of the total taxes collected in his own administrative division of Toru Proper; the Chief of the Mwengi Sub-Division will receive 10 per cent. of the total value of the taxes collected in the Mwengi Sub-Division; the Chief of Kitakwenda will in like manner receive 10 per cent. of the total value of the taxes collected in the Kitakwenda Sub-Division, and so forth. In addition to the percentage of the taxes, the Kabaka of Toru, as Kabaka, shall be granted an estate from out of the waste lands of the Toru Sub-Division of an area of 16 square miles, provided however that such estate may not include within its limits any large areas of forest or any salt deposit. The Katikiro or principal Minister of the Kabaka of Toru shall in his official position as Katikiro enjoy the usufruct of an estate to be allotted out of the waste lands of the Toru Sub-Division, of an area of 10 square miles, not however to include any large area of forest or any salt deposit within its limits. In like manner, and with the same reservations, the Namasole or the existing Queen Mother of Kasagama shall receive from out of the waste lands of the Toru Sub-Division an estate of not more than 5 square miles. The recognised Chiefs of the other 5 Sub-Divisions of the Toru District shall enjoy in their official

capacity the usufruct of an estate of 10 square miles from out of the waste lands in their respective Sub-Divisions. The private estates to be guaranteed to Kasagama, the present Kabaka of Toru, shall not exceed 50 square miles in area, of which amount 25 square miles must be held in the sub-division of Toru Proper. The private estates of the Katikiro shall not exceed 16 square miles, those of the Namasole 16 square miles, and those of each existing Chief of a Sub-Division, as named in this Agreement, 16 square miles each.

In all respects the Toru District will be subjected to the same laws and regulations as are generally in force throughout the Uganda Protectorate.

Signed by the within-named Sir Henry Hamilton Johnston and the Kabaka and Chiefs of Toru at Fort Portal on the 26th day of June, 1900.

(Signed) HENRY HAMILTON JOHNSTON,  
H. M. Special Commissioner and  
Commander-in-Chief for the Protectorate of Uganda.

(Signed) DAUDI KABAKA KASAGAMA.  
NASANALI KAGWA POKINO.  
NYAMA KITUNZI, his X mark.  
KAGORO LWEKULA, his X mark.  
RULEMO KATAMBALA, his X mark.  
MUGEMA KIAMBARANGA, his X mark.

Witness to the signatures of Nyama, Kagoro, Bulemo and Mugema:

(Signed) STEPHEN S. BAGGE.

Witnesses to the above signatures:

(Signed) STEPHEN S. BAGGE.

(Signed) ALEXANDER JOHNSTON.

NASANIRO, KATIKIRO MUJURASI, his X mark.  
KIBOGO MUJASI, his X mark.

The following Memoranda were published in a book containing the Native Agreements printed by the Government in 1905:—

#### NOTE.

With reference to Hut and Gun Taxes to be imposed henceforth in the District of Toru, the following exemptions and privileges will be granted annually to the personages named in this note, provided such personages adhere strictly to the terms of the Agreement entered into by the Kabaka and Chiefs of Toru with the British Government:—

The Kabaka of Toru will be granted exemption from Hut Tax for 50 huts or houses.

The Katikiro of Toru will be granted exemption for 20 huts or houses.

The Namasole or Queen Mother will be granted exemption for 10 huts or houses.

The recognised Chiefs of each of the five administrative Sub-Divisions of the District of Toru (as mentioned in the Agreement) will be granted severally exemption from Hut Tax for 25 huts or houses.

The Mujasi or Head of the Kabaka's Police shall be granted exemption for 10 huts or houses and the Dubuga or Sister of the Kabaka shall be granted exemption for 10 huts or houses.

The following exemption from payment of the Gun Tax will be granted under the like conditions as those applying to the exemption from the Hut Tax:—

The Kabaka will be granted exemption for 10 gun-bearers.

The Katikiro will be granted exemption for two gun-bearers; and each of the recognised Chiefs of an Administrative Sub-Division shall be granted exemption for 5 gun-bearers. The above exemptions in relation to the gun-bearers or the possession of guns refer to guns which are used for private purposes. In addition to this, however, no gun licences will be levied on guns which are used by the Kabaka or the other recognised Chiefs of Toru for the purpose of arming a Police Force, provided that such native Police Force is instituted in accordance with the permission and under the control of the Principal European Officer administering the Toru District for the British Government.

(Signed) H. H. JOHNSTON,  
H. M. Special Commissioner.

In addition to the settlement made in the above note, it is hereby notified that in the Land Settlement of Toru the following persons will receive estates to the total extent of 10 square miles each:—

The Kimbugwe, the Sekibobo, Kanguwo, Mugema, Kaima, Mukwenda, Kasuju and Kago.

The same persons likewise shall be granted exemption from Hut Tax for 5 huts or houses each, and exemption from Gun Tax for 2 gun-bearers each, or for 2 persons permitted to carry firearms, one of such persons being if necessary the gun-owner.

JUNE 29TH, 1900.

(Signed) H. H. JOHNSTON.

## APPENDIX C.

No. 516/1906.

GOVERNMENT HOUSE,

ENTEBBE, UGANDA,

13TH JULY, 1906.

### MEMORANDUM.

I have been informed that the Kabaka, Chiefs, and people of Toru are troubled by doubts as to the true position of the affairs of Government in their country. It is my wish that these doubts and fears should cease, and that they should be replaced by a feeling of content and of confidence in the honour and justice of British rule. I wish the Kabaka, Chiefs, and people of Toru to feel that every promise that has been made by the Government will be strictly fulfilled, and that, in return for their loyalty and obedience, they will continue to receive protection and justice.

2. I have carefully considered the representations that have, from time to time, been made by the Kabaka and Lukiko of Toru to His Majesty's Commissioners who have preceded me, and especially to the petitions which they submitted on the 8th January last. In order to clear up, once and for all, any doubts that may exist as to the intentions of the Government, I now give and declare the following decisions and directions, which have received the approval of His Majesty's Principal Secretary of State for the Colonies.

(1).

Daudi Kasagama is recognised as Kabaka or King of the whole of the Toru Confederacy, including what was known, at the time of the Agreement made on the 26th of June, 1900, as Toru Proper.

(2).

The Kabaka of Toru shall nominate his successor, and when possible such successor will be a descendant of Kaboyo. His appointment shall, however, be subject to the approval of His Majesty's Commissioner.

(3).

The administrative division, formerly known as Toru Proper, shall cease to be so termed, and shall be divided into four counties (Sazaships) as follows:—

- (a) Busongoro (Kimbugwe)
- (b) Bunyangabo (Mukwenda)
- (c) Blahya (Kaima)
- (d) Kivari (Sekibobo)

and those counties shall be under Chiefs who shall have the full powers of Sazas.

Those Chiefs shall have estates, privileges, and emoluments similar to and equal to those possessed by the Sazas recognised by the Agreement, and they will surrender the settlements made in the addendum to the note in that Agreement.

(4).

The Saza Chiefs shall be allowed to nominate their successors, but such nomination shall be subject to the ratification of the Lukiko and to the approval of His Majesty's Commissioner.

(5).

The Sub-Chiefs Tomasi Kago, Kambuza Mugema, and Korohoro Kanguwo shall, during their lives, continue to receive the privileges allowed them by the addendum to the note at the foot of the Agreement, and in such case an estate of three square miles will pass to their descendants.

(6).

As a reward for his long and useful services I add four miles to the personal estate of Nasanaeri the Katikiro. He shall also receive an addition of five miles to his official estate; but this extension shall be personal to the present Katikiro during the term of his holding office.

3. The other requests, to which my attention has been drawn, are being carefully considered by me, and will be dealt with as soon as I am able to do so.

4. In return for the benefits and concessions now granted I call upon the Kabaka and Chiefs to loyally observe the spirit of the Agreement, and to carry out, with zeal and discretion, the duties and privileges which are attached to their rank and position. I trust they will show a due sense of their responsibilities by the just treatment of their subjects, and that they will do all in their power to help the Government in its efforts to improve the conditions of the people and to assure peace and prosperity to their country.

(Signed) H. HESKETH BELL,  
H. M. Commissioner.

F. A. KNOWLES, ESQRE.,  
ACTING SUB-COMMISSIONER,  
WESTERN PROVINCE, TORO.

## (ENDORSEMENT).

We the Kabaka and Lukiko of Toro do gratefully accept the decisions and grants now made by His Majesty's Commissioner, and we do bind ourselves, once more, to loyally abide by the terms and conditions of the Agreement made with Sir Harry Johnston in 1900.

(Signed) DAUDI KASAGAMA KABAKA.  
 NASANAALI KATIKIRO.  
 " NASANAERI PORINO.  
 " MIRAERI KIMBUGWE.  
 " KITUNZI his mark witness.  
 " KAIMA.  
 " KATAMBALA.  
 " TITO SEKIBOBO.  
 " LUWEKULA his mark.  
 " NIKODEMU KASUJU.  
 " CHAMBALANGO his mark.  
 " MALIKO MUKWENDA.

Witnesses to the above signatures and marks:

30TH JULY, 1906.  
 FORT PORTAL,  
 TORO.

F. A. KNOWLES.  
 J. O. HALDANE.

INTERPRETER—JOSIAH SEWALI.

## APPENDIX D.

To THE PROVINCIAL COMMISSIONER,  
 WESTERN PROVINCE, FORT PORTAL.

No. 67/17/26.  
 THE RUKURATO'S OFFICE,  
 KABAROLE, TORO,  
 JULY 5TH, 1928.

SIR,

With reference to your letter of 17/6/26, instructing the Mukama to call the Saza Chiefs together to discuss the troubles about the native estates of Toro. This has been done.

1. *Native Estates.*

I, Omukama of Toro, and the Rukurato (Native Parliament) humbly beg to bring the cry of the Batoro before you, our kind father and protector, the British Government.

We humbly trust that our true and righteous father the Government will carefully consider it and will help us about the troubles of most of the Batoro.

According to the Agreement of 1900 the Mukama of Toro and a few big chiefs were given private and official mailos (estates) but most people were not given any, remaining in their villages thinking that the cultivated land is theirs and undoubtedly their own estates according to paragraph 4 of 1900 Agreement.

In 1923 we saw our land was called Crown Lands. The rents of the chiefs, the princes, the princesses and the estate owners were taken. This caused much sorrow to all people bringing many thoughts which were not in happiness saying that our land has been taken from us. The people were not able to build permanent houses, or to plant useful crops; because they said that if I cultivate or build I may be turned out. This caused the people to wander about.

For this reason, Sir, we pray the Government to give to those Batoro who did not obtain mailos (estates) 2189 (Two thousand one hundred and eighty nine) square miles to be added on to the 390 sq. mls. of the Agreements of 1900 and 1906, that we may have 2579 sq. mls. given to the Batoro.

2. *Bwamba County.*

We beg that the Bwamba County may be like all the other counties of Toro, because Bwamba is truly one of the counties of Toro.

From long ago, in the times of all Bakama of Toro, Bwamba has been ruled by the Bakama of Toro. In the Agreement of 1900, Kasuju (County chief of Bwamba) was counted with the chiefs of Toro to have mailos (estates).

But in 1920, Capt. Place the then D. C., Toro, prevented the Mukama and the chiefs of Toro from marking out mailos (estates) in that county of Bwamba.

3. *The Katwe and Kasengi Salt.*

We humbly beg the Government to agree that the salt deposits may always remain in the Native Parliament, that it may not be continually altered to other hands than the Native Parliament. Because the salt is the principal way of bringing Shillings (Money) into the Rukurato Fund, and without salt the Native Government could not stand, and there is no other way which is able to help the Native Government. But we will continue to pay for the Licence as we do every year.

In this our letter which we have written we beg to inform you that we do not intend to change the Agreement of 1900. We pray the Government to accomplish the letter No. 516/1906 of 13/7/1906 of His Excellency the Governor, Sir H. Bell, which he wrote to us promising us to accomplish all these things, which he promised after the petitions of all the people of the kingdom of Toro.

We have the honour to be,  
 Sir,  
 Yours respectfully,

D. K. KYEBAMBE OMUKAMA OF TORO.  
 JOSIAH M. SEWALI KATIKIRO OF TORO.  
 M. RUSOKE KAHUMA.  
 HAMA RUOMIRE PORINO.  
 EZRONI MABIHO SERIBOBO.  
 EZERA RUJUMBA MUKWENDA.  
 BENWA LUBUTO KIMBUGWE.  
 LEO KABOHA KITUNZI.  
 PAULO TABULA KASUJU.  
 JOSIYA RUKIDI SABAIRU FOR MUGEMA.  
 ELISA NIRONAGO SABAWALI FOR RUHEKURA.  
 AND THE RUKURATO OF TORO.

## APPENDIX E.

## STATEMENT OF CASE MADE BY THE BABITO (PRINCES) AND BABITOKATI (PRINCESSES) ABOUT THEIR GRIEVANCES FOR THEIR BUTAKA (NATIVE ESTATES).

SIR,

We humbly request to bring the case of our grievances before the Government.

1. When great Prince, the King of Toro by name Kaboyo possessed the land of Toro all the Babiito and Babiitokati were peaceful and had their estates. After that the Mukama Kaboyo began to give estates to his people.

2. From the time of the Mukama Kaboyo who was the first Omukama of Toro up to the time of the present Mukama Daudi Kyebambe IV, We, the Babiito, had our estates until the year 1922 when the Government took our villages and made them Crown Lands. Whereas the paragraph 4 of the Toro Agreement of 1900 reads that:—"All cultivated land will belong to the Natives."

3. In 1900 the Government gave mailos to the Mukama and Saza Chiefs only, whereas in the Buganda agreement which distributed mailos the Babiito of Buganda had not their Bataka, Bw<sup>2</sup> which was given to them by their grandfathers Kimera, taken away from them.

(a) In the year 1906 the Mukama and the Rukurato submitted their petitions to H. E. the Governor Sir Hesketh Bell that more mailos might be given for those who did not get any by the 1900 agreement. He replied to them that, "Have hope the Government will fulfil all you have brought to me."

(b) From that time we hoped to be given the Mailos until the year 1924 in the great Baraza held by Mr. Cooper, P.C., W.P., for information of Toro land question Mr. Cooper said that, "The Government will not give you the mailos (estates) but Obutaka (villages) only."

4. Therefore we beg the Government to return back to us our Butaka which it had taken from us in 1922 and which it had descended to us from our forefathers. We beg that the Butaka may be ours, our children's and our grandchildren's as per H. E. the Governor, Sir W. Gowers in the Baraza held on 26th August, 1925, said to us, "I hope when the land question is settled it will certainly please you, because the land will be yours and your children's."

5. We the Babiito as we are the first great Bataka (estate owners) of the nation, pray the Govt. to grant our this request. We have much hope that as well as the Government has allowed our stating this case, a good settlement will follow as they have been outstanding for a long time.

We are,

Your obedient and humble servants,

(Sgd) Z. K. MUSHUGA

(Sgd) Y. M. KANYEMERA

For all Babiito of Toro.

Salt.

From long ago the Katwe and Kasenyi salt has been of a great use for Toro. Toro could not stand without this salt as it is very useful for all people of it. Salt is a principal way of money for the people therefore we beg the Government for the good of the country that it may put the salt in the Rukurato Fund permanently, in the way as it is now.

Bwamba.

As we know the Toro boundary stated in the agreement of 1900 that will bounded westward to the Congo Belge until the year 1920 when the Government separated the Bwamba county from the other counties of Toro.

(b) H. E. Sir R. T. Coryndon in the Baraza he held in 1920 he said that if the Rukurato will be able to pay all Bwamba chiefs, the Bwamba county will be included in the Toro Counties, that is why we beg the Government to return our county to us.

We are,

Your obedient servants,

(Sgd) Z. K. MUSHUGA

(Sgd) Y. M. KANYEMERA

For all Babiito of Toro.

## APPENDIX F.

## STATEMENT MADE BY THE YOUNG MEN OF TORO.

TO THE PROVINCIAL COMMISSIONER,

WESTERN PROVINCE, FORT PORTAL.

SIR,

We, young men of Toro have very much pleasure in our hearts to see that H.M. Government wants to settle and do away with the grievances in the following three questions and we have much hope that it will certainly fulfil them by its justice for the good of both H.M. and Native Governments.

We would suggest these:—

1. *Native Estates.*

The land question is very important matter in all countries therefore there is much contentment in it when put in good order and on the contrary there is much cry. We pray that all the country should be under our Mukama (The King) and his Rukurato (Native parliament) and that the name of "Crown Lands" should be abolished for it causes much trouble among us and puts us in despair.

(a) The natives of Toro may have shares on their natural villages.

(b) Receiving rents from their tenants, but if any need of help is asked for by the members of the Toro Rukurato Fund which is reasonable; the Bataka (Estate owners) will be bound to give same as per suggestions put before them.

(c) Laws and regulations of Native Estates settlement should be made with very great care.

2. *The Katwe and Kasenyi Salt Deposits.*

We humbly pray H.M. Government to view that Toro could not stand unless it possess the salt. That is why we beg the Government that the salt may remain always in our Native Parliament Fund, provided that we pay for its Licence to the Government every year.

3. *The Bwamba County.*

This we pray that it may be like the other counties of Toro, as per the Toro Agreement of 1900 about the western boundary of Toro on Congo Belge, this means that the Bwamba county is included in Toro Kingdom and to be as it was in all years before 1920 when it was as if separated from Toro.

We have much hope and confidence in H.M. Govt. that for its kindness and justice it will do all these for the good our country.

We have the honour to be,

Sir,

Your obedient and humble servants,

1. E. D. MUSOZI *P. Sec. to Ankawa*
2. J. M. MBOJANA *Inspector, Salt Office*
3. K. R. KABITANI

For all young men of Toro.

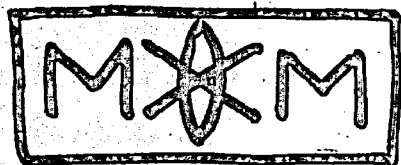
FILM N<sup>o</sup> 96649

ENQUIRY INTO GRIEVANCES  
OF THE MUKAMA AND  
PEOPLE OF TORO.

1926

COLONIAL OFFICE REFERENCE

10942. VOL. 3. N<sup>o</sup>. 114



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ENQUIRY INTO GRIEVANCES  
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PEOPLE OF TORO.

1926

COLONIAL OFFICE REFERENCE  
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ENQUIRY INTO GRIEVANCES

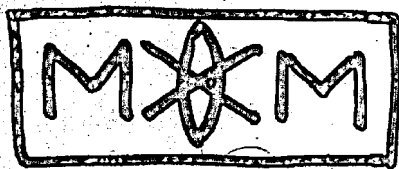
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1926

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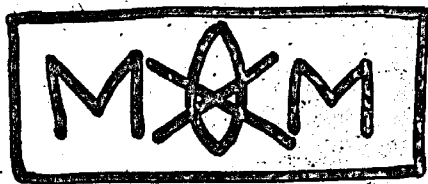


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ENQUIRY INTO LAND TENURE  
AND KIBANJA SYSTEM IN  
BUNYORE.  
1932.

COLONIAL OFFICE REFERENCE  
10942. VOL. 6. No. 224.





UGANDA PROTECTORATE.

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Enquiry into Land Tenure and the  
Kibanja System in Bunyoro,  
1931.

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REPORT OF THE COMMITTEE.

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ENTEBBE:  
PRINTED BY THE GOVERNMENT PRINTER, UGANDA.  
1932.

# Enquiry into Land Tenure and the Kibanja System in Bunyoro.

## REPORT OF THE COMMITTEE.

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### PART I. PRELIMINARY.

#### Terms of Reference and Procedure.

1. The Committee "to enquire into and report on the system of land tenure, known as the Kibanja system, obtaining in Bunyoro, and related problems, such as the distribution of Obusulu paid by residents on such land and on land alienated to Missions and non-natives; and to submit recommendations for the regularising of the position, and for the establishment, if such a course appears feasible, of a Chiefs' salary and Pensions scheme" was appointed upon 15th May, 1931, its members being the signatories of this report.

2. The word "ekibanja" from which this system derives its name is in Buganda usually rendered as "a building site", and the term is there commonly applied to a peasant's small holding. In Bunyoro the use of the term has been extended to include much larger holdings until at present it has acquired an altered significance, the essential difference, in general terms, being that in Buganda it is applied to a peasant's but in Bunyoro to a chief's private holding as opposed to bwesengeze, a chief's holding by virtue of his office. Obusulu is, in general terms, the tribute paid by the peasant occupier to the holder of a kibanja or bwesengeze. It tends to become confused with rent.

3. As a preliminary step, a considerable time was devoted by Mr. Thomas to an investigation of the Government's archives bearing upon the subject. Invitations to submit statements and to give evidence were issued to interested parties, both native and non-native. The Committee sat at Masindi and Hoima from the 26th August to the 5th September, 1931, and heard oral evidence from the Mukama of Bunyoro, the Katikiro of Bunyoro, the county and other representative chiefs; from the Rev. H. Bowers, Rural Dean of Bunyoro, representing the Church Missionary Society and Native Anglican Church, and from Mr. D. N. Stafford, a prominent local planter and President of the Uganda Planters' Association. The local representatives of the White Fathers' Mission informed the Committee that they did not wish to give evidence.

4. As a result of these enquiries the Committee concluded that a detailed inventory of all claims recorded in registers kept by the Bunyoro Native Administration was necessary to obtain an accurate view of the present position. This investigation was carried out by Mr. C. M. A. Gayer, Assistant District Officer, who visited the headquarters of every gombolola chief and compiled an invaluable record based upon most exhaustive enquiries. On its conclusion, Mr. Rubie met the Mukama and leading chiefs of Bunyoro at Hoima on 24th October, 1931, to receive their final suggestions. The Committee sat at Entebbe from the 27th to the 30th October to question Mr. Gayer on his report, to discuss possible solutions with the Mukama of Bunyoro, who with his principal chiefs attended upon 29th October, and to decide upon the terms of this report.

#### Area and Population.

5. The present "kingdom" of Bunyoro coincides with the administrative district of Bunyoro and, at the time of our report, forms one of the four districts into which the Northern Province is divided. Its transference to the Western Province, to the Ankole and Toro Districts of which it is, in race and social institutions akin, is in contemplation.

6. As a gauge by which to measure the interests involved in our enquiry, it will be helpful to compare the area and population of the present district of Bunyoro with those of the three "kingdoms" of the Protectorate with which agreements have been entered into by His Majesty's Government.

	Area, excluding open water. Sq. Miles.	1931 Census.	
		Native Population.	Total Population.
Buganda (Buganda Province) ...	17,381 ...	870,439 ...	879,166
Ankole (Ankole District of Western Province) ...	6,215 ...	279,192 ...	279,621
Toro (Toro District of Western Province) ...	5,200 ...	193,902 ...	194,206
BUNYORO ...	4,735 ...	101,840 ...	102,309
The corresponding figures for the Uganda Protectorate are:—	80,588 ...	3,515,910 ...	3,533,010

7. Of the land area of Bunyoro some 1,153 square miles are closed to habitation by game and sleeping sickness regulations. The area available for cultivation is still further reduced by forests and waste-land on the escarpments and shores of Lake Albert.

#### Tribal Organization and Obligations.

8. It will be well to set out the principal elements encountered to-day in the political and social organization of Bunyoro. The Mukama or "King" is the only functionary whose office is commonly held to be hereditary. The Katikiro is his principal minister. The customs of the country call for the maintenance around the Mukama of certain offices of primarily ceremonial importance. The Nyina Omukama is the queen-mother, Kalyota the official sister of the Mukama, and Okwiri the chief of the princes. Babito and babitokati are usually referred to as princes and princesses and are of royal blood though often only distantly related to the present Mukama. Custom limits the babito in their choice of wives to women of Bahima extraction (vide para. 12), while babitokati are not permitted to marry. These elements thus tend to retain their exclusiveness within the tribe. Bahimakati are the wives of former "kings" and are thus of the royal family but not of royal blood.

9. Bunyoro is divided into six sazas or counties each governed by a saza chief. Each county is divided into about six gombololas. The gombolola chiefs form the lowest grade of chiefs for whose payment regularised provision is made in the native government budget. But essential to the conduct of the native administration under the gombolola chiefs is a class of miruka chiefs, answerable for a group of villages. The only recognised return for their services is derived from a precarious collection or deduction of one shilling from each tribute payment derived from the area which each controls. A yet lower class of chief is formed by the bakungu ranking as little more than petty headmen, who by rallying to the support of their local gombolola or miruka chief obtain perhaps some concession in the incidence of tribal obligations. They often act as agents for the collection of tribute of absentee bwesengeze or kibanja holders and are absolved accordingly from payment of busulu. The bulk of the population are the bakopi who are agricultural peasants.

10. The normal annual obligations of the peasant inhabitant of Bunyoro to-day are:—

(a) Poll Tax. Shs. 10. Levied under the authority of the Poll Tax Ordinance and payable to the Protectorate Government.

(b) Luharo (Luganda: Luwalo). One month's labour in aid of the public works of the native government, commutable in certain cases for the sum of Shs. 10. Levied under the authority of the Native Authority Ordinance and credited to native administration funds.

(c) Education Rate. Sh. 1. Levied under the authority of the Education Ordinance, 1927, and expended upon local elementary education upon the advice of the District Board of Education.

(d) Obusulu (colloquially: busulu). Shs. 7. Tribute payable to some chief by, in general terms, every peasant occupier of unalienated land. No legal authority.

(e) Kwerukira. Minor communal services of negligible incidence. Authorised by the Native Authority Ordinance.

## PART II. HISTORICAL REVIEW.

### Bunyoro prior to the British Occupation.

11. For the purposes of this report it will not be necessary to do more than set out, as an *aide memoire*, some brief reference to the historical background of and the conditions antecedent to the difficulties which are the subject of our present enquiry.

12. The kingdom of Bunyoro was one of that remarkable group of states, which, at the time of the first European penetration of Central Africa, just after the middle of the nineteenth century was found to be under the control of rulers belonging to an originally immigrant cattle-owning caste. To this caste or race is often attached for convenience the common name of Bahima or Bahuma. For their ethnological affinities it is usual to look to Abyssinian or Galla tribes whom they resemble, though no very concrete evidence of such an origin exists.

13. The present Bunyoro is all that remains of the once far-spread kingdom of Kitara, the sway of whose rulers stretched, within the past century, from the Kagera River to beyond the Murchison Falls and from the highlands west of the Semliki River to North Busoga, an area of hardly less than 30,000 square miles.

14. Speke and Grant (1862) were the first Europeans to enter Bunyoro and they and Mr. (later Sir Samuel) and Mrs. Baker (1864) were the only Europeans to encounter King Kamrasi. He died in 1870. Kabarega, his son and successor, ended his active career with his capture in the Lango district by an expeditionary force in 1899.

15. During this period of nearly 30 years, though apparently seen by only six Europeans,\* Kabarega earned from every traveller and administrator within Bunyoro's sphere of influence, a reputation for caprice and treachery, and displayed a bitter and implacable hostility to Europeans. Emin alone was able to record some favourable impressions but he, too, learned to appreciate the accuracy of the common estimate of Kabarega's character and rule.

16. At this distance of time it is possible to attribute Kabarega's attitude to an unreasoning fear of influences which he could not clearly understand. Though his chiefs came to lay upon him the blame for the misfortunes of their country, his despotism appealed to his people and he never wholly forfeited their attachment and veneration. His return from the Seychelles to Uganda after nearly 24 years of exile was welcomed by his former subjects, who have since shown an inclination to apotheosize him as the national "ultra Munyoro" hero. Unfortunately he died at Jinja on the 7th April, 1923, before receiving permission to re-enter Bunyoro.

17. It is impossible but to admire Kabarega's determination to maintain his independence at any cost, nevertheless he proved conclusively his incapacity for taking a part in any scheme for the administration of Bunyoro in accordance with modern views of just government. Even after his capture, Sir Arthur Hardinge, who saw him at Kismayu during the first stage of his exile, records his impression of him as an "out and out savage."

18. Between Buganda and Bunyoro persisted an hereditary antagonism manifesting itself in constant border raids. In this age-old contest, Bunyoro representing the bitter pride of a purer but unprogressive caste, failed in the balance before the greater enterprise and better organisation of Buganda. Based upon what may safely be regarded as purely *ex parte* evidence certain pre-existing claims to tribute from Bunyoro were formally recognised in favour of Buganda in 1899. This tribute had probably been little more than a blackmail extracted on irregular occasions as the price of peace, but all such claims were renounced in favour of the British Crown in the Uganda Agreement of 1900.

19. As during the years 1891 to 1893 British influence gradually acquired dominance in Buganda it became clear that Kabarega must be dealt with if any condition of stability was to be attained. Having been warned of the consequences of

\* Sir Samuel, Lady and Lieut. J. A. Baker (1872), Emin (1877), Dr. Wm. Junker (1886), Major Cassatt (1886-7), after whom Kabarega was not seen by any European until his capture by Lieut. Col. J. E. Eyatt on 9th April, 1899.

his general *intransigence*, the Unyoro Campaign of 1893/94 was launched and from the time that Colonel Colville came within sight of his capital near the present station of Hoima on New Year's Day, 1894, the old Kingdom of Bunyoro or Kitara ceased to exist.

#### The Period of Chaos, 1894 to 1900.

20. For the five succeeding years, Kabarega with an armed following hovered on the confines of his kingdom. He received reinforcements to his supporters when joined in 1898 by the fugitive king Mwanga of Buganda and by a not inconsiderable remnant of Sudanese mutineers. With such disturbing influences on its borders and deprived of most of its hereditary leaders, Bunyoro remained in an atmosphere of apathetic unrest in which it was impossible to make headway with the organisation of a civil administration or to give due consideration to the re-erection of a native authority.

21. The first proposals for civil administration were made at the instigation of the Commissioner, Mr. E. J. L. Berkeley, by a provision in 1896/97 for two civil officers. He had already suggested in November, 1895, that the eventual solution for Bunyoro should take the lines of the formal deposition of Kabarega and his substitution by a minor son, who had been captured and was in custody in Kampala.\*

22. Two years passed before this arrangement was, in fact, put into effect by Mr. George Wilson as Acting Commissioner. The defeat of the Sudanese at Kabagambe promised a speedy end of the mutiny and a hope of quieter times. This, added to a convincing rumour of Kabarega's death, provided the favourable opportunity and, in March, 1898, arrangements were made for the return to Bunyoro of the son, Karukara Kitahimbwa, a boy of about 10 years of age. An amnesty was offered to fugitive chiefs. The deposition of Kabarega was proclaimed. A council of regency for the new king was to administer the local government, under the guidance of the British Government representative.

23. These advances met with the meagrest response of energy or goodwill, and in June, 1899, Colonel Trevor Ternan, the Acting Commissioner, deemed it necessary to make other arrangements. All executive power was to be vested in the British Sub-Commissioner. The regents were replaced by guardians of the king, without executive powers, and a purely advisory native council was provided for. It was laid down that Bunyoro was conquered territory within which, unhampered by treaty or agreement obligations, the British Government was free to make such arrangements as seemed best for its prosperity and development.

24. Although the line of forts erected by Lugard's direction in 1891/92 had wrested from Kabarega's domains the petty chieftainships, which were subsequently federated to form the kingdom of Toro, there still remained in his control until the commencement of the Unyoro campaign in 1893 a large area south of the Kafu-Nkusi rivers covering roughly the present Buganda counties of Buyaga and Bugangadzi with much of north Singo, Buruli and Bugerere. At the end of the campaign, this area, which was still outside the limits of the British Protectorate, was left in charge of armed posts under the superintendence of Baganda chiefs. Conditions remained much in this state even after the Protectorate was formally extended over Bunyoro on 30th June, 1896.

25. Although for some years the scene of much disturbance, Baganda chiefs gradually established and consolidated interests in these occupied countries and it was generally understood that they were, or were to be, added to Buganda as a reward for its loyalty and assistance. This area within which many of the earlier Bunyoro kings had maintained their headquarters and had been buried, was of course inhabited by Bunyoro tribesmen, for the most part of servile agricultural clans, and many of these thus became tenants of Baganda landlords.

26. The proclamation issued in March, 1898 (printed at page 42 of Africa No. 7, 1898), at the time of the appointment of the young Kitahimbwa as Mukama, detailed the recognised "provinces" of Bunyoro. These correspond, with internal rearrangements of boundaries, to the present day counties of Bunyoro, all territory south of the Kafu River being excluded.

\*Col. Colville made somewhat similar proposals; see Instructions to Capt. Gibb for Mruji Expedition, 1894 (Blue Book Africa No. 7, 1895, page 97.)

27. Finally, on 10th March, 1900, Sir Harry Johnston entered into the Uganda Agreement. By this agreement the boundaries of Uganda were formally advanced to the Kafu-Nkusi rivers, and the final dismemberment of Bunyoro, which was thus confirmed in its present dimensions, was complete.\*

#### Social Conditions prior to the British Occupation.

28. Before considering more recent political developments in Bunyoro it will be well to glance at certain aspects of the social conditions of the country prior to its conquest in 1894.

29. Our oral enquiries on this subject were met with answers, given in good faith but with little comprehension and inevitably inspired by a quarter of a century of contemplation of the European system of quasi-freehold land tenure and consequent social relationships which obtain in Buganda over the border. But, from the conclusions of such an independent investigator as the Rev. John Roscoe (The Bakitara; 1923) which were based upon a first hand ethnological enquiry within the country itself, a picture may be drawn whose details are confirmed by the less deliberate records of earlier travellers and observers and by our own enquiries. This picture is of a tribal system revolving round a dominant cattle-owning aristocracy, to the almost complete exclusion of any other interest.

30. The king, absolute and almost divine, was sole distributor of grazing areas, the only use of land, which in the eyes of the privileged cattle-keeping tribes, merited real consideration. Ownership, and indeed, the care of cattle was confined to the members of this Negro-Hamitic race, the Bahima, subject to the right claimed by the king to take any man's cattle; a claim which gave the king an interest in the protection and increase of his people and their herds. Among the Bahima, the dominant clan was that of the Babito, to which belongs the royal house of Bunyoro. The male members of this clan, the babito are commonly referred to as "princes," its female members, the babitokati, as "princesses."

31. Upon the lands, grazed over by the cattle of this, originally alien, minority, who subsisted on a diet almost solely of milk and meat, were settled various indigenous agricultural tribes, themselves of varying racial stocks, whose members were deemed to be not personal slaves of the pastoralists but serfs in condition. These peasants, referred to collectively as Bahera (c.p. the Bairu of Ankole) who frequently lived in better circumstances than the nomad cowmen, were free to settle anywhere without permission, though they usually maintained an attachment to one chief, who would be the cattle-owner, who grazed the area within which the peasant cultivated.

32. The dominant immigrants probably interfered little, if at all, with the social life of the agriculturalists whom they found in possession. Among those of the latter who were of Bantu stock there existed some such clan system as has maintained itself in Buganda. Nevertheless the recognition and the established position which is assumed to have been enjoyed by the clans in Buganda was not, it may be concluded, accorded to the system in Bunyoro. Ignored by the ruling classes the agricultural clan system in Bunyoro persisted probably as little more than a social organization, founded on kinship groups, which guided the corporate interests of its members in matters of mere domestic concern.

33. The king called for no yearly tax and chiefs were not empowered to impose any definite levy on the peasantry. It was, however, understood that the peasant gave at each harvest sufficient of his produce, in particular grain and beer, not only for the use of the chief of the area within which he cultivated but for him to pass on to the king. In the same way these chiefs drew peasants from their areas when labourers were required for the erection and repair of the royal huts and enclosures or when levies were called for in time of war. This work was the only form of state taxation.

34. Members of the royal clan, the babito or princes were, of course, cattle-keepers and except in so far as certain princes and princesses had areas allotted to them, from the peasant inhabitants of which they received food and labour, these princes were designedly treated as private individuals.

\*Bunyoro's claims to suzerainty on the Western side of Lake Albert still remained, but were finally ceded to the Belgians as a result of the Anglo-Congolese Boundary Commission of 1906/08.

35. In the course of time, intermarriage between these two great tribal divisions created an intermediate class from which, for the most part, sprang a group of "Banyoro" or freed agriculturalists (a name which has now been irrevocably misapplied to the whole people who were to themselves known as the Bakitara). Roscoe refers also to certain "free" holders direct from the king, peasant occupiers of small areas in return for some service, who rendered their labour direct to the king; and of others, the recognition of whose aboriginal rights as holders of land, gave them special exemption from disturbance but not from the obligation of royal labour; of these classes we have been unable to trace a survival to-day.

36. But, above all, was the king the ultimate "owner" of the country and evidence points to the fact that if any idea of hereditary estates existed, it was confined to the burying places, said to be quite small plots of the principal chiefs. For administrative purposes the outlying districts were portioned into satrapies and placed in charge of chiefs whose appointments were of a temporary nature. Such chiefs were often of the royal family (as for instance Kaboyo who asserted his independence and founded the present dynasty in Toro) or of the predominant Bahima race; but these posts were at times filled by persons of peasant extraction or by alien adventurers.

37. Nevertheless the basic structure of the social life of the country rested at all times upon the division of the nation into two groups of dominant pastoralists and of agricultural serfs. Here, as elsewhere in primitive countries, power and property were synonymous and the king would hardly have admitted any restriction upon his absolutism. It is of interest that Emin, that meticulously careful enquirer, records in 1877 that "Private property in land does not exist in Unyoro."

38. Over such elements Kabarega ruled as a despot almost completely unfettered by the influence of such a body of quasi-feudal officials as added strength to the Buganda monarchy. His despotism in fact seems to have become increasingly absolute, a result perhaps of the almost continuous state of turmoil which marked his reign, his administration becoming eventually a mere organization for war. For the great body of his people, the agricultural serfs, he is credited with a contempt, which was of course no more than the hereditary attitude of the Muhima towards the peasant, and it is certain that, in his government and in war, he consistently employed Basoga, Acholi, Lango and other aliens. It was the power of the king which served to coalesce the agriculturalists, themselves of varying races, into the semblance of a nation.

#### The Beginnings of Organized Administration.

39. It will now be convenient to resume consideration of the political progress of Bunyoro within its finally diminished limits. Such administrative arrangements as had been made had produced by the year 1900 nothing but a complete void. The first serious efforts at organization date from the appointment of Mr. George Wilson as Sub-Commissioner of the Western Province in the latter half of that year. He found the country in a last stage of ineptitude, with the force and fire of any national spirit all spent and gone. It had been denuded of cattle by Kabarega upon his flight, and thus was removed the only instinctive interest of the former ruling classes to which it was natural to look for the recruitment of chiefs. The chiefs selected from these classes or from alien retainers of Kabarega were so ignorant of the requirements of systematic government that it was for a time impossible to get them to give concerted attention to any proposal for the benefit of the country at large, or to divert their minds from their individual wants. Many natives had never seen a white man and the most primitive savagery obtained in the outlying parts of the country. It is from this unpropitious soil that the present native government has been raised.

40. The history of these succeeding years is one of repeated efforts to train these chiefs into habits of integrity, responsibility and good government, efforts launched by sympathetic administrative officers with high hopes but failing with disheartening frequency through the incompetence, intrigues, lack of public spirit and often mere dishonesty or disloyalty of all too many among those, to whom it was sought to delegate this task of government. Yet regularly among these many disappointments there emerges, what was and is perhaps, too often overlooked, the existence of a peasant population by no means void of industry or intelligence and frequently showing itself cheerful and willing to respond to demands from any

authority, European or native, which dealt with it justly. The impartial student of these years could not but hold that the Bunyoro chiefs as a class, despite their opportunities for service, made no such contribution to the common weal as to entitle them to any special or personal consideration at the expense of the community at large.

41. It was commonly accepted in 1900 that the British Government had complete liberty to introduce into Bunyoro whatever form of administration it saw fit and complete annexation to Buganda would have created no surprise. The decision to introduce indirect rule through the Banyoro themselves was, however, taken with deliberation. A system of counties and chieftainships under the Mukama, represented during his minority by regents and assisted by a native council, the Rukurato (Luganda: Lukiko) was proclaimed in 1901. Regular barazas or open audiences were instituted for the public discussion of business and hearing of grievances. An experienced Muganda chief, Jemusi Miti, was introduced to a county chieftainship as Kago (Lunyoro: Kaigo) to instruct the Banyoro in the processes of government.

42. Of the Banyoro chiefs thus created, Mr. George Wilson, than whom Bunyoro never had a truer friend, reports "There is no doubt as to their positively understanding the position of their country as a conquered one and appreciating the essential points of difference between themselves as chiefs of Unyoro and the chiefs of Uganda."

43. Economically the country was at this period faced with the problem of changing over from a pastoral basis to one of agricultural production in excess of mere food requirements. An annual hut tax of three rupees was payable but was for some time rendered almost universally in the form of one month's labour. The country was in the direst poverty, almost destitute of money or surplus produce. It was the taxpayer's effort to substitute a cash payment for his labour, which provided the first incentive to production and wage earning.

44. By the following year, a general lack of energy and ability was showing itself among this newly instituted native government and the young Mukama, now known by his Christian name of Yosiya, had so far failed to display any sign of promise that the regents and chiefs petitioned for his removal. The British Government was satisfied as to his utter incompetence and on 11th September, 1902, an elder brother, Andereya Bisireko Duhaga, then about 20 years of age, succeeded in his stead, the regency being continued. How far in actual fact this petition was a result of intrigue it is impossible to say; certainly some chiefs were disappointed that Andereya proved so enlightened a ruler. He reigned for nearly 22 years, dying on 30th March, 1924; and, if not a strong ruler, by his loyalty and general good sense justified his selection. He was succeeded by his half brother, the present Mukama, Tito Winyi II, another son of Kabarega.

45. Surprise was expressed even in 1900 at the general keenness to obtain chieftainships. The only direct inducement offered was a rebate of 10%, paid only to county chiefs, on the amount of hut tax collected in cash, an insignificant sum when nearly all tax was rendered in labour. The Mukama received independently a similar 10%. At the same time, the Government's ivory regulations took almost the only former marketable source of profit from these ruling classes. The resources of the Protectorate Government, which was still in receipt of a substantial grant-in-aid from the Imperial Government, were at this time most limited, and neither an adequate European staff to gain personal touch with the people, nor funds for the proper remuneration of a service of native chiefs were for some time available.

46. A suspicion that the opportunities for acquiring peasant labour were the compensating attraction of chieftainship, was confirmed in the course of a special enquiry in March, 1904, provoked by allegations of widespread oppression of the peasantry by chiefs. The enquiry was conducted by Mr. George Wilson, then Deputy Commissioner.

47. It was established that, in the absence of other means of adequate payment of chiefs, there had been a tacit acquiescence in this use of free labour, a right which, in the circumstances of the time, was undeniably a valuable aid to the maintenance of a chief's prestige, and which was, indeed, essential to enable him to carry out the minor public services such as the weeding of roads and the carrying of messages or the loads of the Mukama and senior chiefs when on tour, which were

implicit among the duties of a chief. No regulation of the scope of this use had, however, been laid down and widespread abuses were proved. Over and above the one month's hut tax labour, peasants were being called on for varying periods first by the king, and then by the county, and later by lesser chiefs, to an aggregate in some cases to six months' labour in a year. Beyond this, substantial contributions of food and beer were regularly demanded. It is interesting that these exactions were plausibly parallel to the state labour and food demands of Kabarega's régime, though this comparison ignores the fact that the peasant was now also paying a hut tax to the paramount protecting government. As a result of this enquiry the regency was dissolved on 23rd March, 1904, Anderya assuming the full duties of Mukama. Regulations were at the same time announced. The peasant after paying his hut tax, was to be liable for one month's chief's labour only, which he was at liberty to commute for a payment of two rupees in cash. Special plantations were to be allocated for the supply of food to chiefs, all labour obligations to the chiefs of the tenants of these plantations being remitted in return for food.

48. There is little doubt that even at this early date further calls were being made upon peasants at irregular intervals for labour upon roads, administrative rest houses and court buildings and similar works of public utility. This obligation under the name of Luharo (Luganda: Luwalo) came to be regarded as one due more particularly to the native government. For many years it was exacted with little organization and without other sanction than that of native custom. It received legislative approval by the Native Authority Ordinance, 1919, and has since been more carefully regulated as an obligation to perform one month's labour in each year, its commutation for a payment of Shs. 10 by certain categories of natives being authorised in 1926. It is in effect a rate for native public works services. Over and above this now regularised obligation natives are still called upon, under the name of kwerukira (literally "to run to the help") to perform such minor communal services as the sweeping and weeding of native administration roads near their own homes, the carrying and feeding of sick persons or the burial of the unknown dead.

49. A result of the arrangements of 1904 was a much more definite allocation of taxpayers among the chiefs; the king, the county chiefs and minor chiefs each having his own people. Imperceptibly from this arrangement grew the notion that an area within which such a group of taxpayers dwelt was bwesengese or official estate. A factor emerging from this investigation is that no such thing as a private "chief" entitled to labour was at that time recognized. A chief was a functionary of the native government, retaining office subject to his good behaviour, and in reality to the pleasure of the British Government. When he vacated his post or was deposed, as so many were, he had no admitted status distinguishable from that of a peasant.

50. It became known that the Mukama and principal chiefs had intended, on the occasion of this enquiry to ask for a grant of estates and salaries, as was provided for in Buganda by the Uganda Agreement, 1900, but decided that the exposure of their irregularities did not afford a propitious opportunity. Nevertheless, the Commissioner, Colonel (later Sir James) Hayes Sadler, in sanctioning these arrangements, anticipated the request with the observation that there was no analogy between the conditions of Bunyoro and Buganda and that, as regards estates, the position would remain on its present understanding that there would be no interference with cultivated lands. It was added that if the Banyoro chiefs later proved themselves worthy, the grant of some estates to larger chiefs, following perhaps the lines of the Toro and Ankole Agreements, might be considered; but that the time was inopportune to raise this question.

51. An annual poll tax of two rupees, regarded as a bachelor's tax, not payable by any hut taxpayer was introduced in 1905. These two paralld taxes gave way, on 1st April, 1911, to one common poll tax of five rupees which was later increased to Shs. 15 but again reduced to its present figure of Shs. 10 in 1923. The economic situation had so far progressed by 1905 that a substantial proportion of tax was being paid in cash, and the payment of tax in labour became increasingly the exception rather than the rule.

52. On 1st April, 1905 (The Unyoro Native Courts Ordinance, 1905) native courts obtained legally, for the first time, limited judicial powers, which had hitherto been irregularly exercised, and at the end of this year, the whole scheme of chieftainships and courts was properly systematised into much of the form which obtains to-day.

53. In September, 1905, the Mukama and Saza chiefs agreed to the formal allocation of one-fifth of their tax rebate for the payment of their minor chiefs.

54. In September, 1906, the Mukama and chiefs submitted to the recently appointed Commissioner, Mr. (later Sir) Hesketh Bell, a request for estates; "The reason we want this is that we may sow valuable trees that produce profit. At present having no miles we cultivate fearing that if we sow expensive crops and afterwards are driven out of the land through some fault" (i.e. deposed from their chieftainships) "the money expended by us will be lost." The reply to this was to the effect that the request would receive careful consideration, but the Commissioner recorded his views on the matter in the following terms:—

"We must not lose sight of the fact that Unyoro is a conquered country and that the whole of the land is thus presumably Crown property. There is no reason why the Government should give large estates to native officials who are already well paid. Jemusi, for instance, has I understand no *locus standi* in Unyoro save that which has been given him by the Government, and I hear that in one way and another his position is worth a good deal over £600 a year, a salary superior to that drawn by our sub-commissioners. Some of the other sazaz might deserve special consideration and could be dealt with accordingly. Byabachwozi, for instance, fought for us, I am told, and he deserves to be well treated." Katalikawe is an old established native chief, but Kaboha and Mika, I understand, are merely our nominees. I would like to encourage the Unyoro chiefs to establish plantations of permanent products such as rubber, cocoa, coffee, etc., and I can quite understand their reluctance to do so on land which is not definitely theirs. For this purpose they might be allowed to purchase, at a specially low rate, blocks not exceeding 1,000 acres. I will also be willing to give to the saza chiefs 'official estates' on a moderate scale which would, of course, be held by the man who occupied the position of saza."

#### Reactionary Influences.

55. The apparently even tenor of events received a serious set-back in 1907. When organized administration was commenced in 1900, certain non-Banyoro, relics often detested by the peasantry, whom they oppressed and, by instinct, antagonistic to the new order, the unsatisfactory ones were gradually eliminated, not always with the whole-hearted support of the rest of the native government, many of whom were equally ill disposed to progressive ideas. The British authorities had, at an early stage, introduced a capable Muganda as county chief, in Jemusi Miti, and, as time went on, other Baganda found their way into minor chieftainships, by reason of their greater ability and general merit. Though by temperament more robust in action they seem to have carried out their duties without any unreasonable display of assertiveness and certainly their greater intelligence gained for them a prevailing voice in the councils of the native government and amidst a welter of family intrigue the Mukama leaned much upon their more disinterested advice. At the same time their more ordered methods of administration and their enterprise appealed to the peasantry who tended to move under their control.

56. This ascendancy earned the jealous regard of the greater body of lesser chiefs. They alleged fear that in any distribution of estates which might follow the petition made to the Commissioner in September, 1906, the Baganda, against whom old racial prejudices were still maintained, would obtain a preponderating share, and an agitation for the expulsion of all Baganda chiefs was the pretext for what proved to be an organized conspiracy in which at least three saza chiefs were passively, if not actively, implicated and whose aims included the return of the lost counties of Bagangadzi and Buyaga, the redistribution of chieftainships and even the supersession of Anderya as Mukama. The whole movement was reactionary, though not anti-European; a gesture by the governing classes against the discipline, represented by the Baganda, which progress was rendering inevitable.

57. A crisis was provoked in May, 1907, by the professed impotence, in reality the refusal, of the majority of the Rukurato to reinstate in their offices some 20 Baganda chiefs, who had been intimidated into retreating to Hoima, the headquarters station of the district. Though warned of the consequences, this refusal was persisted

\*Byabachwozi was one of the first of Kabarega's principal chiefs to make his submission. He presented himself at Hoima on 22nd July, 1895.



in to the accompaniment of an engineered outburst of popular frenzy. A most inflammable situation was only saved from ignition by prompt action in arresting over 50 of the more prominent agitators, and the hurried dispatch from Uganda to Hoima of a small expeditionary force.

68. The awards on these disturbances were meted out by Mr. George Wilson, then Acting Commissioner. It was made clear that claims on the British Government's generosity on account of past loyalty or good services were deemed to be cancelled. Of three county chiefs Byabachwezi was fined and severely censured, Katalikawe and Kaboha were deposed, 42 minor chiefs were detained in Uganda, and a further 12 were deported to the East Africa Protectorate. All chiefs suffered the withdrawal of six months' tax rebate. It was held that the peasantry, in the main, had shown no interest in the disturbance. The Mukama had displayed weakness rather than disloyalty, for his progressive attitude was, in fact, an indirect object of attack by the malcontents, and it appeared that he was so ill provided with resources compared with those of the county chiefs, as to restrict his independence of action. One item of the award, of direct interest to our present enquiry, was to the effect that in respect of each of the three implicated county chiefs "one third of the lands known as his official estates (but which are not so, seeing that no land settlement has ever been effected) and from which he appropriates rents is to be transferred to the use of the Mukama until such time as some definite settlement is decided on as to land in Unyoro." These rents were in fact the two rupees commutation of peasants' labour which was sanctioned in 1904, the short interval sufficing for this transformation is worthy of remark.

59. There were some reverberations of these 1907 disturbances in January, 1908, when an outbreak of incendiarism occurred at Hoima, the victims being chiefs who had shown themselves well disposed in 1907. Evidence pointed to two of Kabarega's sons being closely concerned, and to a large number of other relatives (the existence of 37 sons and 42 daughters of Kabarega was at this time accounted for), being in sympathy with intrigues against their brother Andereya, but the matter was allowed to drop with a warning.

#### The Land Settlement Question.

60. The question of allotment of land remained dormant for some time. In February, 1909, Sir Hesketh Bell being at Hoima records that at an interview "the Mukama and chiefs did not seem to think it worth while to raise this question on their own motion, but when I mentioned it to them they expressed satisfaction at the idea of getting estates but no great eagerness. I told them that in the event of the Government granting lands to them they would have to pay the whole cost of survey, also that the estates would not be granted all close together in the most favoured area but would be so arranged that the lands retained by Government would alternate with lands granted to the Banyoro."

They were later, April, 1909, officially informed that consideration of the matter would be held over.

61. It seems sufficiently obvious that at this time Sir Hesketh Bell continued to regard any estates to be granted as potential plantations for products of commercial value, and it will be well here to observe that during the decade from say 1906 to 1916 there was in official circles in Uganda, and by them communicated to the more intelligent natives, a conviction that the prosperity of the country would be achieved by the cultivation on plantation lines of such permanent crops as coffee, cocoa and rubber. This attitude tinged the actions of the British Government in many ways during these years and was only gradually superseded by the adoption of the present policy of encouragement of peasant production. Consequent upon this attitude natives were imbued with a fear of dispossession of the lands which they occupied for the benefit of European planters, a fear which has outlasted its reality, and which is indeed, not entirely absent at the present day.

62. In August, 1910, the Mukama and principal chiefs submitted a written request for the grant of private estates. They advanced in support the need of permanent tenure if they were to embark on the cultivation of permanent crops, and they inferred that they had been promised estates during their previous interviews with Sir Hesketh Bell. Continual suggestion eventually persuaded the Protectorate

Government that a promise had in fact been made, though reference to Sir Hesketh Bell's original and contemporary minutes, which have been quoted above, shows that such was not the case.

63. It is noteworthy that even up to this time the requests for estates were founded for the most part on the need of security for permanent improvements. Whether this attitude merely evidences a nice perception of the government's then point of view or whether freehold estates and tenanted fiefs were in the minds of the claimants still distinct, cannot now be said. Certainly these two forms of the beneficial enjoyment of land were speedily confused and there emerged the single conception of the freehold estate as an area, from the peasant cultivators of which, rent could be collected. No real effort or desire to develop land on European lines has been manifested by Banyoro chiefs, even to the present day.

64. The Mukama's petition came before Mr. (later Sir) Frederick Jackson soon after his appointment as Governor in 1911. He recorded his concurrence in the principle of a grant of private and official mailos to the Mukama and county chiefs, and agreed that in addition, those who had done good work for the Government should be granted their "butaka" or private estates. The reply to the petition took the form of a verbal announcement to the Rukurato by Mr. Guy Eden, the Provincial Commissioner, on 15th July, 1911, that they need have no fear that any land they had under cultivation would be taken from them except for railways and roads. Steps were to be taken to prepare a scheme of allotments which it was added must be "within very reasonable limits." Mr. Eden's proposals, in the preparation of which the chiefs were, of course, consulted, were submitted and passed in October, 1911, to a committee recently appointed "to consider the question of native land settlement in Ankole, Bunyoro, Busoga and Toro." In this scheme there appears, perhaps, the first formulation of the idea of an allotment of land to other than persons holding official status. A substantial provision was to be made for "elders" or "minor chiefs" who are referred to as "deserving persons" or "better class natives." It was in fact suggested that the Rukurato should be informed that only "the claims of those of any social standing will be entertained"!

#### The Reports of the Native Land Settlement Committee.

65. As early as 1906, Judge Carter (later Chief Justice Sir William Morris Carter) had commenced investigation of the question of native land tenures in the Protectorate, but, in the first instance attention was directed to the formulation of a land tenure for Buganda Kingdom, to give effect to the very vague provisions of the Uganda Agreement, 1900. The present mailo tenure of Buganda native land, which has the nature of a freehold with certain limitations, is the result.

66. The problem of land tenure in the extra-Buganda provinces was taken up in 1911 by the appointment of the Committee, to which reference has already been made, under the chairmanship of Judge Carter. This Committee functioned with varying vitality and membership, but always with Sir Wm. Morris Carter as its guiding spirit, until 1920 when it produced its seventh and last report. This period covers the governorship of Sir Frederick Jackson (1911 to 1917).

67. Impressed as we are with their profound knowledge of local conditions, we comment with trepidation upon the views of Sir Frederick Jackson and Sir Wm. Morris Carter; but we may venture to plead the advantageous position, which the progress of time alone affords, for the review of the general direction of the ideas which they held and supported in common.

68. Throughout, one is conscious of their consistent preoccupation with the paramountcy of the alleged rights to land of the ruling classes, to the virtual exclusion from consideration of the claims of the actual cultivators. These rights, in their view, could only be interpreted under modern conditions into freehold grants such as had been bestowed in Buganda. This cumulative influence inevitably shaped the Committee's and the Government's recommendations on native land policy during the whole of this period.

69. The first three reports of the Committee were submitted to the Secretary of State in August, 1915. A repetition of the Buganda mailo system, though on a more modest scale, was recommended in all four districts under consideration. To Bunyoro, following, with some modifications, Mr. Eden's recommendations of 1911, it was

proposed to award 511 square miles of partly private and partly official land. This area was to be distributed in varying amounts among the Mukama and princes, the county chiefs and their official subordinates; for the class of "minor chiefs" already referred to, a provision of 150 square miles was included.

70. The Secretary of State's reply in January, 1916, was a brief negative. He was not satisfied that the arrangements contemplated were in the best interests of the Protectorate, and he expressed a preference for a system, under which all land would be held in tenancy from the Crown, the chiefs being provided for by way of salaries. Yet the Secretary of State's directions notwithstanding, the Committee, to the time of its ultimate demise, proved as unable to divest itself of its predisposition in favour of freehold grants of estates to chiefs, as to devise any practicable scheme, which did not favour some provision for such grants.

71. In the mild consternation which followed the receipt of the Secretary of State's demurrer, it was accepted, as regards Bunyoro, that some promise of grants had been made by Sir Hesketh Ball in 1909, though a perusal of his contemporary minutes, quoted above, lends no support to such a contention. Nevertheless, Mr. Eden reported in May, 1917, that he had verbally explained the new position, arising out of the Secretary of State's decision to the Mukama of Bunyoro, who had readily agreed that both he and the Banyoro "were quite prepared to abide by whatever scheme the Government considered best for their country, so long as they might acquire land, which they could feel secured to them from alienation, and thus be able to develop, without the fear of being turned off by planters and others." This was accepted by the Government as an absolution from any promise that might have been made, and one may add in comment that both the promise and its cancellation are equally vague and equally valid.

72. But the effect, imponderable but locally almost overwhelming, of the massed official opinion in favour of freehold grants to chiefs, may readily be imagined, opposed as it was only by the almost single-handed advocacy of the Provincial Commissioner, Eastern Province, Mr. F. Spire, who had alone anticipated the views of the Secretary of State.

73. It is clear that, prior to the receipt of the Secretary of State's decision, the Banyoro chiefs were allowed to continue in the belief that such grants would be made. As early as 1912, three official estates near Masindi (where the headquarters of the native government were then established) for the Mukama, Kimbugwe and Kago had actually been marked out by a Government surveyor. In 1913, in view of the activity in applications for plantation land in Bunyoro by Europeans, a provisional selection of estates by chiefs was approved by the Governor. The following extract from the 1913 report of the District Officer concerned as to the measures taken upon this authorisation illustrates the extent to which the Secretary of State's sanction to the policy, which was known to have local official support, was anticipated.

"In view of the possible risk of European planters taking up tracts of land which chiefs themselves had hoped to acquire, before any universal plan of partition was adopted it was decided to allow chiefs to select reasonable areas of land as prospective official and private estates on the understanding that they held no rights to such until the question of native land settlement had been decided on, and until they had received their certificates of possession. Applications for land from European prospective planters were subjected meanwhile to the proviso that no chief expressed any desire for the particular area before further recommendation to the Land Officer."

74. This operation of selection probably seldom consisted in more than a visit to a hill by adjoining claimants, a wave of the arm towards the surrounding valleys and a mutual understanding as to the bounds of their claims. Yet this period is still looked upon by the chiefs as the time when they were allowed "to mark out their miles." To their minds and to those of the British officers with whom they were in contact, nothing but the completion of formalities separated them from the conditions which already obtained in Uganda.

75. The Government had, in 1911, concurred in a desire expressed by native land owners in Buganda to increase from Rs. 2 to Rs. 3/50 the rent charged to their tenants on the ground that the former sum was no longer equivalent to the one month's labour which, at its inception, it had represented. The Baganda chiefs' submission

was that they could no longer obtain one month's labour from their tenants in lieu of rent since the commutation was so far below the current rate of wages. The rent of natives similarly occupying Crown land in Buganda was also increased to Rs. 3/50 in harmony as from the 1st January, 1912. A further increase in Buganda chiefs' rents to Rs. 5 was acquiesced in as from the 1st January, 1915, and the stabilisation and regulation of native rents in Buganda was eventually dealt with by the native Busulu and Envuju Law of 1927.

76. Sir Frederick Jackson met the Mukama and Rukurato at Hoima in March, 1914. Asked when a settlement of the land question might be hoped for he replied that the matter was being referred to the Secretary of State, and that he hoped for tangible results by October of that year; actually the commencement of the War intervening, the Native Land Settlement Committee's reports did not go to England till nearly a year after that date.

77. At the same meeting consent was given to an increase of chiefs' dues in Bunyoro as from 1st April, 1914, from Rs. 2, the figure which had come into existence in 1904, to Rs. 3/50, this increase being in conformity with that already introduced in Buganda. This sum of Rs. 3/50, converted to its present equivalent of Shs. 7 is the chief's tribute or busulu which constitutes the real attraction of land ownership in Bunyoro to-day, and the disposition of which is the basic problem of our present enquiry.

78. The rent of natives occupying Crown land in Bunyoro, the collection of which was, in practice, almost entirely confined to plots occupied in the Government townships, was not formally increased to Rs. 3/50 till 1917; it remains at Shs. 7 to the present time.

79. The end of the War found the general question of native land settlement still indeterminate. The measures necessary to give effect to the Secretary of State's adverse decision of 1916 were discussed by the Land Settlement Committee without inward conviction. The Provincial Commissioners, in conference in 1919, had, indeed, come to form opinions of their own and showed some uneasiness at the course which the Committee's deliberations were taking, but, this notwithstanding, the Secretary of State, in November, 1921, was in fact prepared, at long last, to defer to the opinion in favour of grants of private freehold estates which had been pressed upon him.

#### Final Rejection of a Landlord and Tenant System.

80. Actually no steps were taken in this direction, for the Provincial Commissioners, in conference in 1922, put forward, in no uncertain terms, their conviction, based on the experience which had by now accumulated as to the effects and abuses of the Buganda mailo system, that the grant of freehold land to chiefs would prove the gravest of errors. From that time, the idea of such grants ceased to have official support either in Uganda or England, and subsequent efforts have purported to aim at the formulation of a settlement, which will secure chief and peasant alike from disturbance in the land which he actually occupies and to provide an absolute guarantee of the reservation of land sufficient for all measurable future needs of the tribe.

81. The Provincial Commissioners were not, however, able to detach themselves from the ideas so long current that a grant of the rents or tribute from groups of peasant occupiers was a proper means of supplementing the remuneration of chiefs while in office, of providing for their support on retirement, and of maintaining the dignity of old families or tribal personages, even should they have no official standing. They were further of opinion that some palliative, which this grant of the right to tribute would supply, was due to those interested persons, the vaguely undefined "upper classes," who had been permitted to nurse hopes of a distribution of mailos.

82. While making it quite clear that in no circumstances should freehold estates be distributed, they recommended that, within the area which it was proposed to set aside in each district for purely native occupation "the administration in consultation with the native council may roughly demarcate areas to be held by certain chiefs for life and areas appropriate to certain specified office holders." Such proposed areas have since been commonly referred to as "spheres of influence."

83. The Secretary of State, in February, 1923, intimated his general acceptance of the principle of these proposals but pointed out that care was required with regard to the steps to give them effect, and suggested the lines which should be followed in the

preparation of draft legislation. He was not clearly asked, and probably did not intend that he should be assumed, to approve of a public announcement of policy before detailed legislation had been agreed upon.

84. Nevertheless such an announcement was published by Sir Geoffrey Archer and was made known to the Bunyoro Rukurato in January, 1924. This announcement set out in quite explicit terms that the Government had definitely decided not to introduce any such system of freehold mailos as was provided for by the Uganda, Toro and Ankole Agreements. Its terms, in regard to the question with which our enquiry is initially concerned, failed however to follow so closely, as in a matter of such importance would have been prudent, those which had been approved in principle by the Secretary of State.

"On the area set aside for natives tribute will have to be paid according to the old customs to the chiefs, but the amount of such tribute will be carefully regulated by the Government. In the same way, a distribution of similar areas, to be held for life only, will be made to the families of the old chiefs or elders of the country who, though they may not be doing government work, are looked upon as dignitaries among the people. Tribute from any land set aside for native use but not portioned out to individual chiefs will be paid into the Lukiko fund for the good of the district."

85. After most careful study, we must confess our inability to set out with any assurance, what a strict interpretation of these statements should be held to imply. That being so, the only safe course will be to place upon them the meaning which we are satisfied that they were intended to convey—that official chieftainships would have assigned to them areas to be approved by Government, the occupiers of which would render regulated tribute or rent to the holder for the time being of the chieftainship; further that similar areas with the appendant tribute advantages might be assigned for life to certain selected persons, not in official employment, and that tribute from natives living on areas not assigned as aforesaid would be credited as a revenue of the native government.

86. The Rukurato, formed, as it was, of chiefs who had continued to nurse hopes of a mailo system as in Buganda did not fail to let its unreadiness to accept these new ideas be known. No subsequent public pronouncement on this subject has been made, but the study of these proposals necessitated by the efforts to draft them into legislative form has exposed how contrary to the true welfare of the tribe would be a settlement by which chiefs would be guaranteed spheres of influence in substitution of fixed and adequate salaries. Similarly the palliative to the upper classes who were frequently the unworthy descendants of former chiefs or public servants was clearly being provided at the expense of the rest of the community and to the detriment of a most proper source of public revenue.

87. The unsatisfactory features of this last arrangement have recently been disclosed as a result of experience in Ankole where, under the name of Lukiko Butaka Estates, certain areas are in charge of the local native government and by them allotted to retired chiefs for life with a right to collect rent from any peasant occupiers. Such chiefs have no personal ties with their tenants and now realise that their own private homestead on the land cannot be passed to their heirs, since the land is reserved for future life tenants. They would, in fact, be definitely in a better position with a certificate of occupancy for a personal holding on the Crown (alias public) land and a life annuity equal to the amount collected from the tenants on their Lukiko Butaka area.

88. Subsequent deliberations have produced the draft Land Ordinance, 1930, which is still under consideration. This Ordinance omits all provision for "spheres of influence," or for concessions to any special section of the community and contemplates the whole of the Protectorate (outside Buganda) as Crown (alias public) land, free for the occupancy of natives, with a proviso that the alienation to non-natives may be permitted of such proportion only of the land as may remain after the reservation of a generous provision for all measurable future native requirements, such proportion to be calculated in accordance with considerations which have yet to be determined.

#### The Interests of the Mission Societies.

89. The Anglican missionaries of the Church Missionary Society first established themselves near Masindi in 1899 and both they and the Roman Catholic White Fathers opened stations at Hoima in 1901, upon the removal of the Government

district headquarters from Masindi to the latter site. The White Fathers had, however, been in touch with Bunyoro for some years previously from their station founded in 1894 at Bukumi, now in Bugangadzi county, Buganda.

90. By 1902 both organizations had obtained Government registration of provisional claims to land within the present limits of Bunyoro, permission having been given to take up this land in substitution of a similar acreage to be deducted from the allotment provided for mission societies under the Uganda Agreement, 1900.

91. Under these claims, the Protestant organization, the Native Anglican Church of Uganda, is entitled to some 1,703.57 acres (2.66 square miles) divided among 137 plots, of which only 377.13 acres in 25 plots have yet been surveyed. Excluding their Hoima (274 acres) and Masindi (150 acres) stations, the average size of their plots is about nine acres. One additional estate (Kiryanga) of 578.96 acres has been purchased on commercial terms.

92. The Algerian Mission of the White Fathers are similarly entitled to about 1,300 acres (2.03 square miles) divided among 54 plots of which all but a few are of less than 10 acres in area. To the present time nine plots of an area of 383.45 acres, which include their Masindi station of 297 acres, have been surveyed.

93. Both missions had selected a proportion of their plots in the northern counties, in which sleeping sickness showed itself about 1905. During the subsequent years until 1912, considerable movements of population were conducted under British Government direction. The areas so evacuated were closed to habitation and in this condition they remain, for the most part, to-day.

94. The reasonableness of the principle of permitting the missions to rearrange their provisional claims pending survey and the grant of final titles, to the needs of population, has led to a number of informal changes in the sites of their plots, and it is commonly accepted that, provided the total areas of their claims are not exceeded and that existing native cultivation is not enclosed, there is no inherent objection to the missions redistributing the area to which they are entitled, in the way most useful to their work, encouragement being given to consolidations of a number of small plots into fewer plots of a larger area.

95. The Native Mohammedans have little influence or organization in Bunyoro, but by arrangements made in 1914, with the approval of the Secretary of State, permission has been accorded for an allotment to them, for mosque sites, of a total area of one square mile of freehold land. No formal recording of claims has taken place.

#### Alienations of Crown Land to Non-Natives.

96. The Government has, at its discretion, and always with regard to the interests of native cultivators, alienated a certain amount of land for plantation or commercial purposes, under the Crown Lands Ordinance, 1903. There are seven gazetted townships within which town plots may be leased. Of these, Hoima and Masindi are Government stations; Butiaba and Masindi Port are lake ports, and there are three other minor trading centres. Five ginnyery sites of five acres each have also been disposed of.

97. Applications for land for plantation purposes were being made from 1912 onwards, but little or no enterprise has been shown in this direction since the War. At the present time, 11,807 acres (18.45 square miles) have been alienated in freehold and 6,754.55 acres (10.55 square miles) remain leased without the option to freehold. The holders of this land are almost all Europeans with a very few Indians but 498.85 acres were purchased in 1910 to 1916 direct from the Crown by Jemusi, the Muganda county chief (almost the only example of native enterprise in Bunyoro and this not by a Munyoro), and 256 acres were purchased recently by private treaty from the original non-native owner by the present Mukama of Bunyoro in his private capacity.

### PART III. THE KIBANJA SYSTEM.

#### The Inception and Operation of the Kibanja System.

98. We have now described the surroundings in which the so-called kibanja system took root and the conditions which have favoured its growth. It remains to set out the conclusions in regard to that system to which we have been led, its origin, development, present scope and probable future consequences if continued.

99. The system consists in the assignment to a private person of the right to collect busulu or tribal tribute (at the now current rate of Shs. 7 per tax payer) from the peasants residing within a certain area, a kibanja. This may vary in size from a plot for a residence and garden near the native capital to an area of one or two square miles, yielding a considerable income in tribute. There are many petty holders who endeavour to live a life of idleness upon the tribute of a few tenants, forming a class of African squires, while even an unbenanted kibanja has its attractions in that its holder is absolved from the payment of tribute to any other person.

100. No serious argument has been advanced in favour of the legality of the system. Its advocates have based their claim to its retention on:—

- (a) Its antiquity.
- (b) The local tie binding a clan to its fatherland.
- (c) The personal tie binding the tributary to his immediate overlord.

They have in fact, endeavoured to represent that it is a quasi-feudal system with a long established place in the social structure of the tribe.

101. We will state at once that we are unable to attach the sanction of ancient usage to the system. The era of ancient usage may be taken to have ended with the year 1893 and, except in so far as Kabarega and his predecessors doubtless claimed and exercised, or attempted to exercise, an unfettered right to dispose of the services of their people and the land upon which they dwelt, we have learnt of no conditions obtaining in Bunyoro before that date which can be clearly pointed to as providing a foundation for the present system. We cannot conceive that Kabarega would have granted a right in perpetuity—which is in effect the nature of a kibanja holding—to any of his subjects or indeed that the effect of such a grant was within his comprehension. Such dispositions as were made by Kabarega would be far more in the nature of terminable bwesengeze grants, in payment for services rendered or to be rendered and held during good behaviour. They were temporary grants of overlordship over people rather than over land.

102. Any idea of land as a heritable possession, which may be current to-day in Bunyoro dates, as in the rest of the Protectorate, from the Uganda Agreement which has completely altered the point of view towards land of such natives as have come into contact with its operation. To the influence of this agreement may be attributed the introduction of the theory, particularly novel to people of recent nomadic origin, that tribute was attached to the land rather than the person.

103. We have, indeed, encountered no real effort to assert the antiquity of the system and its present beneficiaries found their claims upon the grant of the present Mukama and of his predecessor, Andereya Duhaga. It can hardly be earlier than the year 1907 that Andereya first purported to grant such rights. Prior to that date the tribute of all peasants in Bunyoro (with the possible exception of those living upon mission lands) was collected by one or other of the office holders recognised as part of the administration which had been erected by the British Government. That this tribute formed the greater part of their emoluments was in fact reckoned upon by the British administration, who, beyond the regulation of the *per capita* payment, concerned themselves little, if at all, with its collection and allocation. No arrangements for the pensioning of retiring chiefs had been made.

104. The area within which each of these office holders exercised his rights of collection was his bwesengeze, the term by which the official estate attached to a chieftainship is still known. The first kibanja grants probably represented a severance

from the bwesengeze of some portion of the tribute for the support of a retiring chief and his dependants and a kibanja soon came to be regarded as the private devisable possession of its holder. As regards the year 1907, from which the inception of this system appears to date, it is, perhaps, more than a coincidence that, as a result of the disturbances of that year a large number of chiefs who had relied upon their employment as such for a livelihood, were deposed. Native public opinion in Bunyoro did not take a serious view of their derelictions and it may well have been considered that some limited measure of support was due to them in their adversity.

105. In course of time the family and retainers of the Mukama (both of Andereya and his successor, the present Mukama) who had been vicariously supported, in accordance with the custom of the royal house, upon what were in effect the Mukama's official estates, received kibanja grants, a definite allocation for their private use of a portion of the emoluments of the Mukama's office, and an arrangement convenient to both in that the grant carried with it the obligation to collect the tribute due therefrom. More and more the Mukama adopted this means of escape from the importunity of the claims of his relatives for support from his private purse. Kibanja grants have even been made to the Mukama himself, as his private property, and more lately he has endeavoured to provide for himself and his *protégés* at the expense of the bwesengeze lands of county and other chiefs or even of private kibanja holders a proceeding which has not passed without comment from the suffering parties.

106. These assumed powers of grant were, however, at first only sparingly exercised, for, from 1909 onwards for some years the Mukama and ruling classes pinned their faith on a distribution of freehold mailo estates after the Buganda model. It is reasonably certain that the provisional demarcation of estates which the chiefs were permitted to carry out in 1913-14 was accepted as merely the first formality towards both the confirmation of bwesengeze as official estates for office-holding chiefs and a distribution of kibanja estates to be the private property of these office-holders irrespective of their tenure of office, or of other members of the ruling classes, described at the time as "better class natives," the equivalent of the class which had received mailo grants in Buganda.

107. The knowledge which would be gaining currency about 1916-17 that the hoped-for distribution of mailo estates was unlikely to materialise, coupled with the failure of the British Government to institute any settlement in its stead, doubtless turned the thoughts of the Mukama and his people once more to the possibilities of a kibanja system. We doubt whether, at that time, there was any deliberate intention of prejudicing the British Government's final settlement of the land question. The Mukama and members of the native administration were, in effect, being left to make what provision they could for themselves, for their dependants and for those, who, in their view, deserved state support. The kibanja system as a spontaneous creation of the native mind, is a good indication of what, to that mind, constitutes the essence of land ownership and the real attraction of the coveted mailo,—the power to exact tribute or rent from others. It is interesting to note the confirmation which this received at our final meeting with the Mukama and his chiefs. As a first preference they pressed for mailo grants, but failing this, urged the retention of their kibanja system as the next best thing. The kibanja, though already deemed to be heritable, has not yet come to be regarded as a saleable possession. It is not, however, difficult to foresee that, with the legalization of a kibanja system, this deficiency would soon be realised and would inevitably be followed by an agitation for the conversion of kibanjas into mailo grants supported by adequate titles.

108. Certain it is that, soon after the end of the War, the number of kibanja grants began steadily to increase. Not only to chiefs still active or retired but to members of the ruling family, to servants of the Mukama's household and to more substantial peasants who had succeeded in asserting some small degree of local ascendancy, were kibanja grants gradually made. This process was known to and acquiesced in by the local British administrative officers, and it was at the suggestion of one of these officers that such records as existed were, about 1924, entered into a formal register to be kept by the native administration.

109. This register, which still exists, was replaced about 1928 by the present registers, and these have formed the starting point of the detailed inventory and analysis of claims which have been made as part of our enquiry. The information

contained in these registers is recorded by gombololas. It comprises merely the name of the grantee and of the land, with the year from which the grant dates and a note of the abutments on the four cardinal point boundaries. No clue is given as to the number of tribute payers or occupiers encompassed by each holding or of the reason for the grant. All reference to bwesengeze holdings or to the extent of mission claims is omitted from these 1928 registers. The collection of information on these obscure points was one of the principal aims of the detailed inventory which has been referred to.

110. The Butaka controversy in Buganda, which was coming into prominence in 1923, probably did not pass unnoticed in Bunyoro. In these discussions, the extent to which the rights of peasant occupiers had been subordinated to the private interests of those who had happened at one chance period to constitute the governing class, was exposed. The Mukama and ruling classes of Bunyoro, viewing the dispute, may well have thought that it would be expedient to put their personal claims on record. It is certain that, at this time there was increased activity in the disposal of kibanja plots, and we find a tendency to assert ties of local attachment as a reason for a grant in a particular locality. We are satisfied that, as in Toro, no genuine butaka land exists in Bunyoro. The idea of butaka in Bunyoro is one of locality only, no stronger than county feeling in England. Mr. Gayer reports:—

"I have found so-called butaka claimants who have fathers living elsewhere; others who were born in Buyaga or Bugangadzi. . . . It is noticeable that, whereas kibanja grants made by the Mukama Andereya were almost entirely for services rendered, later, since the method of distribution has become more constitutional, the claim on the ground of butaka has become common. Actually this merely means that an applicant for a kibanja (which must now, almost of necessity, be tenantless land) chooses his own familiar locality and says it is 'my butaka.' It is clear that butaka claims were not generally considered at the time of the inception of the kibanja system, and that the large original kibanja grants must include hundreds of such possible butaka claims which would, under the present system, be negatived for ever."

111. The distribution of these kibanja grants has been, in general, conducted in a seemingly constitutional manner. The normal demand from the aspirant for a grant is passed from the minor to the county chiefs, is considered by the Rukurato, the native council, to whom certain fees are payable, and passed to the Mukama. Alternatively, if the Mukama desires to provide for a *protégé*, he directs the county chiefs to find a suitable place for him. The growing difficulty of finding immediately productive sites has, however, more recently led the Mukama to such shifts as arbitrarily to cut populated areas from recognised bwesengeze land, in the face of considerable popular resentment.

112. It requires little consideration to see that all private kibanja rights have been created or will in due course be exercised at the expense of the emoluments of office attached to some recognised chieftainship. As has already been pointed out, the first kibanja grants were probably, for the most part, a provision for retired chiefs out of the official areas attached to the post from which they had retired. In due course the Mukama made a similar provision for his dependants from what were deemed his own official bwesengeze tribute areas. These portions were thenceforward regarded as the private possession of the recipients, and their heirs are now claiming the succession to this property, as of right.

113. Latterly, as all the occupied land has become appropriated, it has become impossible to supply new claimants with ripe kibanja grants without encroaching too patently upon the official dues of chieftainships and a more insidious process has been introduced. The young chief, not hitherto provided with a private kibanja, obtains the grant of an unoccupied area adjacent to the occupied portions of the bwesengeze area of his office. It is thenceforward his aim to people his vacant kibanja with tenants and the obvious way of accomplishing this end is to entice tenants from the adjoining official land. So long as he remains in office it is a matter of indifference to him whether he receives the busulu tribute in his official or private capacity. If he is promoted or removed, the income from the kibanja remains his private property, to the detriment of his successor in office. Moreover, cases have occurred where a promising chief hesitates to accept official promotion to another part of the district since it involves his having to give up the personal supervision of his private interests.

114. An interesting sidelight is thrown upon this development of the system by the case of the official estates of Bujenje county. Until recently this county was under the rule of Jemusi Miti, the Muganda chief introduced by Mr. George Wilson in 1900, as described in paragraph 41. Being a Muganda, he had no good grounds to lay claim to a kibanja grant and was intelligent enough to realise this. A strong man, he was determined that no encroachments should be made on his bwesengeze, either by grant from it or by attracting tenants from it, with the result that he succeeded in preserving his bwesengeze intact, to the considerable benefit of his successor in office.

115. It is perhaps too much to expect that the Mukama and chiefs should foresee the end of this process, that there are only so many taxable natives to "go round," and that with a numerically static population there is no new source from which to replace this diversion of tribute from official lands. The alienation into private hands of the greater part of this tribute, which forms one of the few sources of tribal income, and a most legitimate one, is indeed merely a question of time, and this factor presents to our mind one of the most disquieting features of the situation. A somewhat similar abuse, though less serious in its consequences, arises out of the competition for tenants between rival tribute owners, who offer various inducements to attract tenants from other lands. All these processes are clearly most wasteful in effort and create a real element of unsettlement among a people prone to wandering; their existence goes far to dispose of the contention that the peasant is immutably attached to the chief whose tributary he is. Our own impression is that, the average peasant minds little if at all what chief or proprietor he is under provided he is not harassed. The theory of a kibanja as a clan-holding, occupied by the members of the clan under the overlordship of their clan head, will not bear scrutiny.

#### Mr. Gayer's Investigation. \*

116. Mr. Gayer's analysis of the present position is attached as Appendix A. From this it will be seen that of about 22,000 poll-tax payers some 18,549 pay busulu. The difference is made up of chiefs and lesser office-holders, of kibanja owners and their agents and of residents in townships and on certain freehold and leasehold estates. In the case of these last, the liability to pay busulu may be said to exist, if indeed it exists anywhere, but the exercise of the right to exact it is necessarily left to the landlord's discretion, and when collected is indeed hardly distinguishable from rent. Kibanja holdings vary in size from a residential plot of five acres or less to estates of two square miles or more. There are some twenty of these large estates and they are the older grants made to the larger chiefs. Modern grants are smaller and are, or should be, uninhabited at the time of grant. A proprietor can hold one, two or more separate plots, often widely separated, despite the theory of local and personal ties. The busulu collection is made by the tribute owner in person or by agents, bakungu, and is a direct transaction between proprietor and tenant. Even the Sh. 1 per payer which is now paid by the tribute owner to the miruka chief of his area does not pass through native administration accounts but is paid to the latter direct under an arrangement of recent years made when funds had to be found for the remuneration of these very necessary minor chiefs who were unwilling to continue any longer on an unpaid basis.

117. The number of busulu payers on official bwesengeze estates (10,729) is still substantially greater than on kibanja holdings (6,280) but the proportion of the poll-tax population paying tribute to the Mukama and his chiefs in respect of their bwesengeze holdings has fallen from 53% in 1924 to 48% in 1931. Revenue is being transferred from official to private hands, not by any sudden change, but by a system of attrition, a process whose arrest must be regarded as an imperative necessity before it reaches more serious proportions. Mr. Gayer discovered and recorded 1,005 authenticated kibanja holdings. Other claims were made but not substantiated. Of the authenticated claims, 153 were held by chiefs (including miruka chiefs now in office) 170 by ex-chiefs, 192 by babito, babitokati and bahimakati and 490 by others. Of these last, the majority have been granted to keepers of the regalia; to such hereditary office holders as the royal drummers, spear makers and bathwater attendants and to personal servants of the royal household; to mission teachers and bakungu, and more recently to artisans and traders who have applied for residential plots. He found that 53 chiefs, chiefly miruka, have at present no kibanja plots but will, no doubt, apply for these if the system is continued, while others hold more than one kibanja. Some 180 holdings were inherited and of these only 27 are now held by chiefs, figures which illustrate both

the modernity of most of the grants and the rapidity with which they tend to pass into the possession of holders who have no claim to their tribe's support, an indication of the fluidity of the ruling classes and the slightness of the claim to freehold grants possessed by the individuals who happen to be in power at the moment.

118. In addition to claims of kibanja holders, the tribal government is deprived of tribute in the case of native tenants of freehold and leasehold estates and church lands and of natives resident in townships. Natives occupying Crown land in townships under temporary occupation licences pay an annual rent of Shs. 7 and are not called upon for busulu. Freehold and leasehold estates carry a population of 970 tax-payers, representing £340 per annum gross in terms of busulu. They are not charged rent or tribute except on two estates the property of the Native Anglican Church and of Jemusi Miti, ex-Kago, with 108 payers each; tenants of non-native land holders are, however, expected to work for wages in the coffee-picking season, and their tribute is lost to the tribe. From church lands busulu is collected by the mission societies in the same manner as on kibanja land, and the local native Mohammedan community make similar collections from certain plots. It may be argued that the collections in these cases are rent, not tribute, but the effect is to exempt the payer from tribal tribute and the revenue is lost to the tribe.

119. Mr. Gayer reports that the lands appropriated by the Native Anglican Church support a population of 925 tenants of whom 762 are busulu payers. He tabulated particulars of 155 so-called mailo estates claimed by the Native Anglican Church. Only 137 are listed in the registered Certificates of Claim and of these 13 are in closed areas. It would appear therefore that the Native Anglican Church have occupied estates both in excess of the recognised number and of the approved acreage. The number of tenants is manifestly far greater than could be supported by the area granted by their certificates, and Mr. Gayer quotes as particular examples, four plots, each of five acres upon which he found 11, 10, 10 and 16 families respectively. In a further instance, a surveyed plot of 1.34 acres purported to carry six families and a church. From these examples it is patent that boundaries have been ignored.

120. It was found that some fourteen Native Anglican Church plots were inhabited by five or more pagan tenants and no Christians, and numbers of small plots are occupied solely by pagans. There are churches on 44 of the 155 plots now occupied.

121. The estates of the White Fathers' Mission with a total area of about 1,900 acres support a population of 589 tax-payers of whom 461 are busulu payers. Mr. Gayer has tabulated particulars of 51 plots; comparing with 54 recorded in the registered Certificates of Claim. There are 39 churches on these plots and, though the allotted area has almost certainly been exceeded, the majority of tenants are Roman Catholics.

122. The lands of the local native Mohammedan community are in a state of confusion. Aramasani Mwirumubi (a son of Kabarega), their head, collects busulu from 101 of the total 120 tenants on the 28 so-called Mohammedan mailos and the ultimate destination of this income is wrapped in obscurity. The local community is not a large or important one.

123. Mr. Gayer's enquiries reveal the extremely inequitable nature of the system of chiefs' remuneration. This is not, at present, due chiefly to the inequality of their kibanja holdings but rather to the difference in value of the bwesengeze attached to each post, and is in fact, inevitable to any system based upon such a principle of remuneration, even without the added complication, of kibanjas. A chief's emoluments depend chiefly upon the size and quality of his bwesengeze and to a much lesser extent upon the number of people whom he administers. We attach a table giving details of chiefs' remuneration (Appendix B). Saza chiefs' incomes range from £136 (Sekibobo) to £510 (Kaigo); yet the Sekibobo has not the smallest saza nor the Kaigo the largest or most important. In each case the kibanja income is small and the poll-tax rebate varies in constant ratio to the number of tax-payers. Gombolola chiefs' incomes vary from £20 to £108, and similar anomalies exist. For example, the Mnyuka of Bugahya with 1,500 tax-payers has an income of £70, the Sabairu of the same county with 601 draws £96. Miruka chiefs who are not included in the table range from Shs. 13 to £43. This latter sum is drawn by the Sabairu of the Musale of Bujenje whose area contains 185 tax-payers; with the same number the Sabagabo of this gombolola receives £3 12s. There are in addition the bakungu, a class of headman which includes all not otherwise classified holders of kibanjas, even

those with no tenants, and the agents of bwesengeze and kibanja holders, who are rewarded by exemption from busulu, and a commission on their collections. They are, of course, far too numerous but their retention, on a reduced scale, is considered necessary.

124. During his tour of investigation, Mr. Gayer discussed the position with chiefs and also had long conversations with the Mukama. He soon realised that the chiefs had no perception of the interests involved, but by constant repetition, many were enabled to comprehend the scope of the problem. The younger generation of chiefs, who have not yet succeeded in providing themselves with kibanjas, had indeed, already grasped the meagre prospects for their future, without a pension scheme and with all profitable kibanjas already appropriated. Finding, however, that they seemed unable to offer any constructive suggestions, Mr. Gayer made tentative proposals for the introduction of a salary and pensions scheme based upon the pooling of tribute as in other parts of the Protectorate, and the introduction of a system of land tenure independent of tribute. Their reply to these suggestions was handed to Mr. Rubie at Hoitna, and was discussed by us in detail with the Mukama and his principal chiefs at Entebbe.

## PART IV. RECOMMENDATIONS.

### General.

125. "There is one other principle in dealing with conquered lands to which there can be no dissent. It is that whatever may be the intention of the conqueror in regard to the land it must be declared as soon as possible after the conquest is completed." It would be hard to point to a more signal example of the ill effects of failure to make such an explicit declaration than is displayed by present conditions in Bunyoro. Of the few merits of the Buganda settlement is the fact that it took place at the very beginning of the new era and that it was final in its determination of the various interests concerned.

126. If the problem by which we are now confronted resolved itself into a conflict between native interests and the material advantage of the British Government, the claims of the latter might well be held to be estopped by its failure over a long period of years to declare its intentions with firmness or by consistent action.

127. But we have endeavoured to show that it is no such conflict; that the British Government's part is merely that of an adjudicator between two rival policies; whether the land and its usufruct should pass into the control of a few favoured native personages or should be administered as a common tribal asset.

128. Throughout our enquiry we have sought the confidence of the Mukama and his chiefs. They have assisted us personally in the examination of the majority of native witnesses and we wish to acknowledge their ready help. The hard facts of the situation, the true dimensions of which Mr. Gayer's investigation enabled us to gauge, were eventually placed before them and we invited them to prescribe a remedy. We must admit to disappointment but no surprise that they failed to produce any useful suggestion. "Give us mailos and we will find a way"; "Leave the kibanja system and we will surrender a further shilling of our tribute to the native government," will express in a few words the various proposals made.

129. The age-old tradition of kingship—"The State it is I"—can hardly be expected to have expired in the first generation of the new order and it must be realised that the Mukama and his chiefs are by temperament and by inexperience incapable of bringing to bear upon the problems of their country that statesmanlike vision of a king as a servant of his people which modern conditions imperiously demand.

130. We were compelled therefore to consider measures for the solution of these problems without further ado, and we informed the Mukama and his ministers of the general outline of the recommendations which it was our intention to submit to the Government and which we will now proceed to amplify.

131. These recommendations are in brief (a) that all tribute should be collected as a tribal due and expended upon tribal administration, terminable compensation being granted to the beneficiaries of the existing system, (b) that the rejection of any landlord and tenant system based upon freehold grants to chiefs should be reaffirmed and that the interests of actual cultivators should predominate.

#### Tribute.

132. Consideration of the evidence which we have had before us has convinced us that the present bwesengeze and kibanja systems can never provide a solution of the two principal needs of Bunyoro, a satisfactory scheme of chief's remuneration and a form of land holding which will afford security of tenure without being a burden upon the tribe. We are agreed that in Bunyoro, as elsewhere, the connection between busulu and land must cease and busulu must be definitely recognised as tribal tribute, paid by the tax-payer to meet the cost of his local government. To achieve this and at the same time to provide a satisfactory form of land holding we consider that the present system, in which land and tribute are associated must be abandoned entirely and new and separate schemes devised.

133. The Mukama and chiefs, as we have said, have adhered to their demand for mailo grants. In this connection their reference to the long-standing of their claim is interesting if one considers the very different hands into which land would have passed had such a distribution been made thirty years ago at the time when Mr. George Wilson introduced a system of chieftainships into Bunyoro. The present Mukama, Tito Winyi II, is not the heir-at-law of the then Mukama, Yosiya Kitahimbwa, or of the late Mukama, Andereya Duhaga, and none of the chieftainships are hereditary. In any case, the Secretary of State has rejected such a scheme, and, even if this were not so, we could not recommend it with the example of Buganda before us, with its quite adventitious endowment of certain families and its consequent reduction of the available emoluments of chieftainships to such an extent that these appointments are in Buganda ceasing to be attractive to men of ability. We consider that the only satisfactory solution of the salary question lies in the pooling of tribute to form, with the poll tax rebate, a fund for the financing of chiefs' salaries and pensions as has been done in the Eastern Province and elsewhere.

134. To create such a fund it will be necessary to abolish the present system of direct tribute collection, and we recommend that this should be effected at the end of 1932. From the 1st January, 1933, tribute should be collected together with poll tax, forming one payment on one ticket, and credited to the native administration in the same manner as is the rebate. In making this recommendation we have considered the arguments in favour of separate payments. It may be urged that one-payment collection might cause a drop in poll tax receipts in the case of those who were in a position to pay Shs. 10, the amount of the poll tax, but not Shs. 17, the amount of poll tax and tribute combined, and further that for the first years of its introduction there would be many tax-payers who should be exempted from payment of tribute, by virtue of existing kibanja grants or as bakungu. Apart from the fact that special legislation would be necessary to enable such separate collections to be made, we consider that the first of these objections is met by the fact that no such difficulty has been encountered in Toro whose economic condition is much the same as that of Bunyoro, while the second could be overcome by the issue of a lower rate poll tax ticket to meet these special cases, if their claims are to be respected as we recommend that they should be. We, therefore, advise the introduction of two rates of poll tax, a normal rate of Shs. 17 and a lower rate of Shs. 10 for "persons whom the Governor may deem to be exempt from tribute payment." The case of these latter is dealt with later. Meanwhile we would remark that they will be a limited and diminishing class whose lower rate will not materially affect the revenue of the salaries fund after a very few years.

135. The payment of tax at the increased rate by wage-earners employed in townships or on non-native plantations who at present escape the payment of tribute constitutes to our mind, no injustice. Such persons enjoy the advantage of membership of the tribal organization, and retain for themselves and for their posterity the inestimably valuable right of free occupancy and cultivation within the tribal areas. Analogous is the position of that great body of British taxpayers, not all of whom, though contributing without exception to the support of, for example, the state educational system, choose, or are in a position to avail themselves of the state institutions.

136. Assuming a taxpaying population of 22,000 (Appendix A), all paying full poll tax and tribute, as all will in time, the income of such a fund at the present rate of 30% rebate on a ten-shilling tax together with Shs. 7 tribute in full, would be £11,000. But we consider that there is no justification in maintaining this abnormally high contribution towards local government, amounting as it does to Shs. 10 a head, especially in a district which contributes only Shs. 7 towards Protectorate revenue, the Sh. 1 educational rate being an entirely local charge. We recommend therefore the reduction of the poll tax rebate to the normal figure of 20% and of the tribute to Shs. 6, which is the figure already current in districts having similar salary schemes, as soon as the budgetary position of the native government permits. This reduced contribution of Shs. 8 per head would produce an income of £8,800.

137. The present totals of what may be held to be salaries of the Mukama and the headquarters' establishment and chiefs actually engaged in the government of their country are:—

Mukama and headquarters Staff (Appendix B) ... ..	£	2,259
Saza chiefs ... ..	1,921	
Gombolola chiefs ... ..	1,798	
Miruka chiefs: Sh. 1 per head on 18,549 busuru payers (Appendix A) ... ..	927	
	<u>£6,905</u>	

138. To this must be added the uncertain cost of the bakungu but even with an added charge for these petty headmen and a generous allowance for contingencies the reduced contribution would yield an income sufficient to meet the cost of tribal government including the setting aside of an annual reserve for pensions, and these reductions could be made forthwith if the salary scheme were being introduced into a district which had no existing system of tribute distribution.

139. Unfortunately this is not the case and we consider that the system of individual collection of tribute has been allowed to become so firmly established that in any distribution of tribute revenue the claims of present recipients of busulu, whether from bwesengeze, kibanja or other sources, must be a first charge, ranking for the moment, above demands for the improvement of chiefs' and other salaries. These claims cannot be abolished by a stroke of the pen without causing a very real, and to a great extent, legitimate sense of grievance and, in individual cases, considerable hardship. The collection of tribute as at present is admittedly without legal authority, but the government has acquiesced in it for years, and for all its abuses, the kibanja system has been the recognised pension scheme in Bunyoro for many years. Government has neither forbidden it nor provided an alternative. No system entailing the extinction of existing "rights" can hope to be welcomed, but the severity of its introduction can be mitigated if this is accomplished by a process of transition. We therefore recommend that such a process should be adopted and that the transition should be effected by recognising the claims of present tribute holders to the extent of granting to them annuities of an amount equivalent to their present income from tribute, terminable, in the case of bwesengeze with the tenure of office of the present holder, and in the case of kibanja with the life of the present holder.

140. In computing these amounts each busulu payer will normally be reckoned as equivalent to Shs. 6, the net amount accruing after the customary remission of Sh. 1 to the miruka chief. To many present recipients of busulu, Shs. 6 is a very favourable basis of conversion as it ignores their losses by non-payment and any special costs of collection. Mr. Gayer's record should be taken as decisive evidence in the matter of the authenticity and present value of any holding with the proviso that it may be varied by the District Commissioner in any special case on his being satisfied by the Rukurato that there exists adequate grounds for such variation. Church lands and other special cases are dealt with later.

141. As a first step to the adjustment of chiefs' incomes, the Rukurato, in consultation with the District Commissioner, should now proceed to devise an equitable scheme based on an income of £8,800. This scheme should provide for the salaries of the recognised civil establishment of the native government (included in which are certain household offices, such as that of the Nyina Mukama, which should be retained in deference to the custom of the tribe), for the payment of miruka chiefs

and a limited number of bakungu and for the setting aside of an annual contribution to pensions, which should be on the scale authorised in other districts of the Eastern, Western and Northern Provinces. We have framed a tentative scheme as follows:—

	£
Mukama .....	1,500
Katikiro .....	500
Household Offices (Appendix B) .....	300
Saza Chiefs .....	1,950
Gombolola Chiefs .....	2,050
Miruka Chiefs .....	1,000
Pensions: 5 per cent on £8,800 .....	440
Bakungu (say) .....	560
Contingencies .....	500
	<hr/>
	£8,800

142. This estimate which represents the position which should be attained upon the elimination of all those terminable charges which, in accordance with our following recommendations, should be accepted as incidental to the transitional period, furnishes approximately their present incomes to the Mukama and his headquarters establishment, permits of a slight increase in chiefs' pay and, after allowing £1,000 to meet the cost of pensions and of a limited number of bakungu, leaves £500 as a provision for contingencies.

143. It will be seen that £4,000 is available for the salaries of saza and gombolola chiefs, which should be graded on a population basis. Taking the figures of population given in Appendix B, this would allow for the following salaries:—

Saza Chiefs.—		£
Over 5,000 taxpayers .....	2 at £400 .....	800
4,001 to 5,000 .....	1 at £350 .....	350
3,001 to 4,000 .....	1 at £300 .....	300
3,000 and under .....	2 at £250 .....	500
		<hr/>
		£1,950
Gombolola Chiefs.—		£
Over 1,000 taxpayers .....	3 at £100 .....	300
901—1,000 .....	4 at £ 90 .....	360
801—900 .....	none at £ 80 .....	—
701—800 .....	4 at £ 70 .....	280
601—700 .....	8 at £ 60 .....	480
501—600 .....	5 at £ 50 .....	250
401—500 .....	5 at £ 40 .....	200
400 and under .....	6 at £ 30 .....	180
		<hr/>
		£2,050

This is not intended as a final proposal. As we have said, the framing of such a scheme must fall upon the Rukurato. But the figures are given to indicate that it should be possible from the funds available, to devise a scheme which will provide a reasonable minimum salary rising on a population basis. £1,000, approximately their present cost, is provided for miruka chiefs, the details of whose pay must be left to the Rukurato.

144. The new salary scheme should be introduced on the 1st January, 1933, and the following adjustments made on its introduction:—

A. Chiefs whose present emoluments are greater than would be their salaries on the new scale, shall be permitted to retain the difference as an addition to salary during their tenure of office, but not to draw pension on this extra amount, e.g., the salary of the present Mukwenda will remain at £480, but his pension will be based on £400, which is the salary which will be drawn by his successor in office.

B. Chiefs, whose total present emoluments are less than their salary under the new scale will have their salaries raised accordingly.

C. Income from kibanja tribute has been included in calculating present emoluments; and chiefs who are kibanja holders will not therefore be entitled to any extra salary on this account during their tenure of office.

D. On retirement or on vacating office, chiefs shall be entitled for life to an annual allowance equal to their present income, if any, from kibanja tribute, the amount of which shall be set off against any pension which may be due. Thus, if a chief's kibanja income exceeds his due pension rate he shall be permitted to draw the difference as in the case of salaries. If his kibanja income is less than his due pension rate, he shall be granted as pension an annual allowance sufficient to bring his income up to the authorised pension scale. The total number of tribute payers on chiefs' kibanja is given as 1,937 in Appendix A, which is equivalent to £581. The amount paid out in these supplementary allowances after retirement can therefore hardly exceed £200 at any one time.

145. Appendix B gives details of these salary adjustments from which it will be seen that the total cost of adjustment A of the preceding paragraph will be £378 per annum, which is chiefly accountable to the excessive bwesongeze income of two saza chiefs. We consider that these are established claims and must be respected during the present holders' tenure of office, and that their cost must be included in the general cost of conversion and not borne by temporary reductions in the salaries of other chiefs. Most of these latter will gain in income, but they are losing hopes of any rents from freehold grants, and we consider that the terms of transition should be made as attractive as possible to them by putting them on their approved salary rate at once, more especially as the extra cost is very small. Adjustment D will have the effect of relieving the pensions charges during the first few years by the amount of these kibanja annuities which will be treated in precisely the same manner as other kibanja annuities as described in the next paragraph. Thus the calls upon the amount set aside for pensions will be low during the first years of the fund's existence and it will be possible to build up a substantial reserve, an important matter in a district with so small a balance to the credit of its Native Administration fund. We recommend, however, that, during this period of transition, the Rukurato be empowered, with the approval of the District Commissioner, to make grants from this reserve to cover special cases of hardship, e.g., the education in Protectorate institutions of deceased chiefs' children who have been deprived of the income from their fathers' kibanja holdings by this change of system.

146. We have dealt with the position of present office holders and chiefs who are now in receipt of a kibanja tribute income. We propose further that all other authentic kibanja holders should, as from 1st January, 1933, be paid during their lives, annuities equal in value to the present net income from their holdings, that is at the rate of Shs. 6 per tenant. These grants are founded upon claims of very diverse natures. Some 192 holdings are recorded as being in favour of babito, babitokati and bahinakati, that is to say they have been obtained on the grounds of relationship, often of a most distant degree, with the royal family; ex-chiefs, few of whom would have qualified for a pension under the most lax scheme, are credited with 170 holdings, and miscellaneous "others" account for 490 holdings. The total number of tribute payers on these holdings is 4,343 (Appendix A). The average income enjoyed by each holder cannot, therefore, be large and the charge for annuities in these cases will decrease progressively with the death of the present holders from an initial cost of £1,303 per annum. This concession is recommended in mitigation of the hardship of the consequences of the abandonment of the kibanja system, but it must be clearly understood that it is made as an act of grace and that no legal claim is admitted.

147. Upon the Mukama's relatives who, by the custom of the tribe, have been regarded as entitled to state maintenance, an immediate withdrawal of their present means of support would fall with special severity, the case of the babitokati or princesses who are not permitted to marry and are thus deprived of the support of a husband and family being one of particular hardship. The liquidation of this group of claims will call for sympathetic treatment and it may be expedient to continue some limited subsidies for a period after the present generation of beneficiaries has passed away. It is to provide for charges of such a nature that a sum for contingencies has been included in our estimates of the ultimate financial position of the native government budget. Nevertheless, it must be accepted as a principle that



the Mukamaship of the future must provide for the support of the members of its own family, for whom there will be a wide field for employment and reward in the administration of their country.

148. There are many kibanja holders who have no income from tribute but all are bakungu and are themselves exempt from payment of tribute, as are the bakungu on bwesengeze land. It is primarily to meet their case that we have recommended the introduction of the lower poll tax rate of Shs. 10. We consider it simpler to effect their exemption from tribute by the issue of these tickets at a lower rate rather than by collection at the full rate and subsequent refund. The number of these lower-rate poll tax tickets should be limited to 1,500 at the outset. A tribute exemption list should be drawn up in consultation between the District Commissioner and the Bukurato and should be subject to periodical revision with a view to reduction, as there is no justification for the permanent maintenance of the present excessive number of bakungu, and superfluous ones should not in any case be replaced on their decease. On the other hand, a certain number are necessary and should receive some remuneration and a sum is set aside for this purpose in the estimate in para. 141. The amount is small but it should be possible to increase it in time, with the automatic decrease in the number of those entitled to exemption from tribute. It should be remembered in regard to all such petty headmen that their services are only irregularly made use of. They are not whole time public servants and it is open to them and is indeed desirable, that they should gain their livelihood in the normal way as small farmers. For their counterparts in Buganda indeed no regular provision is available, a state of affairs which may reasonably be regarded as consequent upon the diversion of the land in Buganda and the tribute of its occupants into the hands of private owners.

149. All taxpayers, other than those whose partial exemption is dealt with above, should be liable to payment at the full poll-tax-cum-tribute rate. This includes those settled in townships and dwellers on freehold and leasehold estates who have not hitherto been asked to pay. We recommend, however, that at the same time the Crown land rent payable by natives occupying land in townships in Bunyoro should be lowered from Shs. 7 to Shs. 4. This reduced rent is at the same rate as that collected in similarly situated townships in other provinces and is considered to be an appropriate charge for the advantages of a township residence.

150. No husulu is collected by non-native planters and we do not recommend that any compensation be granted to them. Though the termination of the freedom from tribute hitherto enjoyed by the tenants of non-native land owners may cause some migration and consequent inconvenience, these owners will not suffer financial loss. They are, of course, and always have been, entitled to collect rent from their tenants. The case of the two estates owned by the Native Anglican Church and Jemusi Miti is somewhat different. The former will be dealt with in considering the question of church lands. In Jemusi's case, though he has made a genuine attempt to cultivate coffee, it may safely be assumed that, when buying this estate, he did not overlook its possibilities as a source of a busulu income. Being a Muganda, he realised it would be difficult to substantiate a claim to a kibanja grant and having paid a full commercial price for this land he can hardly be blamed for confusing busulu with rent in view of the encouragement given to this view by the British Government's acquiescence in the kibanja system. We recommend, therefore, that his should be treated as a special case and that as an act of grace he should be granted a life annuity of £32, being in respect of the number of busulu payers on this land, on the same terms as a kibanja holder.

151. There remains the question of church lands, the present position of which has been described in paras. 89 to 95. They are (or will be when surveyed and brought within proper limits) freehold estates and their proprietors are entitled to charge rent, but they have no claim to collect any levy based on an obligation to pay tribute as they have been doing. Unfortunately this collection has been permitted and has become an established custom, as on kibanja lands, and the missions have become accustomed to depend upon the revenue from these collections for the partial support of their local operations.

152. The present revenue enjoyed from this source is:—

Native Anglican Church, 870 tenants at Shs. 6 per head, i.e., Shs. 7 less	£
Sh. 1 to miruka chiefs	261
White Fathers' Mission, 461 tenants at Shs. 6	138
Mohammedans, 101 tenants at Shs. 6	30

We have deemed it convenient to include in the Native Anglican Church revenue the tribute from their Kiryanga estate. Though a commercial purchase for the purpose of coffee growing, its uses have become indistinguishable from those of their original grants.

153. The direct collection of tribute on these as on other lands must cease, and in considering the question of compensation it must be borne in mind that investigation has shewn that tribute is being collected from a much larger number of tenants than the official areas to which these churches are entitled could possibly support. From the nature of the case, the method recommended for the extinction of kibanja claims, the grant of annuities terminable at death, cannot be applied literally, but we are agreed that any compensatory grants should be terminable and not remain a constant charge on the native administration revenue. In this connection it should be noted that Bunyoro is one of the two districts in which an educational rate is levied, and a contribution of Sh. 1 a head is thus, under present arrangements, made by each tax-payer to the educational work of the missions. We have decided to recommend that compensatory grants should be made for five years to the amount of £225 per annum to the Native Anglican Church, £125 per annum to the White Fathers' Mission and £25 per annum to the Native Mohammedan Community. In the case of this last grant the organisation of the community is so lacking that the grant should be conditional upon their being able to demonstrate that the funds are being spent on religious or educational purposes. The period of these grants may seem to be short, but we would point out that the amount of them is greater than the most generous estimate of the yield from their correct areas and that should any extension in period be considered it must be accompanied by a strict revision of such yields. The compensation now proposed runs for the same period as, but is definitely more generous than that granted in liquidation of a somewhat similar situation in the Eastern Province. In this case, as in that of kibanja holdings, the grants are recommended as an act of grace in compensation for loss of income whose enjoyment, though long, has never had legal authority. The proprietors are, of course, entitled to charge rents to their tenants, but this will not carry with it exemption from tribal tribute.

154. We would add that we are fully satisfied that the income which has thus accrued in past years to the Christian Missions has been expended with prudence and foresight in the advancement of their work among the Banyoro people and that we appreciate the handicap which will be imposed, even with the notice given, by the ultimate withdrawal of these supplies. Nevertheless we cannot recommend the Government to entertain the indefinite continuance of a principle of the subvention of religious organisations at the public expense. The educational work which the missions carry on with so much devotion and enthusiasm must in future make its own appeal for state support and in considering that appeal, the existence of an educational rate can hardly be ignored.

155. We calculate the cost of these recommendations which we consider necessary to effect a smooth transition from the present system to that proposed, to be as follows:—

	£ per annum.
1. Extra grants to chiefs (para. 145)	378
2. Kibanja annuities—	
(a) Present chiefs on retirement (para. 144)	200
(b) Babito, ex-chiefs and "others" (para. 146)	1,303
3. Grant to Jemusi Miti (para. 150)	32
4. Grants to Churches (para. 153)	375
	<hr/>
	£2,288

156. At the initiation of the new scheme it will be necessary to find this amount of £2,288 per annum in addition to the £8,800 which we have allotted to the salaries and pensions scheme. Together they form a total which, by allowing for some temporary reduction of the provision for contingencies is approximately equal to the £11,000 at present absorbed, and to meet this it will be necessary, as has been pointed out, to maintain poll tax rebate at its present rate of 30% and tribute at its present rate of Shs. 7. Though no immediate economy can be effected, our proposals involve a gradual reduction in expenditure until the basis of £8,800 per annum is reached. In the course of this reduction it will be possible, as and when the financial position warrants it, first of all to reduce the poll tax rebate to the normal rate

of 20% and eventually to reduce tribute to the normal rate of Shs. 6. Each reduction involves a sum of Sh. 1 a head of the tax-paying population (say £1,100) and we recommend that the reduction should be effected in this order both because we consider that Bunyoro should make a larger contribution to Protectorate revenue at an early date and because it seems only fair that the district and not the Protectorate should bear the greater share of the cost of conversion from its own system.

157. Bunyoro has for years been cast for the part of Cinderella among the districts of the Protectorate. Legitimate grievances it may have had, but in respect of financial provision, no district has been more generously treated by the Protectorate Government. The poll tax was reduced in 1923 at a time of no widespread depression; the poll tax rebate has for some years remained at 30%, a rate not enjoyed by any other district and the Protectorate budget has, since 1925, relieved the native government of a proper charge, by providing £300 annually as a compassionate grant to the dependants of the late Mukama Andereya. This latter arrangement is one that may well be brought under review at a favourable opportunity. It is only just to add that "on the other side of the ledger" the Protectorate Government has not yet seen its way to give effect to what is regarded by the native government as an undertaking, that native funds would be relieved of the upkeep of the Hoima-Butiaba road, a route constructed for, and used for the most part by, direct non-native traffic from Kampala to Butiaba.

#### Land.

158. We have now made our recommendations in regard to the disposal of the tribute arising from the occupier of the land. There remains the disposal of the land itself.

159. We have shown that private ownership of land according to any European conception, had no distinguishable place in Bunyoro prior to the British occupation. There can therefore be no ground for suggesting that in withholding freehold grants to private proprietors the British Government has transgressed the established principle which demands that "private property whether of individuals or communities existing at the time of cession or conquest is respected."

160. We made particular enquiries as regards claims to clan butaka and arranged that Mr. Gayer should, in the course of his investigations, address himself directly to this point. Hardly a vestige of any clan system or corresponding tenure came to light. Whatever may have been the standing of such a system in aboriginal Bunyoro has been broken down by years of war and unsettlement of population and we are satisfied that it has ceased to retain any significance in the native life of to-day. Similarly no such class of "free" holders as is referred to by Roscoe (*vide* para. 35) can now be distinguished. Land occupiers in Bunyoro to-day fall, in general terms, into two classes only, those who pay tribute to some one and those who do not.

161. If anything remains it is a mere sense of locality. The native left free to choose his place of settlement will follow a primitive human instinct and return to that part of the country from which he or his ancestors sprang. He will then frequently refer to his place of settlement as his butaka. Much in this way would the West Country man choose to return to Devonshire or the Scotsman to his own country.

162. It will be well if we refer at this point to the persisting suggestion, which has at length in many quarters engendered conviction, that the British Government is, in Bunyoro, committed by promises to the grant of freehold mailos on the lines of the Buganda settlement. Our investigations on this point have already been detailed and form the evidence, upon which we base our conclusions, that no authorised promises, by which the British Government can properly be bound, have been made. The only pronouncement of substantial validity upon this subject is that made by Sir Geoffrey Archer in 1924, in which the mailo system is definitely rejected. The constructive part of that pronouncement was, in reality, devoted to the question of the disposal of the tribute accruing in practice from the occupancy of land, and we consider that our proposals under that head carry out the intentions of the pronouncement in the most practicable, the most equitable and indeed, to the chiefs, the most favourable manner which the actual circumstances of the situation render possible.

163. We do not doubt that much has been said which ought not to have been said and much left unsaid which ought to have been said; that the Mukama and chiefs have, at times, been led or permitted to believe that their desires for a distribution of mailos would be met, and that they have, over a long period, willingly allowed their wishes to father their thoughts. To what extent an officer may without authority, commit the government which he serves, to a course of action contrary to its considered policy, must always be a matter of controversy. Injudicious action or inaction by word or deed by government officers in a matter of such intrinsic importance as the distribution of land is both reprehensible and regrettable, but when, as in this case, it is the welfare of the tribe as opposed to private advantage of a few individuals which is at stake it can hardly be doubted that the considered policy favouring the common welfare must prevail.

164. To our view, then, there is a clear field, unencumbered with obligations, and we have reviewed the position accordingly.

165. The national collection of tribute and its allocation to tribal purposes removes almost the only attraction of the private ownership of large tenanted areas. Let it be assumed that parallel with this nationalisation of tribute, a limited distribution of such estates were to be made in Bunyoro. They would require to be marked out; the cost of survey cannot be light, and experience in Toro and hardly to a lesser extent in Buganda proves that land owners, as a whole, even where they have a direct interest in the income from the occupancy of the land, are too often unready to pay for the cost of obtaining a registered title. The land owner could admittedly levy a rent on the tenants on his land, but this would merely drive the peasant on to rent free unallotted land outside. The peasant remaining on a private mailo is debarred from ownership, except by purchase from his landlord, and, that he should be compelled to purchase what should be his by right and that the price of enfranchisement should pass to the personal enrichment of a few individuals, is, to our view, inherently unjust.

166. We accept as axiomatic that every man is entitled to the free and undisturbed occupancy of the land which he cultivates. This position is, to a great extent, incompatible with the existence of large landed properties. We did, indeed, consider the grant of a limited number of mailos as a solatium to certain of the more important existing chiefs. But we realised that not only are such estates when shorn of the right to exact tribute practically valueless to the grantees, but that the peasant occupier within these areas is deprived of the security and of the freedom to dispose of his improvements, to which he is rightly entitled. Led by these facts to their logical conclusion, we recommend that no mailos, in the usual acceptance of the term, should be granted in Bunyoro.

167. It is a fallacy, often fostered, it is to be suspected by design, that the alternative to a grant of mailos is deprivation of the native of his land. On the contrary, our view is that mailos may spell confiscation to all but a privileged minority. It is commonly agreed that one of the few hopeful features of the Buganda system is that the large estates are already being broken up by sale or inheritance into small peasant holdings. We propose to obviate this involved expensive and inequitable process of obtaining security for the cultivator and recommend the institution of the system of certificates of occupancy, which has been introduced with success into Toro and Ankole. A translation of the Certificate of Right of Occupancy now being issued in the vernacular in Toro is printed at Appendix C. The title to land thus becomes not arbitrary grant but occupation and cultivation and any native of Bunyoro, paying a nationalised tribute as we have proposed, will be entitled accordingly, without further payment by way of rent, to a certificate guaranteeing him undisturbed occupancy, subject to necessary conditions, of the land, of whatever extent, of which he is actually making use, with the right to dispose of the results of his labour upon that land to his heirs or by sale to another native.

168. The elasticity and absence of defined boundaries of the certificate of occupancy is, in the present state of development, one of the outstanding advantages of the system. To fix terrestrially for all time, the four corners of the peasant's holding when he is still practising shifting cultivation is a mere waste of effort and nothing but a disservice to his interests. The progress from certificates of occupancy to individual ownership with a guaranteed title to a specific parcel of land is, perhaps, inevitable, and it is a process which we would do nothing to hinder;

but this evolution should not be precipitated. Bunyoro contains vast tracts of unoccupied but fertile land. The factor which will justify the substitution of certificates of occupancy of undefined acreage by freehold grants of defined extent will be the progress of agricultural education. When the native generally has learned by a knowledge of crop rotations to extract a permanent livelihood for himself and his family from a certain plot of land of limited area, it will then be time to consider a deliberate cadastral survey with all its advantages and disadvantages. Meanwhile the need for this knowledge of a more scientific agricultural system may not impress itself urgently upon the native until pressure of population upon the land begins to make itself felt. But even if this evolutionary process is a slow one, there is no cause for uneasiness; the happiness and well-being of the native of Bunyoro will not necessarily be added to when he has to live under such conditions of economic congestion as characterise Mediterranean lands.

169. That the ultimate dominion and control in the lands of Bunyoro is in the British Crown, is not, in our view, open to doubt. Nevertheless the distribution of certificates of occupancy should be delegated to the tribal authorities under the safeguarding supervision of the local British administrative officers and in this way the native government would be enabled to exercise some control over the maintenance of present cultivation and the opening up of new areas. The delimitation of the Crown's rights in the land and of the obligations towards the indigenous inhabitants which it is prepared to assume must await final formulation in the new Land Ordinance which is still under consideration. Nevertheless it has already been made clear that in this new legislation overwhelming paramountcy will be given to the interests of natives upon whose prosperity the whole future of the Protectorate admittedly depends.

170. In making this recommendation against private ownership except such as is based upon actual occupation, we have anticipated the objection:—How can a chief live and maintain his position without land? To this our answer is that the chief in office or in authorised retirement is the only class of chief of whom cognizance can reasonably be taken. Such chiefs will be adequately paid by way of salaries and pensions and sufficient land for the official purposes of his post will be retained around each chief's headquarters. They are entitled, as is everyone, under the protection of a certificate of occupancy, to develop and maintain a private holding to which they can retire. We gave special consideration to the position of certain wealthier chiefs who have provided themselves in their private capacity with substantial permanent houses. Having rejected the idea of endowing them with large tenanted areas, as being valueless when tribute is collected nationally and as debarring the tenants on such land from the exercise of their due rights, we passed to the consideration of granting them the freehold of a reasonable area immediately surrounding their houses. But we realised that we were merely inviting disproportionate expenditure upon survey and documents for advantages which are almost entirely illusory. Such a chief has, under a certificate of occupancy, absolute protection for his property and may equally well sell his house and his improvements to any other native or leave them to his heir. Our recommendations will, indeed, normally preclude any person from deriving an income from the tribute or rent of others. For such a result we make no apologies and have no regrets. If, as the outcome, there is evolved a nation of small farmers, we shall be well content.

171. We would add that there is nothing in the conditions of a certificate of occupancy to prevent the enterprising native farmer from opening up, under its protection, any area of ground by means of hired labour. For such enterprising natives, co-operative production and marketing may, perhaps, at a later stage, offer a field for organizing powers and a more profitable return for their efforts.

172. For the native who progresses so far as to be ready to develop land on European lines and to desire to borrow money for improvements by way of mortgage, a lease under the Crown Lands Ordinance is available equally with the non-native planter. There is not, however, a remote indication of such a demand arising in Bunyoro, and even in Buganda, no such class of native farmer is in sight. It should perhaps be pointed out that the grant of freehold for land required by non-natives for development on capitalistic lines has, for some time past (since 1916), in conformity with a very valuable principle, been prohibited and the fact that the applicant for land for such purposes may be a native would make the grant of freehold in his favour no more legitimate nor logical.

173. We put forward certain minor exceptions to our foregoing recommendations. It is proposed, in order to mark the special position of the Mukama, that the present holder of the office, in his private capacity, should be granted free and without payment of survey or other costs, an area of say, half a square mile surrounding his permanent house at Kyesiga. He should be granted a title similar to that under which Toro and Ankole Agreement lands are held.

174. Further, around the Kibuga, or seat of native government at Hoima and around the headquarters of the saza and gombolola chiefs, limited areas should be allotted within which certificates of occupancy may not be claimed. These areas are intended for the accommodation and food supply of the establishment of chiefs in office, and for the siting of their official buildings and quarters. We have in mind for saza chiefs, say, 160 acres and for gombolola chiefs 49 acres (the standard area in Buganda). These areas need not be surveyed but their boundaries can be roughly determined by the chiefs themselves.

175. The Hoima Kibuga would similarly be an area comprehending the whole of the Mukama's official enclosure, the native government's headquarters and ample room for town houses and gardens for chiefs in office or whose duties necessitate their attendance at Hoima. We have in mind an area which may be two or may be five square miles, but which can only be determined by consultation on the ground with the native government as to its needs. We recommend that the external boundary of this area should be properly surveyed, for the reason, among others, that it is desirable to demarcate the exact boundary between the Kibuga and the Government township of Hoima which it adjoins. This Kibuga area and the allotment of the land which it contains would be under the immediate control of the Mukama and his native government.

176. As has been explained in Part II of our report, the two Christian mission societies which operate in Bunyoro, are entitled by registered certificates of claim to certain areas. Had the whole of these claims been finally demarcated and deeded to them twenty years ago, the invidious position in which the societies now find themselves could hardly have developed. As it is, numbers of their claims are in respect of areas which have long been evacuated on account of sleeping sickness or are valueless owing to movements of population. We recommend, therefore, as the only reasonable course, that the societies should be permitted to select a new distribution of so much of their total acreage as has not yet been surveyed, from among the areas of which they are now in occupation. They should be encouraged to take up this area in parcels of reasonable size rather than in a large number of five or ten acre plots. Although, as freeholders, they are, of course, entitled to collect rent from any occupiers, it is realised that it will, with the appropriation of tribute for tribal purposes, seldom be practicable to make such a charge. The missions will, however, gain in that they will now be free to select sites the most suitable for the furtherance of their religious and educational work undistracted by the conflicting consideration of the number of rent-paying tenants which they contain. We recommend that the survey of these areas should be put in hand and carried to a conclusion without further delay, not only with a view to defining once and for all the missions' freehold claims, but in order that the areas within which natives cannot qualify for certificates of occupancy may be known.\*

177. We find some difficulty in making any generally similar recommendations in regard to the area of 640 acres offered to the Native Mohammedans. There is among them hardly a trace of corporate responsibility and deprived of the opportunity of collecting tribute from any tenants, their lands, which have, with the exception of a few petty mosque plots and certain kibanjans, never even been selected, will be valueless otherwise than as sites for mosques or schools. Furthermore, there is no prospect whatever of their making any reasonable contribution towards the cost of survey.

178. On consideration we conclude that the most satisfactory arrangement will be to abandon any immediate attempt to compel them to select this area of land and to accept a survey and title deeds. Similar attempts, even in more advanced Buganda, have met with almost complete failure. For such plots as are actually

\*It is recommended that when permitting this redistribution of the missions' holdings, the Government take the opportunity of regularising the unsatisfactory position in regard to mining rights on these mission lands.

occupied by mosques or schools, the issue of a fee-nil licence for the temporary occupation of Crown land, on the lines of those introduced to control the village churches and bush schools of the mission societies, would meet all present needs. If and when the Community has established an organisation of some degree of permanence upon its temporary plots, the question of converting these into freehold grants can be re-opened.

#### Conclusion and Acknowledgment.

179. It will already have been inferred that we entertain no great expectations that the initiation of any action taken on the lines of our recommendations will be welcomed with enthusiasm by the Mukama and those of his chiefs and other persons who have looked to a kibanja system or to a distribution of mailos for a permanent private endowment. But not a few kibanja owners will learn with gratitude that their present precarious collections will be replaced by regularly paid annuities while the vast mass of the population, to whom existing conditions offer nothing, will we believe, as they become conscious of the greatly increased stability of their position as free peasants in their own country, respond by such practical marks of contentment as increased production and the improvement of their holdings and homes. We are satisfied that such opposition as may be offered to these proposals will represent the views of a very small group of interested persons. By the younger chiefs indeed, the promise of an amelioration of their prospects will at heart be welcomed, though loyalty to their Mukama and to their elders may lead many, both chiefs and peasants, to an appearance of support of the old order.

180. But we are not unmindful of the reasons underlying the Mukama's disinclination to part company with existing conditions. To him and to the aristocratical order which he represents, the personal exercise of prerogative, and in particular this prerogative of distributing the right of control over people or land, appears as one of the few reminders of the dimmed greatness of the kingdom to which he is the successor. This pride in the national past is indeed not confined to the Mukama and his circle, but is a common heritage of his subjects, and if encouraged may do much towards the rehabilitation of their somewhat fallen fortunes as a people.

181. This sensitiveness to their past and an intense jealousy of their more prosperous, but to them *parvenu*, neighbours in Buganda is a real factor in the situation. We are thus led to comment on a matter which does not fall strictly within our terms of reference. We refer to the absence of any definition of the constitutional position of the Mukama.

182. The possession by Buganda, Ankole and Toro of the magic protection of an Agreement is the envy of Bunyoro. The actual political condition of Bunyoro being what it is, the Mukama and his chiefs have nothing to bring into an agreement but their loyalty and good will. Nevertheless some formal charter or declaration of the rights with which, in return for loyal co-operation, the Government is prepared to endow the Mukama, and of the powers with which he is entrusted, would do much to strengthen his position in his own esteem and in the eyes of his people. We have given no consideration to the details of this question, but we have in mind such points as the claim of a reigning Mukama to nominate his successor, who should be of the line of Kabarega; the right of nomination to chieftainships; and the relationship of the Mukama to his ministers and to the native government. We do no more than commend this matter to the sympathetic consideration of the Government.

183. We would add in concluding this report that we think the time is come when reference to Bunyoro and the Banyoro as a conquered country and people should cease. Such references of this nature as appear in this report are made solely by way of explanation of the origins of the present state of affairs and our recommendations do not, on this account, differ one whit from those we should have put forward to meet a similar set of circumstances where we found a field clear of embarrassing obligations. Bunyoro has passed through much moral tribulation which its national temperament is not well fitted to overcome; and since political and social development can only be

proportioned by a people's own capacity for progress, it must be confessed that for Bunyoro's laggard advance, its own people are not without responsibility. Nevertheless, if the re-arrangements which we propose are applied with that firmness and consistency of purpose which have been so often lacking in the past administration of Bunyoro, they should mark the termination of any disabilities which have followed from the circumstances of Bunyoro's first contacts with western civilization. Bunyoro should be regarded as a backward unit whose past misfortunes merit special sympathy and consideration. That Bunyoro can now progress unhampered by ill-considered treaty or agreement obligations will, we are convinced, eventually prove one of its greatest advantages in the march towards prosperity.

184. We wish to record our appreciation of the services rendered to the work of the Committee by Mr. C. M. A. Gayer, Assistant District Officer. Having been stationed in Bunyoro for the past two years he has been enabled to gain, in a marked degree, the confidence of the Mukama and his chiefs. This factor proved invaluable when the need for a detailed enquiry into all claims for tribute became evident. In the course of two months Mr. Gayer visited every gombolola in Bunyoro and was everywhere greeted with a frank disclosure of facts. He examined many hundreds of witnesses and has compiled a record of the interests of more than a thousand claimants, a record which contains what is perhaps the most intimate survey of the social economy of a tribe which has yet been undertaken in Uganda.

J. G. RUBIE,  
*Provincial Commissioner,  
Northern Province.*

H. B. THOMAS,  
*Deputy Director of Surveys.*

30TH DECEMBER, 1931.

## APPENDIX A.

## DISTRIBUTION OF BUSULU.

Poll tax population ...	24,000
Annual payers of poll tax ...	22,000
Actual busulu payers (maximum in all cases)—	
On bwesengeze plots ...	10,729
On kibanja plots—	
Chiefs ...	1,937
Babito, etc. ...	1,456
Others ...	2,887
<i>f</i> 280	
On church estates ...	1,324
On freehold estates ...	216
	18,549
Actual busulu payers for benefit of chiefs (i.e. Mukama, headquarter offices and chiefs)—	
On bwesengeze plots ...	10,729
On kibanja plots ...	1,937
	12,666
Actual busulu payers to non-official kibanja holders—	
On babito, etc., plots ...	1,456
On others ...	2,887
	4,343
Actual busulu payers to missions, etc.—	
Native Anglican Church ...	762
White Fathers' Mission ...	461
Native Mohammedan Community ...	101
	1,324
Actual busulu payers on freehold estates (none is collected by non-native planters)—	
Native Anglican Church (Kiryanga) ...	108
Jemusi Miti (Namuirima) ...	108
	216
Total number of kibanja holdings—	
By present chiefs ...	153
" ex-chiefs ...	170
" babito and babitokati ...	180
" bahimukati ...	12
" others ...	490
	1,005

## APPENDIX B.

## PRESENT AND PROPOSED EMOLUMENTS OF MUKAMA, HEADQUARTERS STAFF AND CHIEFS.

		A	B	C	D	E
		Nominal total of present emoluments including amount derived from kibanja holdings.	Amount derived from kibanja holdings.	Proposed salary on scale indicated in para. 149.	Extra charge falling on Salaries Fund during office of present holder.	Increase in income resulting from introduction of proposed new scale.
<b>HEADQUARTERS.</b>						
Mukama	£	1,447	75	1,500	—	53
Katikico	£	505	58	500	—	—
Nyina Mukama	£	194	—	—	—	—
Kalyota	£	191	—	—	—	—
Okwiri	£	42	4	—	—	—
		£2,259	£187	£2,300	£12	£53
<b>SAZA CHIEFS.</b>						
<i>Chief.</i>	<i>Poll Tax Payable.</i>					
Mplwenda	5,900	480	38	400	80	—
Pokino	6,080	350	45	400	—	50
Kaigo	4,380	510	5	350	160	80
Kimbugwe	3,173	270	22	300	—	—
Sekibobo	2,052	136	9	250	—	124
Kangaho	1,604	176	3	250	—	75
		£1,921	£122	£1,950	£210	£270
<b>GOMBOLOLA CHIEFS.</b>						
<i>County.</i>	<i>Chief.</i>	<i>Poll Tax Payable.</i>				
BUGAHYA (Mukwenda)	Mumyuka	1,600	70	100	—	80
	Sabairu	601	96	60	36	—
	Sabagabo	1,000	73	90	—	17
	Sabawali	572	62	50	12	—
	Musale	390	37	30	7	—
	Mutuba I	1,200	62	3	100	48
	Mutuba II	723	67	1	70	3
		£457	£44	£500	£55	£98
BUHAGUZI (Pokino)	Mumyuka	1,350	103	100	3	—
	Sabairu	879	88	90	—	2
	Sabagabo	794	48	70	—	24
	Sabawali	443	28	40	—	12
	Musale	660	46	50	—	5
	Mutuba I	941	70	90	—	20
	Mutuba II	700	44	60	—	16
		£426	£39	£500	£8	£77
BUJENJE (Kaigo)	Mumyuka	1,000	61	90	—	29
	Sabairu	770	58	70	—	12
	Sabagabo	522	40	50	—	10
	Sabawali	760	47	70	—	23
	Musale	695	51	60	—	9
	Mutuba I	700	46	60	—	14
			£303	£24	£400	—
BURULI (Kimbugwe)	Mumyuka	700	75	60	15	—
	Sabairu	395	49	30	19	—
	Sabagabo	665	45	60	—	15
	Sabawali	464	25	40	—	15
	Musale	642	35	60	—	25
	Mutuba I	330	20	30	—	10
			£249	£28	£280	£34
KIHUKYA (Sekibobo)	Mumyuka	508	52	50	2	—
	Sabairu	439	42	40	2	—
	Sabagabo	485	40	40	—	—
	Sabawali	620	90	60	30	—
		£224	£32	£190	£34	—
KIBANDA (Kangaho)	Mumyuka	544	45	50	—	5
	Sabairu	279	26	30	—	4
	Sabagabo	207	20	30	—	10
	Sabawali	204	23	30	—	7
	Musale	490	25	40	—	15
		£189	£5	£180	—	£41

The actual collections under Column A are in all cases probably 5% to 15% less than the nominal totals given. The salaries of miruka chiefs are not given. They are not gazetted appointments. The sum of £1,000 allocated to their payment, is roughly the equivalent of their present estimated income, £927 (vide para. 137). Some of the present miruka chiefs are kibanja holders, a fact which should be borne in mind when allotting salaries.

## APPENDIX C.

The first outline of the form of a Certificate of Right of Occupancy appeared as an appendix to the Report of the Committee of Enquiry into the Grievances of the Mukama and People of Toro, 1926.

This form was somewhat amended before any issue was approved and the following is an English rendering of the vernacular Certificate which is now current in Toro.

UGANDA

No.....

TORO.

## CERTIFICATE OF RIGHT OF OCCUPANCY OF A NATIVE OF TORO.

With the approval of His Excellency the Governor the Native Government of Toro recognises the right of..... to the occupancy of the garden cultivated by him at

.....Kibanja (Garden).

.....Mutala.

.....Gombolola.

.....Saza.

This certificate is granted subject to the following conditions :-

(1) The person named above, or his successor, is entitled to the undisturbed enjoyment of the land described above, subject to the requirements of condition (7) below.

(2) The person named above, or his successor, is the absolute owner of all buildings erected by him, all trees planted by him, and all crops cultivated by him on the land.

(3) No tribute or similar impost may be collected from any native living on the land.

(4) The person named above, or his successor, cannot sell, transfer or sub-let any portion of the land; but on giving up his tenancy he may, upon giving notice of his intention to the Native Government of Toro, sell the buildings, trees and crops which are his property, to another native of Toro.

(5) The person named above, or his successor, may leave by will to another member of the tribe his rights under this certificate and any improvements, or, in the absence of a will, his heir by native custom will be entitled to succeed him.

(6) The person named above, or his successor, shall pay to the Native Government of Toro when due, such taxes, dues and other charges for which he may by law or with the consent of the Governor be held responsible.

(7) The person named above, or his successor, may be disturbed in his occupancy, if necessary to allow of the construction of any works for the good of the country (for example, roads, railways, schools, dispensaries) in which case the person named above, or his successor, will be compensated for all damage to his garden.

(8) The rights confirmed by this certificate will be cancelled by a discontinuance of cultivation or occupation of the land by the person named above or his successor.

SIGNED on behalf of the Native Government of Toro.

.....  
 ..... } Two Members.

Signed.....  
 District Commissioner.

Date.....