

1932.

*Kenya*

**CO 533/422**

No. **18073**

SUBJECT

*Kikuyu Grievances.*

*Kikuyu Central Association*

Previous

*See TG 010/A/30*

*18005/32*

Subsequent

*2196/33*

*See 22413/33 (Native Land Problems - W. Coast Province)*



1 Mr J. Kenyatta (on behalf of the Kikuyu Central Association). 24th February 1932

Submits memorandum and appendices of the major grievances and desires of the Kikuyu. Mr Kenyatta asks for an early interview so that he can explain and amplify the points in the memo.

Sir John Shuckburgh

Mr. Johnston Kenyatta is the Secretary of the Kikuyu Central Association, whose claim to represent the Kikuyu tribe is not admitted by the Kenya Government. For an account of the Association see Sir Edward Griegs' despatch of 1929.

No. 1 on 1592/23.

Under No. 13 on 15940/A/23.

No. 3 on 15943/23.

In 1929 Kenyatta came to England under circumstances surmised in the minutes of the B. On that occasion he was refused an interview with the Secretary of State (Mr. MacDonald) but saw Sir Edward Griegs (then on leave) and Mr. Drummond Shiels.

His petitions were referred by the Secretary of State to the Colonial Government for comment, and in due course a reply was sent to him in this country.

In 1931 Kenyatta again came to England in the hope of giving evidence before the Joint Committee of Parliament on Closer Union in East Africa. The Committee declined to hear him, but he sent in a memorandum.

2610/2/31

His present letter is a repetition of the 1929 tactics; there appears to be no reason why it should not be dealt with on the same lines. I submit drafts for comment.

As regards the various points in the memorandum, it appears unnecessary to comment at length. Some of the statements (e.g., those on the Marakissa-Tana land, paras. 7-13) are definitely untrue, and I have been unable to find one which is not the subject of separate correspondence between the Secretary of State and the Governor.

2610/2/31

W. P. 29/2

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No. 1 on 1932/29.

Under No. 1 on 1932/29.

No. 3 on 1932/29.

26.01.31

See 6/1/31

W. P. 29/2 150

2 As proposed

U.S.

29/4/32

Rec of plate

(through Sir R. Hamilton)

Agree with proposed reply

J.L.B.

3.3.32

U.S.

1A A. Mac Gregor Ross 9.3.32 to Sir R. Hamilton 4/3/32

2 To Kenyatta - laund - 15 MAR 1932

10 Evr 210 (w/2 1 + 2 small) 15 MAR 1932

4 To Mr. Mac Gregor Ross (Answer 1A) 9.3.32

4. part by

4A Mac Ross to Sir R. Hamilton 11.3.1932

46 To Mr. Ross. (U.S. part) 24/3/32

DESTROYED UNDER STATUTE

Col Secy - 3pm - 27/4/32  
Asks for a copy of the map (Africa I) to A.S.

? send the map (in pocket or back) under 3pm. otherwise 5 asking for it has returned into the former reply

J.L.B. 28/4/32

By 2nd 26/4/32

DESTROYED UNDER STATUTE

7 To Col Secy (w/ map in 1 in original for return) 26/4/32  
Re Kenyatta. Sp. (Sir J. Wilson) 28/7/32  
Asks for interview

Sir J. Wilson.

You will remember that when Kenyatta first came to England, Sir Edward Grigg said that his Association was not recognised and that he should not be received.

A few months later Dr. Shiels met him at the House of Commons, not officially, but by a pre-arranged accident. This year Kenyatta has been allowed to give evidence to Sir Morris Carter.

But he has never been received in the Office and, from the official point of view, Sir E. Grigg's objection still holds good. You might think it desirable to telegraph to Sir J. Byrne to see if he is of the same opinion as my predecessor.

It may however be that the terms of what you actually said at Werne Hill will give you opportunity if you wish to take it, of avoiding an interview which can hardly be useful and which might conceivably have repercussions in East Africa.

Possibly you could plead many engagements before you go away, but subject to that I think that it might be best to consult Sir J. Byrne.

L.S.A.

28.7.32

Sir J. Wilson spoke to me about this today

In March last Mr Mac Gregor Ross wrote to Sir R. Hamilton suggesting that



he might see Kenyatta in the latter  
my thought is that he was then  
supposed to be returning to E.A.  
to R. Hamilton those that I  
suggested that if he thought of  
seeing Kenyatta it would be best  
to consult the Dept first. In  
recollection I was J.R. Hamilton  
did so the Dept will  
depend on the Dept see  
Kenyatta (The is now in the  
my recollection is that J.R.  
Hamilton told me orally  
that as in Nov 1, 1973/32 he  
has been & do not think any  
will be known as to  
consulting Sir I. Bone &  
think the best course is to  
write Wilson to say as in the  
draft herewith.

The Dept was not told  
anything about the refusal?

the report to Sir R. Hamilton, on the  
other side's attitude I don't think  
there is any need to tell her the  
present report.

J.R. Allen

8/8/32

act  
8.8.32

J.P. Kenyatta (7/11/32) — 7/8/32

Instruction

No reply to No. 3 yet, please  
see the 5<sup>th</sup> in this connection  
R. 47, 1973  
to remove

? It seems unnecessary  
yet regarding 3 as several of the  
questions mentioned in the memorandum (12)  
are still under investigation or concern  
of Land, Taxation  
30, in 6 months

Noted  
H.P. Miss Ma  
10/8/32

J.R. Allen  
u/p  
Kane

110

9. D/Gov. 411. .... 29th Aug. 32.

Trans. lr. and Memo. from the Secy. to the progressive Kikuyu Party of the South Nyeri Dist. on Kikuyu Land Questions. States that Memo. has been submitted to the Land Commn.

10. D/Gov. Conf. 111. .... 29th Aug. 32.

Submits obsens. on the memo. by Mr. Kenyatta and returns map which formed Appendix II.

I submit a summary of the Kenyatta memorandum enclosed with 1 set of the Governor's obsens on it, at 10. - 10th  
He had per Mr. Director's minute of 29/2 summarising the position.

> The former may be refused to cause the allocation to him of land that the memorial has been laid before the S. Y.S. who is satisfied with such the matters mentioned as are not the subject of current investigation have been duly considered by the Govt of Kenya before taking decisions on them.  
AD 9? only.

H.S. Prasad's line  
2/11/32

The Memorandum in (1) was addressed to S.G.S. by Kenyatta for and on behalf of the Kikuyu Central Association, of which he is General Secretary.

Kenyatta is still in London as is known to the Dept. in England. If the reply is sent as proposed above, he will be completely short-circuited.

and to make a claim in England

The matter could then be directly raising the attention of the Kenyatta and that S.G.S. see no reason for interfering in any way or decision as have been taken there.

It is for ~~consideration~~ whether, in addition to replying to the Assoc. thru the Governor as proposed, Kenyatta should not be told that the S.G.S. have received & considered S.G.S.'s Governor's obsens on the memorandum, has requested the Governor to convey a reply to the K.C.A. in Nyeri. (A copy of the letter to Kenyatta should be included in the dept. to Govt.)

H.S. Prasad  
2/11.

→ Flood

From the P.O. in 3196- it appears that another memo from the K.C.A. is being forwarded to the Govt. with the Kenyatta memo. The reply at 2, herein to the memo.

submitted did not promise a further communication, and in view of (a) the lapse of time (b) the immaturity of a new memo (c) the immaturity of encouraging the J. Kenyatta by too punctuous a treatment of his effusions I think this file may well be laid to rest.  
Nos 10 0101 constitute a useful encyclopaedia in their evolution with no doubt be borne in

Hotel Kenya C/S

signed by Regent & Left.

Publy

30/5-

I agree that we need not answer Kenyatta. His  
name should have come via the Gov. & has never  
been sent that way. But the S. of S. did say that  
he had sent the thing to the Gov. I was not prepared  
to comment till he had had the Governor's views. (No 2)  
This may be equal to a promise of a further reply  
when the views arrived and capital may be made out  
of the different material needed to write & hand over  
memoranda.

But we hope that another means is on its  
way and to recognize Kenyatta is not a scheme  
which I should favour

so Publy (1 year only for the present)

110.72d

Clearly he shall receive of them 30/5

publy  
20 5.33

(M)

Remarks

Kenyatta Memorandum.

Governors Comments.

Paras. 1-5. Representations  
regarding grievances and  
complaints were ignored by  
Government of Kenya.

Request for interview  
with the Governor was  
not granted.

The Association is not  
regarded by Government  
as the official mouth-  
piece of the Kikuyu  
people. There is a  
recognized channel for  
representations through  
District Commissioners  
or Local Native Councils.  
Representations made in  
an orthodox manner are  
always attended to by  
the officer of Government  
concerned.

Paras. 7-13. Protests  
against alienation of  
Maragwa-Tana land for  
the purpose of an  
electric power station.  
States that no compensa-  
tion was given nor has  
any land been given in  
exchange.

With the consent of the  
Local Native Council etc  
4 acres were alienated  
in return for an addition  
to the Native Reserve of  
20 acres.

Paras. 14-20. Various  
Land

Will be considered by  
the Land  
Commissioner.

Paras. 21-24. Complains  
that the Kikuyu Native  
Land Tenure Report  
1929 was not communi-  
cated to the Chiefs,  
Headmen or Local  
Native Councils. In  
any case only part  
could read it as no  
translation into  
Kikuyu has been made.

Report has been  
published and is on sale;  
copies were given free  
to those Kikuyu Chiefs  
and witnesses who asked  
for them. It has not  
been translated into  
Swahili but the Governor  
is anxious that this  
should be done and has  
gratefully accepted  
Dr. Leakey's offer to do  
it but the latter has  
not yet been able to do  
so.

It is important  
that the recommendations  
should be known and  
discussed among the  
Kikuyu before any  
action is taken.

Kenya Memorandum.

Governors Comments.

Remarks.

Paras. 25-26. Suggests that representatives of the tribes concerned should be placed on the Land Commission to facilitate obtaining correct information.

Impossible to represent on the Commission all tribes concerned. Few natives can understand the questions at issue. Every facility is being given to natives to give evidence to the Commission.

Para. 27. Requests introduction of compulsory education for all African children.

Apart from Administrative financial and political implications of this policy the growth of African education must be limited by the supply of qualified teachers which can be provided.

Para. 28. All restrictions relating to the building of schools by Africans, staffing and curriculum should be removed. Africans should be allowed to own and control private schools independently.

Experiments in the establishment and management of private schools by Africans are now being made. Could not agree to the control being taken from the Director of Education or to the removal of all restrictions relating to staffing and curriculum.

Paras. 30-32. Missions excluded certain Kikuyu children from their schools closed the schools and claimed ownership of the sites and buildings.

The claimers unfounded as the ownership of the sites and buildings remains with the native communities.

Missions by trickery brought prosecutions against Kikuyu who entered the premises or precincts. Demands permission to re-open independently the closed Mission schools.

There appears to be no foundation whatever for the statement.

Para. 33. Discrimination in education between races should cease. Dual system of educational policy has led to discouragement of the teaching of English and of provision of secondary education in African schools. African children should be given equal chances to those given to European and Indian children.

Nyasatta Memorandum.

Governors Comments.

Remarks.

Para. 34. Recapitulates the sense of paras. 60 and 110 of Joint Committee Report regarding the setting aside for African service of a portion of the Colony's revenue and its administration by Local Native Councils.

Lord Loyne has recommended the establishment of a Native Representative Council which proposals now being considered by the Government.

Para. 35. The non African representatives of the Legislative Council are ignorant of conditions of African life and grievances in Reserves as is obvious from amendments passed, e.g. Native Authority, Native Registration, Native Passes, Native Squatters, Employment of Natives, Ordinances and Townships Residents' Permits.

Para. 36. Taxation without representation is an unjust principle. Protest that a minority member on the Council does not effectively represent African interests. Representation of Africans by Africans should be established before 1933.

Para. 37. Taxes collected from Africans have been spent largely for benefit of non Africans without knowledge or consent of Africans. Hope that Lord Loyne will realize African view and that Africans will be permitted put their case before him.

Para. 38. More urgently needed for African Education, hospitals, roads and agricultural improvements. In making roads for Native Reserves the labour should be paid.

Kenya Memorandum

Kenya's Language

Para. 10. Law should be published in African language. All discussion resolutions, minutes of local Native Councils should be published in African language. All discussion resolutions, minutes of local Native Councils should be published in African language.

The report of 1952 not only in the African language. In 1952, the report of 1952 was published in African language. In 1952, the report of 1952 was published in African language.

Para. 11. The Kenya Authority Commission should be related to which African are deprived freedom of speech, press, holding of meetings. They should have the same rights as citizens of Kenya. The classes are as described.

The report of 1952 not only in the African language. In 1952, the report of 1952 was published in African language. In 1952, the report of 1952 was published in African language.

Para. 12. The order prohibiting collection of funds by Africans for the support of their societies should be rescinded.

The report of 1952 not only in the African language. In 1952, the report of 1952 was published in African language. In 1952, the report of 1952 was published in African language.

Para. 13. The work of local Native Councils can be neglected. The Executive Council, which there is no African representation. Members of local Native Councils should be allowed to consult the constituents without the interference of government officials. The Constitution of Native Councils should be altered to permit fuller consultation of Africans. African Chairman, popular election of

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Kenya Memorandum.

Governors' Reports.

of members instead of nomination, full expression of views. At present an elected member is subjected to dismissal for expressing the views of his constituents.

been dismissed since 1961 - 3 for a finding of absence 3 for absence and the remainder by resolution of the Council for unaccepting conduct.

Paras. 49-50. Appointment of Chiefs should be by election not Government nomination.

In practice the Chiefs concerned are invariably appointed but Government retains the right to veto to appointments of Chiefs and of the Chiefs of the Districts. Chiefs are appointed by the Government.

Para. 51. African employees of Government should be given the same treatment and status as immigrants of same grade. The establishment of a separate "Arab and African Clerical Services" introduces racial discrimination.

In theory there is to be said for this and Lord Ondaatje para. 5 of his report supports entrance of immigrants on efficiency and grounds of merit of race. In practice it is impossible to ignore racial characteristics and Africans cannot compete with immigrants in examinations owing to difference in educational standards.

Para. 52-53. Advocates abolition of (a) Kipandi; (b) Municipal permits; (c) restrictions on the ownership of land in townships and pigwanda; (d) domestic servants' certificates and (e) removal of all restrictions on free movement of Africans locally.

- (a) The question of some modification under consideration. Cites Sec. 21 of State's Confidential Report of 1961 which agrees generally that some documentary evidence of identity is necessary.
- (b) The abolition of regulations restricting and controlling vagrancy is not recommended. Cites Crime Cites Report.
- (c) As the Secretary of State is aware of the position does not propose to discuss.
- (d)

(d) Applies only to Nairobi and the extension of the ordinance depends on finance. They are valuable possessions for honest servants.  
(e) Proposes to cancel Pass Rules in certain areas and to report regarding other areas in due time.

Para. 64. The arrangement of Native Locations is unsatisfactory and taxes therein are too high e.g. 28 a year ground rent.

Such has been done and is being done to improve amenities. A charge of 1/- a year as ground rent for a residential plot is not excessive.

Para. 55. Where child labour is employed by Municipalities special continuation schools should be instituted.

Agrees that this demands attention. The Crime Committee's Report contains recommendations on the point. Proposes to control employment of child labour by amending legislation.

Para. 56. Africans should have same facilities as Europeans for marketing produce and expanding production. Growing of coffee should be encouraged and rail and road facilities provided for conveyance of crops from outlying districts.

Improvement of native production has received close attention - cites Confidential Despatch of 4th June. Communications are reasonably adequate and trading centres and markets. The formation of a Native Marketing Advisory Council as advocated by Lord Moyne in para. 82 is being considered. As regards coffee growing hopes soon to indicate to what extent Government can provide staff to advise and supervise native growers.





10 13



GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

KENYA.

No. III

RECEIVED  
19 SEP 1932  
CO OFFICE

CONFIDENTIAL.

29 August, 1932.

Sir,

103

I have the honour to refer to your dispatch No. 210 of the 18th March, enclosing a Memorandum submitted by Mr. Johnstone Kenyatta on behalf of the Kikuyu Central Association. I regret that there has been some delay in dealing with the matter, but as you are aware some of the questions raised in the Memorandum came within the purview of Lord Moyne's Report, while others have been the subject of recent correspondence with yourself. I am now in a position to forward my observations which I trust will be regarded as sufficiently comprehensive.

I will now deal serially with the points raised by Mr. Kenyatta.

(A). General. Paragraphs 1 to 5. Mr. Kenyatta complains of a general disregard of representations made by the Kikuyu Central Association. It is quite probable that many of the Association's representations have not met with the response from Government that the Association would have liked: the Association is only one Association among many and it represents only a limited number

THE RIGHT HONOURABLE  
VISCOUNT BRIDGES-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W. 1.

27059/32EA

number of persons of one tribe, the Kikuyu. It is not possible for Government to regard the Association as being the official mouthpiece of the Kikuyu people. As the Governor explained in his despatch No. 360 of the August, there is a recognised channel of communication between any individuals or bodies of individuals and Government, that is to say through their District and Provincial Commissioners; or if it is thought desirable through Local Native Councils. Representations made in any orthodox manner are always listened to and attended to by the Officer of Government concerned. It is obviously impossible for Government, if by Government Mr. Kenyatta means the Governor or the Colonial Secretary, to attend personally to every communication addressed to Government by private individuals or irresponsible Associations.

(B). Recent Land Seizures. Paragraphs 7 to 12.  
Marema - Tana Land.

Mr. Kenyatta complains that  
 "The Kikuyu have been deprived for ever of a  
 "further valuable area of fertile land essential  
 "for stock raising, grazing and agriculture, as  
 "well as a source of cheap water power."

2051  
 on 16/6/30

As you are aware from correspondence on this subject and in particular to the Governor's despatch No. 658 of the 18th November, 1931, an area approximately 4 acres in extent was excised from the Fort Hall Reserve in return for an addition to the Reserve of approximately 22 acres of Crown Land. This transaction was approved by a majority of the Local Native Council, by the Local Land Board and by the Central Lands Trust Board. (On

actual

3.

actual survey it was found that the extent of the land excised amounted to 4.152 acres and not 5.8 (as originally computed).

White Sisters' Land at Mangu. Paragraph 14.

The native claim to this land will be submitted to the Morris Carter Commission for consideration.

(C). Land Claims on behalf of dispossessed Kikuyu. Paragraphs 16 to 20.

These claims will be considered by the Morris Carter Commission.

(D). Kikuyu Land Tenure Report

Mr. Kenyatta complains that this Report has so far been kept away from the Kikuyu. This is not strictly correct. The Report was published and has been available on sale for Shs. 7/6s. 50. moreover, copies were given free to those Kikuyu chiefs and witnesses who have asked for them. It is that it has not been translated into Swahili: a translation of a subject so highly technical would be entirely unintelligible to the Kikuyu. In the notes accompanying Lord Passfield's despatch, No. 323 of the 15th May, 1931, it was stated that Mr. (now Doctor) Leakey had offered to translate the Report into Kikuyu. In paragraph 2 of the Governor's confidential despatch of the 7th December, 1931, His Excellency informed you that he would gratefully accept Dr. Leakey's offer. I understand, however, that Dr. Leakey has not yet been able to do this work

No 10  
17165/31

No 11  
17165/3

In Paragraph 2

In Paragraph 26 Mr. Kenyatta suggests that the inquiry now being conducted by the Morris Carter Commission would be more likely to be successful in obtaining correct information if it numbered on the Commission representatives of the tribes concerned. I do not agree. If all the tribes concerned were represented on the Commission the Commission would be quite unwieldy. Moreover there are few natives at present capable of understanding the questions at issue or of appreciating any point of view ~~but~~ <sup>in</sup> ~~their~~ own. Every possible facility is being given to natives individually and in groups to give evidence both ~~verbal~~ and written and the Commission is far more likely to arrive at the truth by ~~listening~~ to them as witnesses than by sharing their deliberations with them as fellow Commissioners.

(E). Education. Paragraph 27:

Mr. Kenyatta asks for compulsory education for all African children. I doubt if Mr. Kenyatta has visualized what such a demand would mean. If he has thought the matter out at all, he has probably only done so in terms of the Kikuyu tribe alone. Quite apart from the administrative, financial and political implications of such a policy in a Colony of mixed races such as Kenya it is, of course, evident that for many years to come the growth of African Education must be limited by the supply of qualified teachers which it is possible to turn out with the indifferent material at our disposal.

Paragraph 28.

Experiments in the establishment and management of private schools by Africans are now being made. I could not, however, agree to the control of such schools being taken from the Director of Education, nor could I agree that all restrictions relating to the staffing and curriculum of such schools should be removed. Such a procedure could only result in chaos.

In Paragraphs 30 and 31 Mr. Kenyatta complains that certain missions excluded Kikuyu children from their schools, closed the schools and then claimed the ownership of the sites and buildings. In a separate despatch I am explaining that this charge is unfounded and that the ownership of the sites and of the buildings remains with the native communities.

No 6  
1706  
E.H.

He also complains that the Missions "by their trickery were enabled to bring prosecutions resulting in many long imprisonments with hard labour and the infliction of heavy fines - against Kikuyu who entered the premises or precincts".

There appears to be no foundation whatever for this statement and I do not know to what incidents real or imagined, it refers.

(K) Taxation and Home-Industrialism - A year or two ago I was aware the proposal to set aside a proportion of the Colony's revenue for African services has been engaging the consideration of Lord Hoynes who in Part II of his Report has recommended the establishment of a Native Betterment Fund. My advisers are at the moment engaged in considering the manner in which

effect

effect may best be given to Lord Moyne's proposal

(G). Legal disabilities. Mr. Kenyatta says that it is essential that all laws and regulations should be published in "African language". He does not mean which African language. Proposals to translate laws into Swahili have been made from time to time and have been carefully considered. So long ago as 1927 a proposal was considered in Executive Council, but was rejected for reasons given in Sir Edward Grieg's despatch No. 719 of the 4th November, 1927.

2662  
17086/27EA

In that despatch it was explained that "the laws would require very careful translation by an officer specially skilled in such work and the translation when complete would only be intelligible to those natives who possess an intimate acquaintance with that language. Swahili is not a lingua franca in the Reserves and the number of natives who have a thorough knowledge of that language is comparatively small."

I may say that to understand the laws of Kenya a native would not only have to be an expert Swahili scholar but would also have to attain to a far clearer understanding of legal definitions and distinctions than is compatible with his present stage of unintellectual development. I doubt if a single native in Kenya would benefit in the slightest by the monumental work of translating the volumes of the laws of Kenya, and even if this were done there would still be the work of translating every amendment and every rule.

Sundry attempts

Sundry attempts have been made to summarize some of the Ordinances which most obviously concern the native in his every day life, such as the Native Authority Ordinance, but the attempts were not particularly successful. It is difficult to summarize even in English a law which if it is properly drafted is already the shortest possible expression of what the law is intended to enact.

Freedom of Speech. Paragraph 40.

The section in the Native Authority Ordinance to which Mr. Kenyatta objects is presumably Section 8, sub-section (g) under which a headman may issue orders prohibiting natives subject to his jurisdiction

- " from holding or attending any meeting or assembly
- " within the local limits of his jurisdiction which
- " in his opinion might tend to be subversive of peace
- " and good order".

27059/82 EX

In paragraph 11 of the Governor's despatch No. 360 of the 3rd August, His Excellency explained that this section was inserted in the Ordinance in 1922 as a consequence of the agitation engineered by Mr. Harry Thuku and the subsequent riots in Nairobi. It was Thuku's custom to advertise a meeting beforehand, to collect at the meeting many thousands of ignorant natives and inflame them by violent anti-government propaganda. Large numbers were led astray through no fault of their own and it was then thought desirable to prevent illiterate masses from being similarly exploited in the future. The sub-section has proved its use in protecting the ignorant from being misled by the mischievous and I am of opinion that



read by Deputy. Sept.

? Put by

30/5-

I agree that we need not answer Kenyatta. His  
news should have come via the Gov. & has never  
been sent that way. But the S. of S. did say that  
he had sent the thing to the Gov. I was not prepared  
to comment till he had had the Governor's views. (Nº 2)  
This may be equal to a promise of a further reply  
when the terms arranged, and capital may be made out  
of the different treatment accorded to white & black over  
newlands.

That we infer that another news is on its  
way, and to recognize Kenyatta is not a scheme  
which I should favour.

60

? Put by (If you only fall forward)

30/5

Clearly we must answer if there

is any news

put by

30/5/35

30/5/35

30/5/35

(Handwritten mark)

10/11/36

Kenyatta Memorandum.

Governors Comments.

Remarks.

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Land Tenure Report  
1929 was not communi-  
cated to the Chiefs,  
Headmen or Local  
Native Councils. In  
any case only few  
could read it as no  
translation into  
Kikuyu has been made.

The Report has been  
published and is on sale.  
Copies were given free  
to those Kikuyu Chiefs  
and witnesses who asked  
for them. It has not  
been translated into  
Swahili but the Governor  
is anxious that this  
should be done and  
gratefully accepted.  
Dr. Leakey's offer to do  
it but the latter has  
not yet been able to do  
so.

It is important  
that the recommendations  
should be known and  
discussed among the  
Kikuyu before any  
action is taken.

Kenya Memorandum

Governors Comments.

Remarks

Para. 25-26. Suggests that representatives of the tribes concerned should be placed on the Land Commission to facilitate obtaining correct information.

Impossible to represent on the Commission all tribes concerned. Few natives can understand the questions at issue. Every facility is being given to natives to give evidence to the Commission.

Para. 27. Requests introduction of new category admission for all African children.

Apart from administrative financial and political implications of this policy the growth of African education must be limited by the supply of qualified teachers which can be provided.

Para. 28. All restrictions relating to the building of schools by Africans, staffing and curriculum should be removed. Africans should be allowed to own and control private schools independently.

Experiments in the establishment and management of private schools by Africans are now being made. Could not agree to the control being taken from the Director of Education or to the removal of all restrictions relating to staffing and curriculum.

Para. 30-32. Missions excluded certain Kikuyu children from their schools closed the schools and claimed ownership of the sites and buildings.

The charge is unfounded as the ownership of the sites and buildings remains with the native communities.

Missions by trickery brought prosecutions against Kikuyu who entered the premises or precincts. Demands permission to re-open independently the closed Mission schools.

There appears to be no foundation whatever for the statement.

Para. 33. Discrimination in education between races should cease. Dual system of educational policy has led to discouragement of the teaching of English and of provision of secondary education in African schools. African children should be given equal chances to those given to European and Indian children.

Kenya Memorandum.

Governors Comments.

Remarks.

Para. 34. Recapitulate the sense of paragraphs 109 and 110 of Joint Committee Report regarding the setting aside for African service of a portion of the Colony's revenue and its administration by Local Native Councils.

Lord Moyne has recommended the establishment of a Native Betterment Fund which proposals now being considered by the Government.

Para. 35. The Non African representatives of the Legislative Council are ignorant of conditions of African life and grievances in Reserves as is obvious from unjust laws passed, e.g. Native authority, Native Registration, Native Passes, Native Squatters, Employment of Natives Ordinances and Township Residents' Permits.

Para. 36. Taxation without representation is an unjust principle. Protests that Missionary member on Council does not effectively represent African interests. Representation of Africans by Africans should be established before 1933.

Para. 37. Taxes collected from Africans have been spent largely for benefit of non Africans without knowledge or consent of Africans. Hope that Lord Moyne will realise African view and that Africans will be permitted put their case before him.

Para. 38. Money urgently needed for African Education, hospitals, roads and Agricultural improvements. In making roads for Native Reserves the labour should be paid.

Kenya Memorandum.

Governors' Comments

Remarks

Para. 39. Laws should be published in African language. All discussion resolutions, minutes of Local Native Councils should be fully understood by non English speaking members and all decisions should be published in Native language.

The memorial does not specify the African language. Cites Sir 3. Frim's despatch of 4th November 1927 "Swahili is not a lingua franca in the Reserves". Attempts have been made to summarise certain Ordinances but these have not been successful.

Para. 40, 42, 43, 44. The Clauses in Native Authority Ordinance should be deleted under which Africans are deprived freedom of speech, press, holding of meetings. They should have the same right of meeting as Europeans or Indians. The clauses are discriminatory.

This is presumably Section 8(g) under which a headman may prohibit natives from attending or holding a meeting likely to be subversive of peace and good order. This has proved effective in preventing the ignorant from being misled by the mischievous and the Governor considers its retention desirable in interests of orderly administration.

Para. 41. The order prohibiting collection of money by Africans for the support of their societies should be rescinded.

In accordance with Lord Pasfield's request a circular was issued providing for the issue of permits to collect money for purposes not unlawful.

Para. 45-49. The work of Local Native Councils can be negated by the Executive Council on which there is no African representation. Members of Local Native Councils should be allowed to consult their constituents without the interference of Government officials. The Constitution of Native Councils should be altered to permit fuller consultation by Africans, African Chairman, popular election of

Free consultation and discussion by Africans is encouraged. As regards Chairmanship agrees with Lord Moyne (para. 37) that without a District Commissioner to guide each Council none of the bodies visited was capable of exercising any effective financial control. A reasonable proportion of members are chosen by the people, about 50% are nominated. Freedom of speech is encouraged. Only 16 members have been

Kenya Memorandum.	Governors Comments.	Remarks.
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of members instead of nomination, full expression of views. At present an elected member is subjected to dismissal for expressing the views of his constituents.

been distressed since 1922 for African offences for absence and the remainder by resolution of the Council for unseemly conduct.

Para 49-50. Appointment of Chiefs should be by election not by Government nomination.

In practice the people concerned are invariably consulted but Government must retain the right of veto to ensure the appointment of a man of standing and integrity. Cites despatch 153 of 25th November 1930.

Para 51. African employees of Government should be given the same treatment and status as employees of same grade. The establishment of a separate "Arab and African Clerical Services" introduces racial discrimination.

In theory there is much to be said for this and Lord Moyne in para. 5 of his Report supports entrance by examination dependent on efficiency and promotion by merit not by race. In practice it is impossible to ignore racial characteristics and Africans cannot compete with Asians in examinations owing to difference in educational standards.

Para 52-53. Advocates abolition of (a) Kipandi (b) Municipal permits (c) restrictions on ownership of land in townships and highlands (d) domestic servants' certificates and (e) removal of all restrictions on free movement of Africans locally.

(a) The question of some modification is under consideration. Cites Secretary of State's Confidential despatch of 10th May which agrees generally that some documentary evidence of identity is necessary.  
 (b) The abolition of regulations restricting and controlling vagrancy is not recommended. Cites Crime Office Report.  
 (c) As the Secretary of State is aware of the position does not propose to discuss.  
 (d)

Kenvatta Memorandum.

Governors Comments.

Remarks.

-6-

(d) Applies only to Nairobi and the extension of the ordinance depends on finance. They are valuable possessions for honest servants.  
(e) Proposes to cancel Pass Rules in certain areas and to report regarding other areas in 2 years time.

Para. 54. The arrangement of Native Locations is unsatisfactory and taxes therein are too high e.g. £3 a year ground tax.

Much has been done and is being done to improve amenities. A charge of 5/- a month as ground rent for a residential plot is not excessive.

Para. 55. Where child labour is employed by Municipalities special continuation schools should be instituted.

Agrees that this demands attention. The Crime Committee's Report contains recommendations on the point. Proposes to control the employment of child labour by amending legislation.

Para. 56. African should have same facilities as Europeans for marketing produce and expanding production. Growing of coffee should be encouraged and greater rail and road facilities provided for conveyance of crops from outlying districts.

Improvement of native production has received close attention since Confidential Despatch of 14th June. Communications are reasonably adequate and trading centres and markets. The formation of a Native Marketing Advisory Council as advocated by Lord Moyne in para. 82 is being considered. As regards coffee growing hopes soon to indicate to what extent Government can provide staff to advise and supervise native growers.



Kenyatta Memorandum.

Governors Comments.

Remarks.

Para. 57. Advocates freedom for dances particularly the Luthunguci as it is only recreation available for elderly men and women.

Has no sympathy with the request for unlimited licence as ~~is~~ dancing. Presumably harmless dances are not prohibited.

Para. 58. Strongly objects to use of word "Colony".

The objection appears widespread and probably derives from the Barth judgement vesting all native land in the Crown and making all natives tenants at will of the Crown. The change of title made no alteration in status and the land is guaranteed by the Native Lands Trust Ordinance.

Para. 59. Summary of above.

Para. 60. Asks that the Secretary of State will give the matters contained in the memorandum his careful attention and that he will also cause the reforms advocated in the memorandum on Native Policy in East Africa (Cmdr 3373) to be put into effect immediately.

Para. 61. Quotes proclamation regarding discrimination made on annexation of Natal.

Para. 63. States memorandum submitted by Mr. Kenyatta under authority from the Kikuyu Central Committee and its Executive Committee whose names are shown in Appendix VI.

KENYA.

No. III

CONFIDENTIAL.



RECEIVED  
19 SEP 1952  
C.O. OFFICE

GOVERNMENT HOUSE  
NAIROBI  
KENYA

10 13

29<sup>th</sup> August 1952

Sir,

7.3

I have the honour to refer to your despatch No. 210 of the 15th March, enclosing a Memorandum submitted by Mr. Johnstone Kenyatta on behalf of the Kikuyu Central Association. I regret that there has been some delay in dealing with the matter, but as you are aware some of the questions raised in the Memorandum came within the purview of Lord Moyne's Report, while others have been the subject of recent correspondence with yourself. I am now in a position to forward my observations which I trust will be regarded as sufficiently comprehensive.

I will now deal serially with the points raised by Mr. Kenyatta.

(A) General. Paragraphs 1 to 5. Mr. Kenyatta complains of a general disregard of representations made by the Kikuyu Central Association. It is quite probable that many of the Association's representations have not met with the response from Government that the Association would have liked: the Association is only one Association among many and it represents only a limited

number

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,  
LONDON, S.W. 1.,



number of persons of one tribe, the Kikuyu. It is not possible for Government to regard the Association as being the official mouthpiece of the Kikuyu people. As the Governor explained in his despatch No. 360 of the 5th August, there is a recognised channel of communication between any individuals or bodies of individuals and Government, that is to say through their District and Provincial Commissioners; or if it is thought desirable through Local Native Councils. Representations made in any orthodox manner are always listened to and attended to by the Officer of Government concerned. It is obviously impossible for Government, if by Government Mr. Kenyatta means the Governor or the Colonial Secretary, to attend personally to every communication addressed to Government by private individuals or irrevocable Associations.

(B) Recent Land Seizures. Paragraphs 7 to 12.

Maragua - Tana Land.

Mr. Kenyatta complains that

"The Kikuyu have been deprived for ever of  
 "further valuable area of fertile land essential  
 "for stock raising, grazing and agriculture, as  
 "well as a source of cheap water power."

As you are aware from correspondence on this subject and in particular to the Governor's despatch No. 658 of the 18th November, 1951, an area of approximately 4 acres in extent was excised from the Fort Hall reserve in return for an addition to the Reserve of approximately 22 acres of Crown Land. This transaction was approved by a majority of the Local Native Council, by the Local Land Board and by the Central Lands Trust Board. (On actual

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actual survey it was found that the extent of the land excised amounted to 4,152 acres and not 3,800 (as originally computed).

White Sisters' Land at Mangu. Paragraph 14.

The native claim to this land will be referred to the Morris Carter Commission for consideration.

(C). Land Claims on behalf of dispossessed Kikuyu. Paragraphs 16 to 20.

These claims will be considered by the Morris Carter Commission.

(D). Kikuyu Land Tenure Report.

Mr. Kenyatta complains that this Report has so far been kept away from the Kikuyu. This is not strictly correct. The Report was published and has been available on sale for 2s. 6d. more over, copies were given free to those Kikuyu chiefs and witnesses who have asked for them. It is true that it has not been translated into Swahili. A translation of a subject so highly technical would be entirely unintelligible to the Kikuyu. In the notes accompanying Lord Passfield's despatch, No. 523 of the 15th May, 1931, it was stated that Mr. (now Doctor) Leakey had offered to translate the report into Kikuyu. In paragraph 2 of the Governor's confidential despatch of the 7th December, 1931, His Excellency informed you that he would gratefully accept Dr. Leakey's offer. I understand, however, that Dr. Leakey has not yet been able to do this work.

In Paragraph 26

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In Paragraph 26 Mr. Kenyatta suggests that the inquiry now being conducted by the Morris Carter Commission would be more likely to be successful in obtaining correct information if it numbered on the Commission representatives of the tribes concerned. I do not agree. If all the tribes concerned were represented on the Commission the Commission would be quite unwieldy. Moreover there are few natives at present capable of understanding the questions at issue or of appreciating any point of view but their own. Every possible facility is being given to natives individually and in groups to give evidence both verbal and written and the Commission is far more likely to arrive at the truth by listening to them as witnesses than by sharing their deliberations with them as fellow Commissioners.

(E) Education. Paragraph 27.

Mr. Kenyatta asks for compulsory education for all African children. I doubt if Mr. Kenyatta has visualized what such a demand would mean. If he has thought the matter out at all, he has probably only done so in terms of the Kikuyu tribe alone. Quite apart from the administrative, financial and political implications of such a policy in a Colony of mixed races such as Kenya it is quite evident that for many years to come the growth of African Education must be limited by the supply of qualified teachers which it is possible to turn out with the indifferent material at our disposal.

Paragraph 28.

Experiments in the establishment and management of private schools by Africans are not being made. I could not, however, agree to the control of such schools being taken from the Director of Education, nor could I agree that all regulations relating to the staffing and curriculum of such schools should be removed. Such a procedure could only result in chaos.

In Paragraphs 50 and 51 Mr. Kenyatta complains that certain Missions excluded Kikuyu children from their schools, closed the schools and then claimed the ownership of the sites and buildings. In a separate despatch I am explaining that this charge is unfounded and that the ownership of the sites and of the buildings remains with the native communities.

No 6 27/06/52

He also complains that the Missions "by their trickery were enabled to bring prosecutions resulting in many long imprisonments with hard labour and the infliction of heavy fines against Kikuyu who entered the premises or precincts".

There appears to be no foundation whatever for this statement and I do not know what incidents real or imaginary it refers to.

(F). Taxation and Representation. As you are aware the proposal to set aside a proportion of the Colony's revenue for African services has been engaging the consideration of Lord Moyne who in Part IX of his Report has recommended the establishment of a Native Betterment Fund. My advisers are at the moment engaged in considering the manner in which

effect

effect may best be given to Lord Hoare's proposal.

(G) Legal disabilities. Mr. Kenyatta says that

it is essential that all laws and regulations should be published in "African language". He does not say which African language. Proposals to translate laws into Swahili have been made from time to time and have been carefully considered. So long ago as 1927 a proposal was considered in Executive Council, but was rejected for reasons given in Sir Edward Griegs despatch No. 719 of the 4th November, 1927.

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In that despatch it was explained that "the laws would require very careful translation by an officer specially skilled in such work and the translation when complete would only be intelligible to those natives who possess an intimate acquaintance with that language. Swahili is not a lingua franca in the Reserves and the number of natives who have a thorough knowledge of that language is comparatively small."

I may add that to understand the laws of Kenya a native would not only have to be an expert Swahili scholar but would also have to attain to a far clearer understanding of legal definitions and distinctions than is compatible with his present stage of unintellectual development. If a single native in Kenya would benefit in the slightest by the monumental work of translating the volumes of the Laws of Kenya, and even if this were done there would still be the work of translating every amendment and every rule.

Sundry attempts

Sundry attempts have been made to summarize some of the Ordinances which most obviously concern the native in his every day life, such as the Native Authority Ordinance, but the Attempts were not particularly successful. It is difficult to summarize even in English a law which if it is properly drafted is already the shortest possible expression of what the law is intended to enact.

Freedom of Speech. Paragraph 40.

The section in the Native Authority Ordinance to which Mr. Kenyatta objects is presumably Section 8, sub-section (g) under which a headman may issue orders "prohibiting natives subject to his jurisdiction from holding or attending any meeting or assembly within the local limits of his jurisdiction which in his opinion might tend to be subversive of peace and good order".

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In paragraph 11 of the Governor's despatch No. 360 of the 3rd August, His Excellency explained that this section was inserted in the Ordinance in 1922 as a consequence of the agitation engineered by Mr. Harry Thuku and the subsequent riots in Nairobi. It was Thuku's custom to advertise a meeting beforehand, to collect at the meeting many thousands of ignorant natives and inflame them with violent anti-government propaganda. Large numbers were led astray through no fault of their own and it was then thought desirable to prevent illiterate masses from being similarly exploited in the future. The sub-section has proved its use in protecting the ignorant from being misled by the mischievous and I am of opinion that



that its retention is desirable in the interests of orderly administration.

Paragraph 41.

Mr. Kenyatta also urges ~~that~~ the immediate rescinding of the order which prohibits collection of money by Africans for the support of their societies. You will be aware from correspondence terminating with the Governor's confidential despatch of the 3rd March, 1931, that this has been the subject of careful consideration and that in accordance with Lord Passfield's request an open Circular was issued by the Colonial Secretary (No. 11 of 19th February 1931), embodying the conditions under which permits to collect money may be granted. In paragraph 4 of that Circular it is stated "it is to be clearly understood that it is not the intention of Government that permits should be used or collections prevented for any purpose which is not unlawful or patently seditious and subversive of ordered government". The Circular insists, however, that proper accounts must be kept and receipts issued for all monies collected.

The main purpose of the order is to protect confiding natives from the designs of swindlers and impostors.

(H). Local Native Councils. Paragraphs 45 to 47.

It is suggested that members of Local Native Councils be allowed to consult their constituents without the interference of Government officials. This is desired by officers of the Administration

No 2 on  
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9.

Administration no less than by Mr. Kenyatta. So far from any interference being placed in the way of discussion of items on the Agenda, or any other matters of local interest, every encouragement is given to members of the Council to do so. Mr. Kenyatta, however, proposes that the Chairmen of these Councils be Africans. This suggestion seems to be sufficiently disposed of by Lord Moyne who in paragraph 87 of his Report says:-

" It seemed quite obvious that without a  
 " District Commissioner to guide each Council  
 " as President none of the bodies that I visited  
 " was capable of exercising any effective  
 " financial control. Currency other than live-  
 " stock has only recently come into the lives  
 " of the natives and financial calculations  
 " are for the most part meaningless."

Mr. Kenyatta also suggests that members be elected by popular vote. It is the fact that under present practice a great number of the members usually are chosen in some way or other by the people. In order to ensure, however, that the more prominent and able Africans are nominated to the Council District Commissioners retain in their own hands recommendations for nominations to some of the seats. Usually rather more than 50%. This system appears to me to allow of a reasonable measure of popular representation while retaining the necessary elements of commonsense and stability.



22

Notes  
07-16/1930

stability. I dealt with this matter at greater length in paragraphs 6 to 9 of my Confidential despatch No. 163 of the 25th November, 1930.

The statement that "up to the present any elected member who has ventured to express the wishes of his constituents has been subjected to dismissal from the Council" is of course without foundation. Members of the Kikuyu Central Association who have been elected to membership of the Kiambu and Fort Hall Councils enjoy their privilege of free speech frequently to the point of abuse and severely tax the patience of the Presidents and the more conservative members. Dismissals from Councils that have been reported since their inception in 1925 amount to only 16. Of these 8 were dismissed as being convicted of criminal offences, 5 for not attending meetings and the remainder by resolution of the Council for unseemly conduct of some kind.

In Paragraph 49 it is requested that the appointment of Chiefs should cease to be by Government nomination and that in future they should be elected by the people of the Districts concerned. A Chief or Headman is an exceptional officer of Government. He is responsible to the District Commissioner for the maintenance of law and order in his location and for many other duties. He must be a man of standing and authority and he should be a man of integrity. It is therefore necessary that Government should retain a right of veto in their appointment. In practice, however, as I explained in paragraphs 3 and 4 of my confidential despatch No. 163 of the 25th November, 1930, the people concerned are invariably consulted

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15  
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16/12/63

consulted and normally their choice is accepted. The usual practice is when a vacancy occurs through death or retirement to appoint as successor a member of the former Chief's family, usually his heir, if he appears to be at all suitable.

(I). Status of Government Employees.

In paragraph 51 it is asked that

"African employees of Government should be given the same treatment and status as immigrants of the same grade, irrespective of race, colour or creed."

In theory there seems to be a great deal to be said in favour of this doctrine, and in paragraph 5 of his Report Lord Moyne says:- "It is a reasonable claim

"that entrance into the clerical class should depend on efficiency as tested by examination and by promotion for merit from within the Service in suitable cases and not by race." In practice,

however, there are racial characteristics which it is impossible to ignore and it has to be admitted that as yet Africans as a race have not shown that they have attained to a sense of responsibility which ordinarily justifies their being placed in any position of considerable trust.

Moreover educational standards of Asian and African are so widely different that it is impossible to devise an examination which would be suitable to both. At the present time examinations take place after entrance to the Service and this applies both to the Asian and the African Services.

The

The examinations differ widely and in so far as the Africans are concerned the following extract from the Report of the Committee appointed in 1930

"to inquire into conditions of Service of Arab and African employees" is interesting if depressing. Heads of Departments consider the examination too difficult for the candidates while Education Officers find great difficulty in setting tests which are related to any reasonable educational standard, and still greater difficulty in so marking the papers that even a small number of candidates can hope to pass." In 1929 nine sat for the examination and one passed. In 1930 thirty-three sat and seven passed. In 1931 forty-three sat and thirteen passed.

It will be a long time before the African (except in a very few isolated cases) will be able to compete with the Asian in examinations for clerical posts. The examination for Asians is determined not by what they can do but what the work to be performed by them demands. With the African it has been found necessary to accommodate the examination papers to suit the knowledge which the examinees may be expected to possess.

(J). Freedom of Movement - The abolition of sundry restrictive regulations is asked for as follows :-

- (a) Kipande. This presumably means Certificates under the Native Registration Ordinance. As you are aware suggestions for the modification of some of the provisions of this Ordinance have been under

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under review for considerable time and the policy to be adopted has not yet been finally determined.

In your confidential despatch, however, of the 14th May you expressed yourself as being "in general agreement with the arguments adduced in favour of requiring every native to possess some documentary evidence of his legal identity".

(b) Municipal permits.

Mr. Kenyatta presumably refers to certain Municipal by-laws which have for their main object the restriction and control of vagrancy. A Committee recently appointed by me to investigate and report on sundry aspects of crime in Nairobi has devoted its attention to this problem of vagrancy, and has not found itself able to recommend the abolition of these restrictions.

(c) Restrictions on ownership of land in Townships and the Highlands.

As you are well aware of the policy which has been adopted in the matter of reservation of land in the Highlands and also in that of the lay-out of townships I do not propose to discuss these questions here.

(d) Domestic Servants Registration Certificates.

As you are aware it is incumbent upon a person of whatever race or tribe who wishes to enter employment as a domestic servant to provide himself with a pocket register in accordance with the provisions of the Registration of Domestic Servants Ordinance (No. 1 of 1929). These Registers are for honest servants valuable possessions. The Ordinance at present



15.

Crime Committee to which I referred above and I propose to effect reforms by embodying in an amendment to the Employment of Natives Ordinance provisions to control the employment of child labour.

(M). Trading. Paragraph 56.

No 2 or  
18/5/32

As you are aware the problem of improving the conditions under which native produce is marketed has been engaging the earnest attention of the Governor and his advisers and in certain directions, as His Excellency informed you in paragraphs 8 and 9 of his Confidential despatch of the 4th June, some progress has been achieved. The problem is not so much, as is suggested by Mr. Kenyatta, that of the provision of additional facilities as it is of making the best use of those facilities. Communications are reasonably adequate and there are also trading centres and markets. The ordinary native producer, however, does not understand the principles of bulk marketing and his ideas of co-operation are rudimentary. In paragraph 82 of his Report Lord Moyne recommends that "With the object of assuring to growers a more ready sale and a larger share of the proceeds" a Native Marketing Council should be established. I am considering in what way Lord Moyne's recommendation may be best adapted to the requirements of the situation.

In regard to <sup>the</sup> specific request that Coffee growing by Africans should be encouraged rather

rather than hindered, I hope shortly to be in a position to address to you a further communication in answer to your confidential despatch of the 19th April with particular reference to the [redacted] to which Government will be in a position to [redacted] staff to afford the necessary advice to and supervision of native growers.

170944/2  
(in view)

*Cape Town  
in [unclear]*

(N) Dancing. Paragraph 57.

I have no sympathy whatever with the request that the Kikuyu should be given unlimited licence in the matter of dancing. So far from dancing as commonly performed by natives being a healthy and harmless open-air pastime it is a pastime which commonly leads to all sorts of excesses drunkenness and immorality. By a resolution of the Kiambu Local Native Council passed on 14th July 1928, various native dances were forbidden for a number of reasons. Among them was the "Luti" dance which is particularly mentioned in the Kenyatta's memorandum. In commenting on the Council's resolution the then District Commissioner wrote:-

"Muthunguchi dance - for Elders - has been dropped and should not be revived on account of its bad moral effect."

Actually the presumed harmless dances are not prohibited though it is I believe contended by some that there is no such thing as a harmless native dance.



(O). The word Colony.

From what has been said to the Governor lately at barazas in the Nyanza Province it appears that the objection to the word "Colony" is not confined to the Kikuyu. His Excellency was on several occasions petitioned that the "Protectorate" might be restored. The reasons for this objection to the word "Colony" are not very clear but it seems not improbable that they may derive from the often quoted judgment of Sir Jacob Barth in Civil Case No. 626 of 1921 in which he held that "the effect of the Crown Lands Ordinance, 1915, and the Kenya (Annexation) Order-in-Council, 1920, and the Kenya Colony Order-in-Council, 1921, is, inter alia, to vest land reserved for the use of a native tribe in the Crown, and in consequence all native rights in such reserved land would disappear - natives in occupation thereof become tenants-at-will of the Crown".

Whatever the origin of the objection may be it seems that in some way or other a belief has become current that the change from Protectorate to Colony deprives the native tribes of whatever rights they possessed as protected British subjects. His Excellency explained that this view of title in effect made no alteration in their status and that in any case their land was now guaranteed to them by the Native Lands Trust Ordinance.

18.

3. As requested by the Under Secretary of State I return herewith the map which formed Appendix II to Mr. Kenyatta's Memorandum.

I have the honour to be,  
Sir,  
Your most obedient humble servant,

*Frederick W. ...*

GOVERNOR'S DEPUTY.

18.

8. As requested by the Under Secretary of State I return herewith the map which formed Appendix II to Mr. Kenyatta's Memorandum.

I have the honour to be,

Sir,

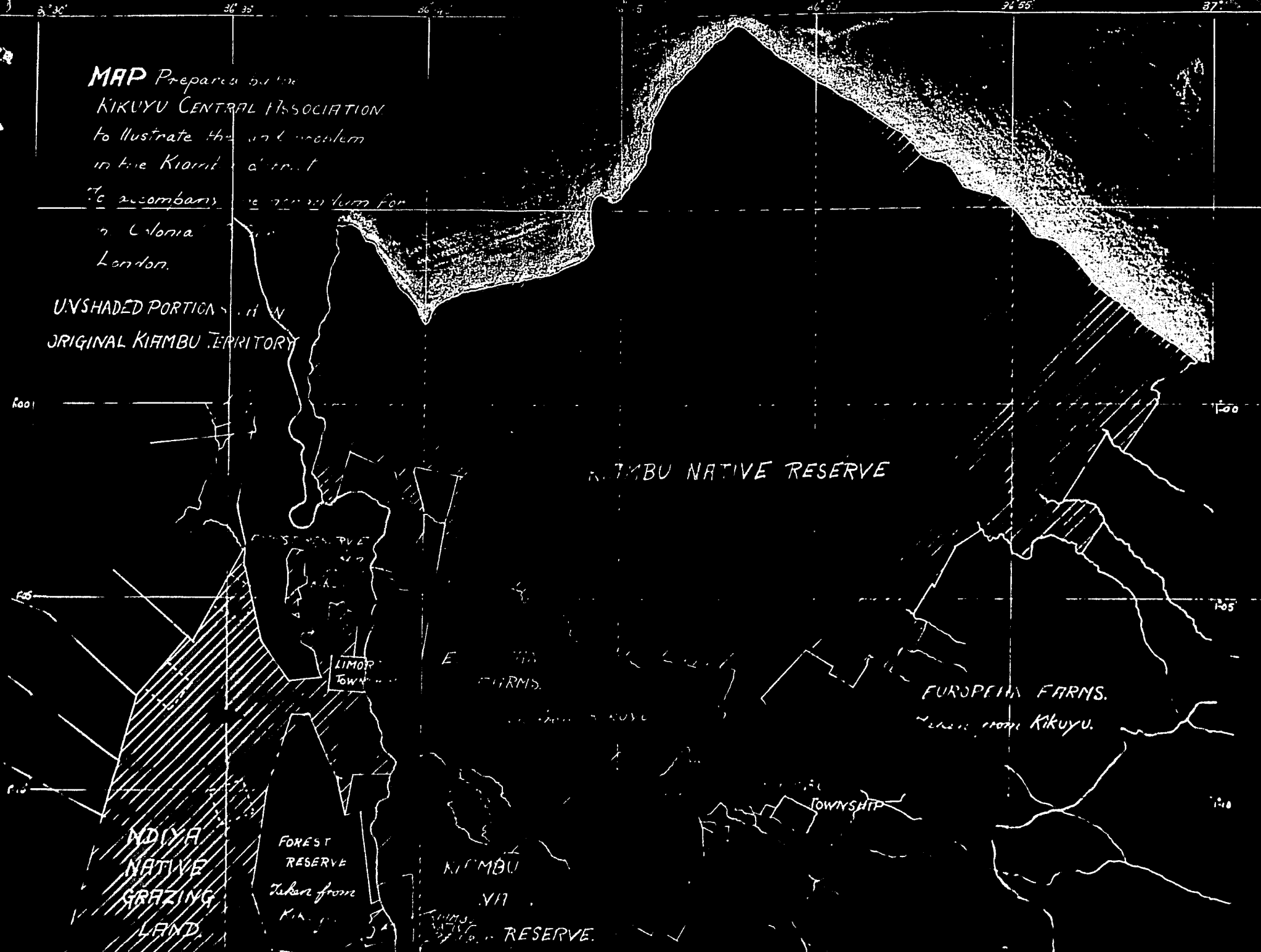
Your most obedient humble servant,

*A. Wilson*

GOVERNOR'S DEPUTY.

MAP Prepared by the  
 KIKUYU CENTRAL ASSOCIATION  
 to illustrate the land problem  
 in the Kiambu district  
 to accompany the memorandum for  
 the Colonial Office  
 London.

UNSHADED PORTION IS IN  
 ORIGINAL KIAMBU TERRITORY



MAP Prepared by the  
KIKUYU CENTRAL ASSOCIATION  
to illustrate the land problem  
in the Kiambu district

The accompanying memorandum for  
the Colonial Office  
London.

SHADED PORTION IS THE  
ORIGINAL KIAMBU TERRITORY



KIAMBU NATIVE RESERVE

EUROPEAN FARMS

EUROPEAN FARMS  
Taken from Kikuyu

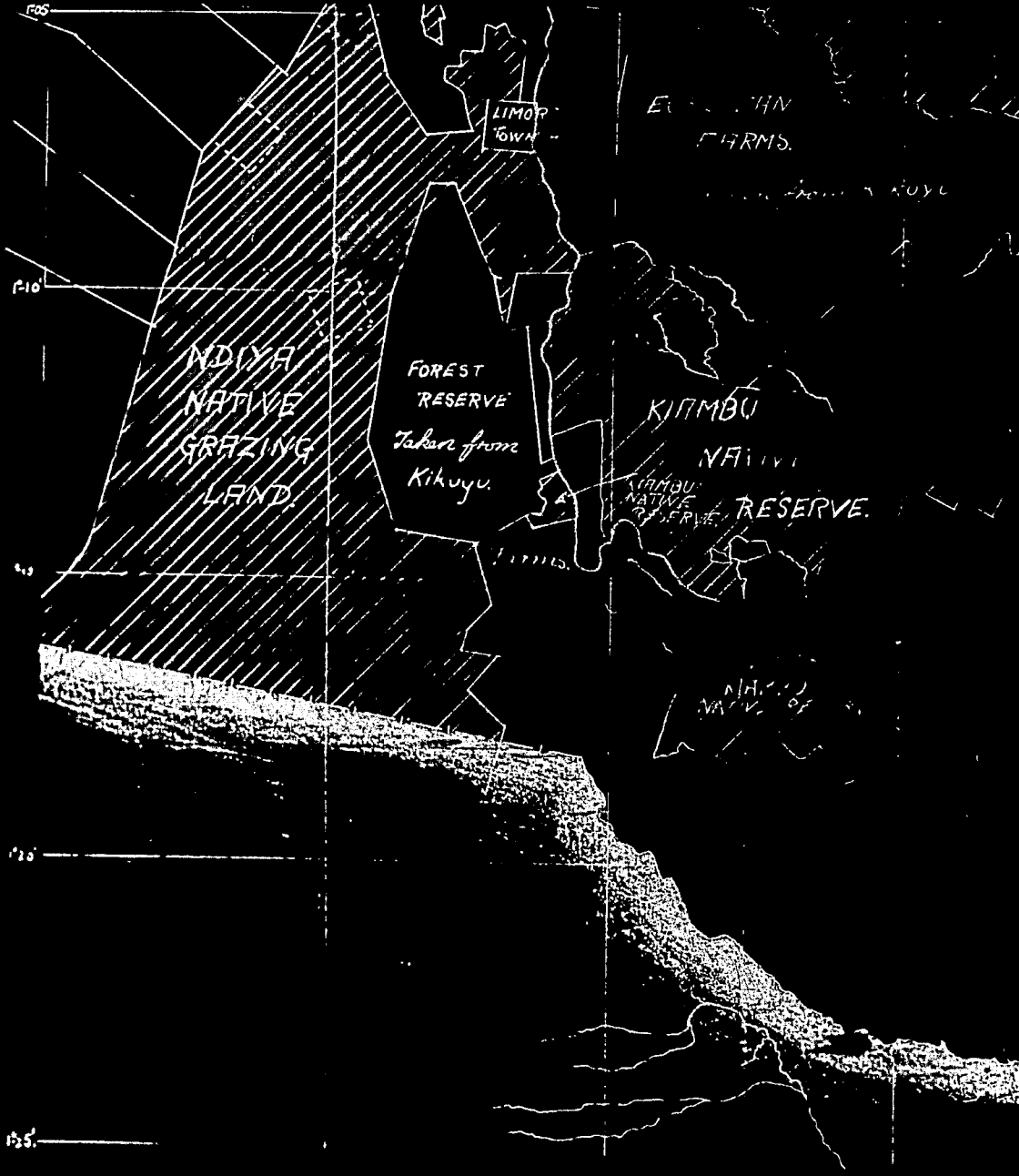
NDIYA  
NATIVE  
GRAZING  
LAND

FOREST  
RESERVE  
Taken from  
Kikuyu

LIMOP  
TOWN

KIAMBU  
NATIVE  
RESERVE

TOWNSHIP



Scale 1:12500





9



KENYA.

No. 411

GOVERNMENT HOUSE,  
NAIROBI,  
KENYA.

29<sup>th</sup> August 1932.

RECEIVED  
19 SEP 1932  
GOVERNMENT OFFICE

Sir,

I have the honour to transmit at the request of the Secretary to the Progressive Kikuyu Party of the South Nyeri District, a letter and Memorandum on Kikuyu Land Questions. This memorandum has been submitted to the Land Enquiry Commission.

I have the honour to be,

Sir,

Your most obedient, humble servant,

*H. Williams*

GOVERNOR'S DEPUTY

THE RIGHT HONOURABLE  
MAJOR SIR PHILIP GUILFORD LISTER, P.C., G.B.E., M.C., M.P.  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON S. W. 1.



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SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON S. W. 1.

The Progressive Kikuyu Party  
North Nyeri District  
P.O. Muratina  
Kenya Colony  
10th August 1932

The Right Hon. His Majesty's Principal  
Secretary of State for the Colonies  
Thos. H. E. The Governor of  
Kenya Colony

Sir,

We have the honour to forward  
herewith for your information a copy  
of our memorandum on Kikuyu Land  
Question. Some copies have already  
been sent to the members of the  
Land Commission. Our memorandum  
is not private or confidential.

We have the honour to be

Sir

Your most obedient servants  
Arthur J. Gathuru  
President  
Stanley K. Gathuru  
Secretary

Memorandum on Kikuyu Land Questions.

To The Members of the Land Commission

Gentlemen,

1. The Progressive Kikuyu Party on behalf of whom this memo is submitted for the consideration of the Members of the Commission was formed in 1922 in order that there might be a political body capable of expressing the views of the large number of Kikuyu in South Nyeri who hold moderate opinions in matters political. Its avowed object is to do all in its power to help forward the Kikuyu people. It professes loyalty to the Crown and the Government. Many of its members are acting representatives of the Church in their own districts. It can therefore claim to speak for several thousand of Kikuyu, Christian and non Christian.

2. Among the many matters which the Party has had to consider first and foremost is that of "Land", and it is with a view to helping the Commission to formulate a land policy that will be at once progressive, and yet satisfy the land hunger of the Kikuyu people, and allay the suspicion that has arisen, that they have drawn up this memo.

3. The Kikuyu people, as far as its history can be remembered, has always been a people of hunters, shepherds, and cultivators, and because of these associations with the land this question of the land falls the heart of all, men, women, and children. We therefore pray the Members of the Commission to whom His Majesty the King has given the great task of investigating the question, that they try by all means in their power to find some way which shall destroy the discontent that has arisen, and so make peace between the inhabitants of this country, black and white.

4. All the black peoples of Kenya are like the Kikuyu People in that they are cultivators and shepherds, though some, up till now, have been shepherds only. Long ago those who shepherded their flocks used to buy food from their neighbours, but now food is dear because much is exported, and they too are turning their attention to cultivation. Thus their needs have grown, as have the needs of the cultivating tribes, and we would ask therefore that to each tribe be given enough land to satisfy all their needs.

Memorandum on Kikuyu Land questions.

To The Members of the Land Commission  
Gentlemen,

1. The Progressive Kikuyu Party on behalf of whom this memo is submitted for the consideration of the Members of the Commission was formed in 1928 in order that there might be a political body capable of expressing the views of the large number of Kikuyu in South Nyeri who hold moderate opinions in matters political. Its avowed object is to do all in its power to help forward the Kikuyu people. It professes loyalty to the Crown and the Government. Many of its members are leading representatives of the Church in their own districts. It can therefore claim to speak for several thousands of Kikuyu, Christian and non Christian.

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/needs.

5.

We Kikuyu were cultivators and shepherds long before the Europeans came to the country, and even though we have not large farms, or large flocks, such as the Europeans have, yet the desire for large farms and flocks is there in our hearts, and when we look at those areas of land called Reserves, which have been set apart for us, we feel that these are not sufficient for us to have these large farms and flocks.

We say this with conviction, for we desire that the Africans in Kenya should have their inheritance and dwelling in that land, and such an inheritance as will enable the African to progress as other races have progressed. We desire therefore to speak more particularly of those matters which concern our race primarily, knowing that parallels can be drawn in the case of the other tribes.

6.

We do not like the word "RESERVE". To us it means "something left over", "something held back". It does not indicate that we owned the land before the Europeans came. We feel therefore that we can have no security or trust when our lands are so described, because to our minds the word would indicate that it is held back from touching this "Reserve" may, when the need arises, come and take it. It would be better if these our lands were described as Native Areas, or Native Lands, instead of Native Reserves. We hear of European Areas, Settlement Areas, but never of European Reserves.

Moreover, when the "Reserves" were demarkated we were not told, nor did we know, that the boundary lines were to be like the walls of a cattle byre. We were told that the Boundary Line was drawn to prevent the Native Peoples from burning the bush. We did not know that our cattle would no longer be allowed to graze there, or go to the salt licks there, or that we ourselves would lack firewood, or a place to build. We were allowed to graze our cattle in these places for a short time, but we did not know that these would be taken from us for ever. Now, in these places where there was forest, some parts have been cultivated by Europeans, and those grass lands which fattened our cattle are coffee farms.

Because of that we now believe that the desire was not to prevent us from burning the forest, but that these lands might be given to the Europeans.

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old Boundary Line of the Kikuyu country was. There were places to which the Kikuyu went to pour out fat and sacrifice to God that all things inside the boundaries might prosper, and diseases disappear, and from that time till now those whose duty it is to offer that sacrifice go by stealth over the old boundary offering the sacrifice as of old.

We have suffered because our old lands have been taken from us and given to the Europeans, and these things we mention below are those which have made us to suffer most.

- a. Our cattle and goats which once fed on the plains "nganatha ini" were returned to what are now called the Reserves, and many have died because of the congestion that caused.
- b. We have been fined for allowing our cattle to cross the line.
- c. We are fined if we cut wood or timber for building within the forest.
- d. We must now buy grazing, firewood, etc. in places that once were ours.
- e. Our cultivation does not improve because our system has been overturned by the advent of the European. Long ago we kept a few sheep and goats in our villages for sacrificial and other purposes, but the greater part by far of our flocks and herds dwelt in the plains where there was plenty of grass "nganatha ini". When these lands were taken from us and given to the Europeans, our cattle had to return to the Reserve, and the little that was sufficient for the few sheep and goats kept in the villages had to do for all our flocks and herds. Thus our land had to be used both for cultivation and herding, where formerly only cultivation prevailed. For this reason we cannot have large gardens and large flocks and herds. Each man's portion is so small that he cannot plant coffee nor can he have a large herd and produce butter. Moreover, the Government urges us to increase cultivation that we may earn money, but this urge has resulted less in intensive cultivation than in extensive cultivation, and more of our grazing land has disappeared, making our position worse than before. Again, we have been encouraged to plant wattle trees. This many have done and once more the effect has been to reduce the area free for food production and grazing. Again, too, thanks to the help of doctors and nurses, both of the Missions and of our Government, our population is increasing, and this increase brings about a demand for more

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more grazing land, and more land for cultivation.

Lastly, we do not rejoice over the Forest Land. Even though it was ours, part of it has been cultivated by Europeans, and when the South Nyeri L.N.C. wished a piece of 30 acres for cultivation they had to pay the Forest Department to obtain permission to cultivate and experiment with those seeds which are praised by the Department of Agriculture. This made us feel sad that now we should have to pay for what was ours. How shall our knowledge of Agriculture increase if we have to rent places as seed plots. Moreover, after the L.N.C. had cultivated the land for two years it was taken away and they lost all the money spent on clearing the plots.

We would therefore beg the Members of the Commission that they consider well how they can help us that we may have better grounds producing crops for export, and better grazing lands, with sheep which produce wool, and good cattle producing much milk. That we have not these things is not due to our stupidity, as some think, but to the smallness of our land.

#### The Old Boundaries and the dispossessed people.

The old boundaries of our land are difficult to outline on a map as the landmarks are not shewn, but the boundaries we are about to give are those which the old men know. It was part of their duties to offer the sacrifices, and tribal memory is very clear as to where each place was at which sacrifice was offered. These were the old boundaries.

##### A. Othaya Division.

Beginning at a place called Iranko via Ndirigine it went via:

a. nyumba ya Mungu; b. nyumba ya Manyagi;  
c. nyumba ya Mariuko; d. nyumba ya Kinya; e. nyumba ya Mufugiri;  
f. nyumba ya Wanyeki; g. nyumba ya Muriithi to nyumba ya Kingangi.

##### B. Tetu Division.

Beginning at a place called Githai it went via:

a. Mungu wa Githai; b. Kurathi; c. Ciriciri; d. Karia ga Inathi;  
e. Micukia; f. Kahoni; g. Gatakaini; h. Sanithiniki; i. Kurathi  
rua Mathunga; j. Gathithiku; k. Wanjohi; l. nyumba ya Karugu;  
m. nyumba ya Kugara; n. Kigwa Kiganda; o. Ndathi ya Kibaki;

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Lastly, we do not rejoice over the Forest Land. Even though it was ours, part of it has been cultivated by Europeans, and when the South Nyeri L.N.C. wished a piece of 30 acres for cultivation they had to pay the Forest Department to obtain permission to cultivate and experiment with those seeds which are praised by the Department of Agriculture. This made us feel sad that now we should have to pay for what was ours. How shall our knowledge of Agriculture increase if we have to rent places as seed plots. Moreover, after the L.N.C. had cultivated the land for two years it was taken away and they lost all the money spent on clearing the plot.

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##### A. Othaya Division:

Beginning at a place called Irauko-ria Ndirigina it went via:

a. nyūmoa ya Mūnyu; b. nyūmoa ya Manyagi;  
c. nyūmoa ya Mariuko; d. nyūmoa ya Kinyā; e. nyūmoa ya Mufugiri;  
f. nyūmba ya Wanyeki; g. nyūmba ya Muriithi to nyūmba ya Ngingangi.

##### B. Tetu Division:

Beginning at a place called Githai it went via:

a. Mūnyu wa Githui; b. kurāthi; c. Ciriōiri; d. haria ga Inathi;  
e. Micukia; f. kahoni; g. Gatakaini; h. sanithiniki; i. kurāthi  
rua Mathunga; j. Gathithiku; k. Wanjohi; l. nyūmoa ya Karugu;  
m. nyūmba ya Kigara; n. ligwa liganda; o. Ndathi ya kibaki;

the headwaters of the Amboni River and followed the course of that river to a place called Ikumari, then by the river again to a place called Mithangira ini. This was a place of barter where we and the Masai exchanged our goods. Here also the Masai and ourselves offered sacrifices and made a covenant that during the period of bartering there would be no raiding or fighting.

C. Mithira Division.

The line proceeded from the market place down the Amboni to where the Gathurungai River falls into it. It then went by the Gathurungai to the cave called kamoura ini, another place of sacrifice. From there it followed the river to another cave called Karungia, then on to a third cave called the cave of Wjiri, then on to a place on Mount Kenya called "Thanya ya Kabugi". There it met the boundary of the Udia People.

D. Udia and Giongu Divisions.

The line here went from "Thanya ya Kabugi" via the Kii and Rupengazi River to where they joined the Tana. The eastern side of the line belonged to the Embu People.

Generally speaking the line followed a series of caves on the Aberdares to the source of the Amboni, then crossed over to Mount Kenya, following the Amboni and Gathurungai Valleys, descending again by the Kii and Rupengazi Rivers to the Tana. It will therefore be seen that it included much land now alienated to Europeans.

10.

In addition, therefore, to the troubles brought about by the taking away of all the land between the old boundaries and the new ones, there was the trouble caused by the fact that all the people dwelling in that area which was taken away were driven out from the villages they had built, and the gardens they had had cultivated in the valleys. The numbers of these people are as follows/

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C. Mathira Division.

The line proceeded from the market place down the Amboni to where the Gathurungai river falls into it. It then went by the Gathurungai to the cave called Lambara ini, another place of sacrifice. From there it followed the river to another cave called Karunia, then on to a third cave called the ~~the~~ Wjiri, then on to a place on Mount Kenya called "Thanya ya Kabugi". There it met the boundary of the Udia People.

D. Udia and Gichugu Divisions.

The line here went from "Thanya ya Kabugi" via the Kii and Rupengazi River to where they joined the Tana. The Eastern side of the line ~~was~~ belonged to the Ebu People.

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/follows:-

A. of the Othaya Division,	566 people.
B. of the Tetu Division,	340 people.
C. of the Mathira Division,	383 people.
D. of the Ndia, Gichugu Divisions.	104 people.

in all 1,545 people.

These are all of whom we know, and there may be others who are not known who have died.

11.

In addition to those troubles traceable to the fact that our land has been made smaller by the taking away of portions which now lie outside our boundary, there are two other troubles which we would wish to bring to the attention of the Commission. There are farms which ~~are~~ inside the Reserve Boundary, and these farms are those which have caused most trouble because many people were dispossessed of their land when these lands were taken by the Europeans. A large number of the ~~dispossessed~~ <sup>dispossessed</sup> had nowhere to go, as the land was already overcrowded and so they moved all over Kenya. Many are now squatters on European Farms, and when for some reason or another they have to leave the farms and return to the reserves, the cattle they have collected die for lack of suitable vegetation, ~~and~~ they themselves find no place left for cultivation. Again, many plots have been given to Missions and some of these plots are very large, covering ~~as~~ such as 3,000 acres. We feel that if the Missionaries came to teach us about God, which is a good reason for coming, then they do not need 3,000 acres of our land in which to plant coffee. We do not wish the Missionaries to be driven out of the Reserve, but we would like to see their plots reduced to a size sufficient to the needs of the work. The remainder of the plots should then be returned to the original owners. We would desire also that those clans who originally owned these plots be recognised as the owners, so that if the lease were to fall in then they could receive their lands again.

Again, too, land has been taken and will again be taken for the benefit of the whole community, e.g. land for Townships, Government Camps, Trading Centres, Schools, Hospitals, Railways, and Railway Stations. We feel that since these things help everyone, white as well as black, that such land ought to be/

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A. of the Othaya Division,	566 people.
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be taken from both white and black, and not from black alone.

Because of all these things we would ask:

That additions be made to our Reserves so that those dwelling therein may have sufficient land for all their needs, i.e. for dwellings, for gardens, for grazing.

That part of the Forest Lands be set apart for our use so that we may be able to cut firewood, timber for building, etc.

That land be set apart for the use of those who have become squatters by reason of economic pressure inside the reserves, so that when they desire, or are desired, to return they may have somewhere they can go themselves, and their flocks, to settle.

That provision be made for those who have gone to the towns, and who are now spoken of as detribalised natives, many of whom know nothing of their origin.

That the term Native Land be substituted for the term Reserve.

We feel that the only way in which full justice can be done to our claims, and our needs fully met, would be for those lands of which we have been dispossessed to be returned to us. At the same time we realise that the settlers who now occupy these lands came by invitation of the Government, and that to dispossess them in turn would cause grave hardship in many cases, and that the amount of compensation which would have to be paid in equity would bankrupt the country. Therefore, we suggest that out of the Crown Lands, which are at present unallocated, we be given:

- 1. compensation for the lands taken away, and
- 2. enough land to meet our needs as outlined in 1-12 above.

After the claims made in 13 have been met there might still remain unallocated areas of Crown Land. We are convinced that as African Subjects of His Imperial Majesty King George V we are entitled to a share in what would then remain over. We cannot understand why, even if reasonable provision has been made for our present needs and to meet our claims, we should be regarded as having any less claim than the Europeans to the balance left over. The Alienated Area is very large and has not yet been fully developed. Until it has been done, surely there can be no claim to the alienation of further areas. We wish the Commission to appreciate our desire to be recognised as equal heirs and claimants with the European Settlers to the unallocated Crown Lands, which shall be left over after our needs have been met.

In connection with the word "Highlands" we would point out that the whole of the Kikuyu Area, Native, lies within what is usually accepted as the Highlands of Kenya, and that any definition of the term



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represented as the Highlands of Kenya, and that any definition of the term



term Highlands which included within it our lands, would cause grave offence to us as a people in that by such a definition there would be created a preferential right in favour of Europeans over those lands which, as far as living memory goes, have been ours. We trust that H.I.M. King George V, and his Government, will realise that they are our trustees, and will accept no definition which will create such a position as that outlined.

We would like now to turn our attention to the Native Lands Trust Ordinance. We do not like this Ordinance for these reasons:

1. It would appear to meet the cases which might arise between members of two races, but as far as we can see, it contains no provision by which any African whose land has been entrenched upon can take up a case against, say the European who has entrenched thereon. Our lands are still Crown Lands, we are only tenants and the Crown alone can raise any question. We would ask that the Ordinance be amended so that we ourselves can take our cases to the High Court. We do not desire purely African cases to go there, but cases such as cited between Africans and Europeans ought to be allowed to be taken to the High Court, and we should be given the right to take out such cases.
2. Europeans are given their land as leasehold, or freehold, but we, the original owners of the land, have lost all right in the land except the Tenant Right created by the Lands Trust Ordinance. We would ask that H.I.M. King George V. should, as a recognition of our past ownership, and our faithful service during the Great War, and our loyal obedience to his commands, grant us the freehold of our own lands subject to necessary safeguards as to the sale of land to alien races, etc.
3. So long as the land remains Crown Land, and we have only a Tenant Right therein, we feel insecure. A Government which wished to revoke the Ordinance could do so. A Charter from the King granted on the grounds given above would not be revokable unless for such a cause as rebellion against the Crown. The freedom of Great Britain was founded on such Charters, and we ask that our freedom be founded on another.

So far as the Native Lands Trust Ordinance is concerned with matters internal to the Reserve, we feel it is weak.

- a. The representatives of natives chosen are often uneducated Chiefs who can neither read or write, and who can therefore preserve for themselves no records of matters discussed. We would suggest that educated Africans be nominated.
- b. We would suggest also that it be compulsory for the nominated African to consult the members of his tribe concerned.
- c. We feel also that the Local Land Board should be made to have some direct relation to the Local Native Council, and that where there is a Local Native Council the Council should become the Local Land Board. They should be given powers to deal with matters inside the reserves.

41

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by registration rather than by lease. At present the law is clumsy in that a Native Church desiring to build a permanent Church would have to go to the expense of a lease. To meet this point we would suggest that where a church, school, hospital, shop, or permanent dwelling place, in any place other than on the plot of land belonging to the builder, is desired, and the builder or builders can, and do secure the consent of the githaka owner, then, subject to the approval of the L.N.C. which shall not disapprove except for good reason shewn, the agreement between plot owner and builders shall be registered by the L.N.C. and shall shew :

- a. amount of compensation, if any.
- b. rent, if any.
- c. the terms on which the agreement may be terminated, and
- d. any special conditions.

We are of the opinion that such an arrangement would do much to solve the problems which have arisen in the Kyambu area. This would govern private institutions. In the case of Government or Public Schools, etc. the L.N.C. should have power, on the need being proved, to excoise such areas as would meet the need from time to time, but in such cases compensation in the way of provision of land for the people dispossessed should be made, etc.

We desire that the old Laws of Native Land Temure remain, as they are, at least for the present, those best suited to our customs and needs. We realise that these will have to be changed to meet changing conditions, but we consider that the time for drastic alteration has not yet arrived. We are of the opinion that the recommendations of the Majority report of the Committee on Native Land Temure in the Kikuyu Province would form a useful basis of discussion, and to this end we suggest that the Report be translated into Kikuyu and given as wide a circulation as possible. This would enable native criticisms of the report to be collected, and the Government would thereafter be in a position to determine how far these recommendations can be applied to each area in the Province. We feel that the Minority Report is much too advanced in its ideas to be acceptable to the majority of our race.

We trust that H.I.M. King George V. and his Government, having declared that they are our trustees, will try with all their power to decide the Land Question that we, the sons and daughters

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We desire that the old Laws of Native Land Tenure remain, as they are, at least for the present, those best suited to our customs and needs. We realise that these will have to be changed to meet changing conditions, but we consider that the time for drastic alteration has not yet arrived. We are of the opinion that the recommendations of the Majority report of the Committee on Native Land Tenure in the Kikuyu Province would form a useful basis of discussion, and to this end we suggest that the Report be translated into Kikuyu and given as wide a circulation as possible. This would enable native criticisms of the Report to be collected, and the Government would thereafter be in a position to determine how far these recommendations can be applied to each area in the Province. We feel that the Minority Report is much too advanced in its ideas to be acceptable to the majority of our race.

We trust that H.I.M. King George V. and his Government, having declared that they are our trustees, will try with all their power to decide the Land question that we, the people, and our

10.

/daughters of the land, may not lack our inheritance. We pray H.I.M. King George V. that he will not forget his African Children and allow strangers to be given our inheritance.

We ask all who love and wish to help the peoples of Africa to assist us in showing H.I.M. and the Government how we have suffered in times past.

For and on behalf of the Progressive Kikuyu Party,

*Arthur Luta*  
President.

*Stanley Kiama Gathigia*  
Secretary.



File

C. O.

Mr. ~~W. H. C.~~ 8/8  
Mr.  
Mr.

X Mr. Parkinson 8. 8. 32

8th August 1932

Mr. Tomlinson

Sir C. Bottomley

Sir J. Shuckburgh

X Perm. U.S. of S. 8/8/32

Party, U.S. of S.

Secretary of State

Dear Sir

I am sorry that

DRAFT. Ans.

1. minute

owing to heavy pressure of

work I have not replied

earlier to your letter of the

20th July

I am aware of

cause you can have

already in view that

the accident asked for

interviews at the Co.

but that if necessary should

have been made known to

you for records have

Johnnie Kenyatta  
8/9

X I have thought you  
as to answer me  
acquainted with  
my matter NYK

See No 10 8  
89. 1026 17A/25  
no 10 1026



not been granted. You  
will understand that in  
the times I am excluded  
from favor to the  
extent of such an  
act.

Yours truly,  
Wm. S. Phelps

not been granted. You

will understand that in

the cases I am precluded

from giving you the

answers to which you

ask.

Yours truly,

Wm. L. Sanders



743  
95 Cambridge Street,  
London, S.W.1.  
July 28th, 1932.

Sir Samuel Wilson, G.C.M.G., K.C.B., K.B.E.,  
The Colonial Office.

Dear Sir,

It was with great interest and gratification that I heard at the garden party which you addressed at Herne Hill on Saturday, July 23rd, that you are ordinarily quite willing to meet coloured visitors from Dependencies under the control of your Office, and allow them to have short interviews with you.

I am aware that towards the end of July many senior officials are away from Government offices on annual leave, but if it should be the case that you are still to be at your Office for some few days before leaving London, I should be extremely grateful if you would grant me a short interview. I should wish to speak to you upon conditions prevailing at present in the Kikuyu tribe in Kenya. I have been in England for the last 14 months studying English, and I was recently allowed to give evidence to Sir Morris Carter upon land questions among the Kikuyu.

I have the honour to be

Sir,

Your most obedient servant,

*Johnstone Ninyatta*

Answer 8/32

745  
95 Cambridge Street,  
London, S.W.1.  
July 28th, 1932.

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I have the honour to be,

Sir,

Your most obedient servant,

*Johnstone Kinyatta*

Recd 8/5/32

46  
46  
Private.

24th March, 1932.

Dear Mrs. Ross,

With reference to your letter about Johnstone Kenyatta, to which I delayed sending an immediate answer until the debate of yesterday had taken place in the House of Lords, I am sorry that I find great difficulty in meeting your desire that I should give Johnstone Kenyatta an interview.

You are no doubt aware of the position that the Central Kikuyu Association occupies, and that that Association is not recognised by the Kenya Government as representing the Kikuyu tribe. In these circumstances, Lord Passfield refused to see Johnstone Kenyatta, and though Dr. Drummond Shiela saw him at the House of Commons, I think it better from every point of view that no variety should be adopted between the attitude of the Secretary of State

Mrs. McGregor Ross.

State and the Under Secretary in such matters, and for that reason it is advisable that I should not give an interview to Johnstone Kenyatta either at the Colonial Office, or privately, which might easily be misrepresented and prove an embarrassment to the Governor of Kenya. I personally should have been perfectly willing to have a talk with Johnstone Kenyatta, but I hope you will understand the delicate relation in which I am placed, owing to my official position.

The memorandum which he has sent in has evidently been prepared with the greatest care and trouble, and has been very carefully gone through in the Office, and I can assure you, an assurance which your husband can pass on to him, that all the points which he has raised are receiving full attention.

With kind regards,

Yours sincerely,

(Signed) R. W. HAMILTON.

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With kind regards,

Yours sincerely,

(Signed) R. W. HAMILTON.



It seems to me that Mr. Kenyatta is bound to feel that he has produced new material for you beyond anything that was included in his previous correspondence, in submitting a list of native lands appropriated for white settlement, & an expensively (to him) produced ~~the point~~ in his reference to the Maragwa-Tana episode, as to which information which he has received from Kenya does not tally with that given in the House in Sir Philip Cunliffe's ~~distasteful~~ reply to Mr. Grenfell.

It has been a very expensive business for the Kikuyu Central Association to have kept Mr. Kenyatta here all these months, or I ~~am~~ sure you will see that if their Secretary is refused even an interview at the Colonial Office, in addition to having been refused any opportunity of giving evidence to the Joint Committee, they will indeed feel tempted to fall into despair of having their grievances addressed in a constitutional manner. I know Mr. Kenyatta feels that his Association will feel it very hard that the memorandum they presented

to the Joint Committee was not printed  
 nor even mentioned in the Joint  
 Committee's proceedings, especially,  
 as a memorandum from an  
 insignificant number of Moslem  
 up-country natives, who did not  
 go to the expense or trouble of  
 sending a representative was  
 printed in full.

A particular reason for my  
 request turns upon the ~~decision~~  
 with which I expect you would  
 agree, that emergent Africans  
 should not be tempted to think  
 that the only Party in office from  
 whom they can get a sympathetic  
 hearing is the Labour Party!

One cannot help fearing that the  
 Kenya Central Association will  
 feel somewhat justified in drawing  
 hard conclusions ~~to all this~~,  
 knowing as I do the reputation  
 you justly hold among Africans  
 in Kenya, & the faith Africans  
 always have in the justice of the  
 Home Government, I do beg of  
 you to reconsider your decision,  
 & allow Mr. Kenyatta but to have  
 a quarter of an hour's talk with  
 you on the things which are a  
 real menace to good relations  
 of our people & his out in Kenya.

With kind regards,



yours very sincerely,

Isabel Roso.

yours very sincerely,  
Isabel Ross.

4  
11th March, 1932.

Dear McGregor Ross,

Thank you for your letter of the 4th of March. Johnston Kenyatta has recently sent in a long memorandum on Kikuyu affairs but, as far as I can see, he raises no new points in addition to those he has already put before the Department and which are having consideration in their various degrees. In these circumstances, I do not think that there would be any advantage either to him or to me in my giving him an interview before his return to East Africa.

Drummond Shiels, I know, saw him when he was here before, but I do not think that anything has cropped up since then which makes it necessary or desirable that I, as Under Secretary to the Colonial Office, should see Johnston Kenyatta again. Perhaps you would be good enough to convey this civilly to him.

Yours sincerely,

William McGregor Ross, Esq.

(Signed) R. W. HAMILTON

4

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Yours sincerely,

(Signed) R. W. HAMILTON.

William McGregor Ross, Esq.

51/28

O. O.

Mr. Freeston, 29/1

Mr.

Mr.

Mr. Tomlinson.

Sir O. Bottomley.

X Sir J. Stubbings 2/1/32

Sir G. Ardale.

X Perm. U.S. of S. 3.3.32

X Parly. U.S. of S. 3.3.32

Secretary of State

18073

*Carroll*

RECEIVED  
R 11 MAR  
D 144

*(Handwritten initials)*

...ng St.

15 MAR 1932

**DRAFT**

*PM*  
*9/3*

SECRET

SECRET

NO. 210

18073  
with encl.  
TO: Mr. ...  
copy for ditto

Sir,

I have the honour to trans-

mit to you a copy of a letter from

Mr. ... forwarding a

memorandum on behalf of the ...

Central Association, together with a

copy of the reply which I have

caused to be prepared to Mr.

Kenya.

I have on the subjects covered

by the Association's memorandum

already been dealt with in separate

correspondence. I shall be glad to

receive in due course your observations

on the memorandum and any

points therein which have not already

*2 dft. in...*

(Sgd.) P. C.

SECRET

I have, etc

C. O.

25 2 52

Mr. Froesto: 20/1

18073

Mr. [unclear]

Mr. Tomlinson

Sir O. Bottomley

Sir J. [unclear] 24/4/32

Sir G. Grindle

Permt. U.S. of S. agree Lym 4.7.32

Party. U.S. of S.

Secretary of State

Mh  
10/3

Downing St.

15 MAR 1932 1932

DRAFT.

JOHNSTON KERRYANNA, Eyt

I am directed by Secy. of State to inform you that Philip Dunliffe-Lister has acknowledged the receipt of your letter of the 21st February forwarding a memorandum on behalf of the Executive Committee of the Nikaya Central Association in regard to the affairs of the Nikaya.

As you were informed in the letter from the Colonial Office of the 7th August 1929, all petitions relating to matters in a Colony must come to the Secretary of State through the Government of the Colony concerned, and Sir Philip Dunliffe-Lister is not prepared to comment upon the various matters

8 on issue 1/11

Copy to [unclear] 2/11

raised

raised in your memorandum until he has received Sir Joseph Byrne's observations upon them. A copy of your letter and memorandum are being sent to the Governor. ~~an expression of his views~~

In the circumstances the Secretary

of State considers that no useful purpose

*is not prepared to*

~~would be served~~ by granting you a personal

interview ~~relative to~~ any statement

in explanation or amplification of the

memorandum which ~~may~~ be necessary will no

doubt be communicated to the Government of

Kenya by the Kikuyu Central Association

Colony.

I am, etc.

(Signed) M. T. ALLEN

raised in your memorandum until he has received Sir Joseph Byrne's observations upon them. A copy of your letter and memorandum are being sent to the Governor for an expression of his views.

In the circumstances the Secretary

of State ~~considers that no useful purpose~~  
*is at present to*  
~~would be served by granting you the personal~~

~~interview with the Governor. Any statement~~

in explanation or amplification of the memorandum which may be necessary will no

doubt be communicated to the Government of

Kenya by the Kikuyu Central Association

in the Colony.

I am, etc.

(Signed) P. T. ALLEN











SPEEDWELL 4400

WOLEYAY,  
LONDON, N. W. 11

54

March 4<sup>th</sup> 1932

Dear Sir Robert

We have seen much during the closing months of last year of Johnstone Kenyatta, the secretary of the Kenya Central Association. He came over in May in the hope of being heard by the Joint Committee.

Then in December, private benefactors made it possible for him to go to the Quaker College of Woodbrooke Settlement, Nelly Oak, Birmingham, where he has been receiving much close instruction in English from Mr. Horace Alexander. He also received help from various quarters there in the preparation of a scheme, which I herewith now send you.

We feel that it is very desirable that he should get back to his office in Nairobi at the earliest possible date. He is very anxious to be allowed to see you before he sails, if that would be possible. Could you grant him a short interview if he came especially from Birmingham for it? On the occasion of his former visit, Studd gave him an interview in his room at the House.

Yours very sincerely,

Wm. McGregor Ross

11/13/32  
Dubois

SPECIAL AGENT

24, ADELPHI WAY,  
LONDON, N.W. 11.

54

March 4<sup>th</sup> 1932

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Yours very sincerely,

Wm. McGregor Esq.

Wood. 11/3/32

# THE Kikuyu Central Association

HEADQUARTERS: P.O. KAHUHIA, P.O. FORT HALL

(Monthly Journal) "MUIGWITHANIA"

TELEGRAMS: "KAYSEAY" NAIROBI.

GENERAL SECRETARY: JOHNSTONE KINYATTA

WOODROOKE SETTLEMENT

SEELY OAK BIRMINGHAM

CORRESPONDENCE TO: P.O. BOX 59,

NAIROBI, KENYA.

EAST AFRICA.

24th February, 1932.  
To the Right Hon. H.M. Principal Secretary  
of State for the Colonies,  
Downing Street, London, S.W.1.

Sir,

The Executive Committee of the Kikuyu Central Association respectfully submits the subjoined Memorandum and Appendices for your kind consideration and attention.

It deals briefly with some of the major grievances and desires of the Kikuyu, and the Association begs that H.M. Government will speedily take steps to remedy the hardships and injustices under which our people suffer.

I, the under-signed, (Secretary of the Association) would be most grateful if you would afford me an early opportunity of a personal interview, so that I may explain and amplify the points dealt with in the Memorandum before returning to Kenya.

Thanking you in anticipation,

I remain, Sir,

Your most humble and obedient servant,

*J. Kenyatta*

For and on behalf of the Kikuyu Central Association

*Recd 15 MAR 1932  
ESP/1/mill 6 210 15 MAR 1932*

RECEIVED  
26 FEB 1932  
P.O. OFFICE

# THE Kikuyu Central Association

HEADQUARTERS OFFICE: KAHUHIA, P.O., FORT HALL

Monthly Journal: "MUIGWITHANIA"

TELEGRAMS: "KAYSEAY," NAIROBI

CORRESPONDENCE TO-

GENERAL SECRETARY: JOHNSTON KENYATTA

WOODROOKE SETTLEMENT

P.O. BOX 59,

SEELY OAK BIRMINGHAM

NAIROBI, KENYA.

EAST AFRICA

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24th February, 1932.

Sir,

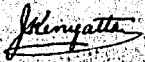
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Thanking you in anticipation,

I remain, Sir,

Your most humble and obedient servant



For and on behalf of the Kikuyu Central Association

Good  
copy of mem. to Gov. 21.0.15 Mar. 1932

RECEIVED  
26 FEB 1932  
COL OFFICE



56

THE  
**Kikuyu Central Association**

HEADQUARTERS OFFICE, KAHUHIA, P.O., FORT HALL.

(Monthly Journal) "MUIGWITHANIA"

TELEGRAMS  
"KAYBEEAY" NAIROBI

GENERAL SECRETARY  
JOHNSTONE KENYATT

CORRESPONDENCE TO  
P.O. BOX 59.

NAIROBI, KENYA,  
EAST AFRICA.

MEMORANDUM OF THE KIKUYU CENTRAL ASSOCIATION TO  
THE SECRETARY OF STATE FOR THE COLONIES.

(A) GENERAL CONSIDERATIONS

The Kikuyu Central Association of over 10,000 members respectfully begs to draw the attention of His Majesty's Principal Secretary of State for the Colonies to the sub-joined statements and recommendations, the adoption of which would materially improve the lot of the Kikuyu African residents in Kenya, and make for increased prosperity and contentment among them.

2. His Majesty's Secretary of State for the Colonies, in his letter to the General Secretary of the Association dated 2nd of January, 1930, promised an enquiry into Kikuyu grievances. This letter was replied to by the General Secretary of the Association commenting on various points which were raised; but although the promise was made to consider these points, no further communication has been received regarding them. The last letter from the Secretary of State to the General Secretary of the K.C.A. (dated May 5th 1930) simply gives the following general promises:-

3. "The Secretary of State notes what is said in your letter, and he is forwarding a copy of it to the Governor of Kenya for his consideration. You may be assured that all reasonable statements of complaints and grievances, which are felt by any sections of the Kikuyu, will receive the careful attention of the Government of Kenya, and the Secretary of State will be kept fully informed of the welfare of the Kikuyu, in which he is deeply concerned."

4. In this respect we have made, since that date, several reasonable statements of complaints and grievances which are felt by the Kikuyu people, and all have been ignored by the Government of Kenya. When we write to the Governor of Kenya our letters receive only formal acknowledgment. We ventured to ask the Acting Governor to arrange for an interview with Sir Joseph Byrne, on his arrival in the country, but our request could not then be granted.

5. We respectfully beg, therefore, to bring the following matters to your attention.

(B) RECENT LAND SEIZURES.

6. In the letter from the Secretary of State for the Colonies dated January 2nd 1930, the following statement is made:-

"... no Native tribe need have any fear as to the security of the land now reserved to them, as the Government of Kenya has

3. "The Secretary of State notes what is said in your letter, and he is forwarding a copy of it to the Governor of Kenya for his consideration. You may be assured that all reasonable statements of complaints and grievances, which are felt by any sections of the Kikuyu, will receive the careful attention of the Government of Kenya, and the Secretary of State will be kept fully informed of the welfare of the Kikuyu, in which he is deeply concerned."

4. In this respect we have made, since that date, several reasonable statements of complaints and grievances which are felt by the Kikuyu people, and all have been ignored by the Government of Kenya. When we write to the Governor of Kenya our letters receive only formal acknowledgment. We ventured to ask the Acting Governor to arrange for an interview with Sir Joseph Byrne on his arrival in the country, but our request could not then be granted.

5. We respectfully beg, therefore, to bring the following matters to your attention.

(B) RECENT LAND SEIZURES.

6. In the letter from the Secretary of State for the Colonies dated January 2nd 1930, the following statement is made:-

"... no Native tribe need have any fear as to the security of the land now reserved to them, as the Government of Kenya has

no desire to take away those lands, nor would His Majesty's Government sanction a reduction in the areas reserved if such reduction should be proposed."

7. MARAGWA-TANA LAND. May we point out that, since that date, (Jan. 2nd 1930,) repeated attempts have been made to coerce the Kikuyu into surrendering valuable land at Maragwa-Tana for the purpose of erecting an Electric Power Station. Information just to hand makes it clear that this land has actually been annexed, and that the Kikuyu have been deprived for ever of a further valuable area of fertile land essential for stock raising, grazing and agriculture, as well as a potential source of cheap water power. The proposed electric light and power station is to be a private, dividend paying, undertaking, financed by the proprietors of the large local sisal Mills, and the current generated will be used for their own commercial enterprises.

8. The Power Station will not be of any advantage to the Africans, whose forced submission has robbed them of the valuable land and water, for the benefit of a purely commercial enterprise. The electricity undertaking wants this land because it enables them to get additional power much more cheaply than elsewhere.

9. We desire to place on record our most earnest protest against our being called upon by the Government to assist the commercial projects of non-African undertakings in Kenya, By

surrendering to them any parcels of our land, large or small, to the lasting detriment of the people of our tribe. We feel that the white settlers have the advantage of being able to influence the Government to bring pressure upon the Africans, and we can conceive of nothing more ~~possible~~ to embitter the relations between the Kikuyu peasants and white immigrants.

10. Before the land at Maragwa Tana was ear-marked as a Water Power Reserve, there were upon it 280 dwelling huts, 335 storage barns and 195 cattle pens belonging to the Kikuyu. These were all razed to the ground to clear the site for the proposed power station. On the strait of the river taken, there was a good ford where the Kikuyu used to cross to trade with the Kamamba. Now they have to go 20 or 30 miles to another ford where their animals can cross. Since this land has been taken over, many Kikuyu have been arrested and fined heavily, (from 250 shillings upwards) presumably for trying to use the ford.

11. In the same letter (January and 1930) this statement, with regard to further excision of land, appears: "It may be stated definitely that any such proposal would be considered by the Secretary of State very carefully in all its bearings, and there would be no question of his giving his approval to the excision of any land from the Native Reserves unless he were satisfied that it was necessary in the public interest,

and also that adequate compensation, including the addition to the Reserve of land equal in area, and as far as possible in value, to that excised, would be provided.

12. The Association desires expressly to ask for a reconsideration of the policy under which the trading requirements of a European commercial concern, operating for private profit, can enjoy the active support of the Kenya Government, under the claim that their operations constitute public interest. The supposed security of African tribes in their lands may, under such conditions, amount to little or nothing.

Kikuyu narrowly escaped another serious appropriation of land in South Nyeri a year or two ago, at the hands of a "Mauritius Sugar Corporation", or some such European company. We respectfully beg to express the hope that the Maragwa-Tana Area may be restored to the tribe, with compensation for disturbance and damage done, and that the policy may be made clear that nothing less than urgent imperial needs are to be regarded as justifying any expropriation of African tribal lands in Kenya.

13. We would like to point out in this connection, that the land referred to above, and also land formerly taken at Muthangari, Kabete, and Kileleshwa, has been taken without compensation, nor has any land been given in exchange. These matters were referred to in our earlier correspondence with the Colonial Office, but they still await redress.

14. LAZARO MUNDIA'S LAND. At Mangu the White Sisters have

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14. LAZARO MUNDIA'S LAND. At Mangu the White Sisters have

taken 6805 acres of land from the Kikuyu, most of it claimed since 1928. This matter was raised in the Legislative Council of Kenya on 14th April 1930 and was reported in the "East African Standard" of 19th April 1930.

15. It had been proved, we believe, to the satisfaction of the Kenya Government, that the land in question belonged to the Kikuyu; but pressure was exerted, presumably by white settlers, and the result was that 1059 people of Lazarus Mundia's family were dispossessed of their land. Some of them are still living on the land as squatters, others are landless and wandering about.

(C) LAND CLAIMS, ALREADY LODGED ON BEHALF OF DISPOSSESSED KIKUYU, STILL UNSETTLED.

16. In the same letter (Jan. end 1930) para. (g) it is stated that: "Enquiries will be made and further consideration will be given to this matter."

17. As the Government has not yet made these enquiries we beg once more to bring to the notice of His Majesty's Secretary of State for the Colonies, that at present there are about 60,000 Kikuyu who have been dispossessed of their lands without compensation. This has forced these Kikuyu to become wanderers -- homeless and landless. To-day they can be seen alternately wandering or squatting on European farms all over Kenya. This oppression has disorganised the Kikuyu, and many



have fled to the neighbouring tribes, thus causing great loss to the Kikuyu Community.

18. We beg to submit the attached list of these cases which the Kikuyu Central Association has been able to trace. (See Appendix No. I) This shows the names and numbers of the families (excluding women and children), the acreage of land taken, and the exact position of the land according to the Government Survey. We also attach a map hereto (See Appendix II) showing the ~~area~~ of land taken from the Kiamu Kikuyu since the country came under British domination. We submit that the Government should return these lands; or where that is not possible, give suitable grants from the Crown lands, together with compensation, to the families who have been forced to endure years of suffering and loss.

19. The land surveys, under which the Kikuyu were later ~~dispossessed~~, were made in secret, and many areas were declared to be Crown land, without the knowledge of the rightful owners, and also without consideration of what would become of the Kikuyu settled thereon if the land were subsequently sold to immigrants. Many years later these surveys were used as evidence of ownership by the Government, and the Kikuyu were dispossessed without provision of equivalent land or compensation.

20. FOREST AND GRAZING LAND. The Government Forest Department now controls the forest and grazing lands, which were formerly the property of the Kikuyu. Natives who enter the forest,

to collect wood, are now treated as trespassers and heavy fines are imposed. The grazing lands are now almost entirely under control of the Forest Department, or European immigrants, and the Kikuyu have to pay very heavy grazing fees, and to accept very inequitable terms of lease, in order to maintain their herds. (See Appendix III). The Association requests that there should be provided suitable grazing lands in the Kikuyu country, under the control of the Kikuyu Local Councils, who should also have the control of certain forest lands for the provision of cheap timber for hut building, etc. We can give assurance that the Kikuyu Local Councils will exercise the necessary oversight to prevent any wise destruction of forests, and will preserve them for the benefit of the community.

(D) THE REPORT OF THE COMMITTEE ON NATIVE LAND TENURE IN THE KIKUYU PROVINCE, NOVEMBER, 1930.

21. TITLE DEEDS Para. (a) of the last letter (Jan. 2nd 1930) states: "The desire of the Kikuyu for 'title deeds' is fully appreciated by the Government, and the Committee will consider, among other matters, the possibility of the introduction of documents for recording family or individual holdings, but pending the report of the Committee it would be premature to make any definite statement as to what may or may not prove possible."

22. A verbal promise was made on behalf of the Government that, when this Report was published, they would discuss it

with the Kikuyu. The Report has so far been kept away from the Kikuyu; it has not been distributed even amongst chiefs and headmen, nor to the Native Local Councils. There has thus been no opportunity for the Kikuyu to study it, and in any case only a few of them could read and understand it in its present form, as no translation into Kikuyu has been made. At a big meeting of Chiefs and Headmen held at Nduony Kabete in March 1930, at which the District Commissioner was present, none of the Kikuyu had seen the Report or knew anything of its contents.

23. It is stated several times in the Report that the Natives were not very willing to give exact information, (e.g. Chapter I, Sec. 1). "There is a reluctance on the part of the Natives to show their clan or family boundaries to Europeans, and to discuss such matters except in open assembly." And (Sec. 6) "The evidence given by the tribes of the Mau district may have been prompted by a determination to say nothing which might possibly, as they thought, imperil the secure possession of their land."

24. It is therefore very important that the recommendations should be known and discussed among the Kikuyu, before any action is taken which will depend for its success upon their cooperation. This is particularly true of the registration of the Ithaka, and there are many other steps which will have to be taken to make the Natives' lands secure. The urgent necessity for this is obvious from the recent cases of dispossession cited

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