

38005/7

CO 533/462
KENYA

38005/7

Land Commission Report

Removal of the people of Teyoni

Previous

1935

Mr Flood	29	Sir J. Mackay	19/11
Sir C. Bottomley	29/4	Mr. P. Parker	20/11
Sir J. Mackay	30/6	R. 297	✓
R. 297	3/5	M: Gussell	6/10
R. 309	6/8	M: P. P.	7/10

Subsequent

1937

Mr Parker	7/11	M: P. P.	9/11
R. 297	0/6	Sir C. Bottomley	9/9
R. 309	2/6	Mr. Davies	10
Mr Parker		R. 297	11/11

297

14/11

297

5/11

R. 30

12/11

309

14/11

Mr Parker

13

R. 297

14/11

Mr Parker

19/11

M: Flood

14

R. 297

16/11

M: Flood

14

Sir C. Bottomley

15

297

17/11

Sir C. Bottomley

17

Sir J. Mackay

18

~~R. 30~~

R. 309

7

S. S. S.

21/11

S. A. D. P.

19/11

R. 297

9/11/36

R. 297

25/11

Mr Parker

10

R. 309

28/11

R. 309

297

21/11

Mr Parker

26

R. 297

12/8

R. 30

23/11

M: Flood

(11/11)

R. 297

13/8

R. 297

Sir C. Bottomley

4/6

297

12/11

Sir J. Mackay

9/11/36

R. 309

4/12

Mr Boyd

20/3

Mr Parker

16

LORD PLYMOUTH

21/4

M: Flood

16

Secretary of State

Sir C. Bottomley

17/10

C.D.
L.M.D. Commission
Tigoni
Petition

Kikuyu Central Assn - 2.1.36
Refer to (3) no 28005/1735 and funds. funds
petition together with copies of corres. with Lt.
Provincial C^o regarding the removal from Tigoni

Then on the objections referred to
in the telegram from the Kikuyu
Central Association, dated the
12th November. (No 28005/1735)

It is clear from Mr Vidal's letter
(flopped) that no actual
movement of the Tigoni people
has been carried out by the
20th of December. Dorrhan the
procurer will reply to No 6
on 28007/15 before moving
the natives.

We must
keep a copy

? send No 1 to procurer,
in original, for comment
(for that) A. Swainell
16/1/36

Gov. to inform the procurer
that his communication [has been
received] & will remain in S.G.S.'s care

19/1

It certainly won't receive any action unless it is
it is forwarded through the procurer.

For [] substitute

"should have been forwarded through him in accordance
with Regulations". and refer same to the procurer in 2.

S.E.W. Hunt
16/1/36
P.T.O.

As follows.

"Discipline must be maintained"
- in the letters of the LR about
such correspondence - but it
would serve as explanation

of our stance of information about
these speculations
if the question is raised in
Parliament, as is likely. However,
although I don't want to make
work I think we must keep a
copy

W.S.

17.1.36

atcc

To Kenya 33 (1/1/1936) 18 JAN 1936

DESTROYED UNDER STATUTE

3

Gov. Payne - No. 65

2.2.36

Comments regarding Commission's recommendations
with respect to Tigoni. Regards it as of
importance that the removal should be effected
as soon as possible. Submits alternative plan for early
approval.

The particulars of the area known as
Tigoni (945 acres) are given on pages 116 and 117
of the Land Commission Report. The Kithirioni area
(70 acres) is described on page 118 of the Report.
I annex the relevant pages.

The Tigoni area stands as an island in
the middle of land alienated for European farming.
Kithirioni is a tiny island of Native Reserve
surrounded by the Lair Forest Reserve.

As regards the Tigoni inhabitants the
Land Commission believed that it would be to their
advantage that they should, as ordered, quit
Tigoni and be accommodated and compensated in the
following manner:-

- (a) 1/3 acres for every acre.
- (b) Compensation for ordinary round hut
in the form of exemption from one year's tax
on the hut.
- (c) Compensation for a better class hut
or house to be a cash compensation ad valorem.
- (d) Compensation for planted trees (i.e.
gums and watties) at a cash valuation.
- (e) Each githaka holder on the land
surrendered to be allowed to choose whether
he will take his substituted githaka in the
northern extension block, which is of high
altitude, or in the other blocks, which are
lower, but not to be allowed to choose the
precise locality which should be at the
discretion of the District Commissioner and
the local Land Board.
- (f) Compensation for wire fencing, if
any, at a cash valuation.
- (g) Sufficient time to be allowed for
the move to be conducted without hardship or
inconvenience.

The Commission also recommended that the

Kithirioni

As per above.
"Discipline must be maintained"
- in the matter of the CR about
such correspondence - but it
won't serve as explanation
of one aspect of the former case about
if the question is raised in
Parliament, as is likely. Therefore
although I don't want to state
I think we must keep a
low profile.

18/3/36
To Kenya, 33 (a/m only) cons 18 JAN 1936
DESTROYED UNDER STATUTE

3 Govt. Order - No. 65 - 1936
Comments regarding Government's recommendation
for the reservation of Tigon area as an
importance that the reserved should be approved
as soon as possible. Submits alternative plan for land
approval.

The particulars of the area known as
Tigoni (945 acres) are given on pages 116 and 117
of the Land Commission Report. The Kithirioni area
(70 acres) is described on page 118 of the report.
I annex the relevant pages.

The Tigoni area stands as an island in
the middle of land alienated for European farming.
Kithirioni is a tiny island of Native Reserve
surrounded by the Lair Forest Reserve.

As regards the Tigoni inhabitants the
Land Commission believed that it would be to their
advantage that they should be ordered to quit
Tigoni and be accommodated and compensated in the
following manner:-

- (a) 10 acres for every acre.
- (b) Compensation for ordinary ground hit
in the form of exemption from one year's tax
on the hit.
- (c) Compensation for a better class hut
or house to be a cash compensation of value.
- (d) Compensation for planted trees (if
any) and written, at a cash valuation.
- (e) Each githaka holder on the land
surrendered to be allowed to choose whether
he will take his substituted githaka in the
northern extension block which is of high
altitude, or in the other blocks, which are
lower, but not to be allowed to choose the
precise locality which should be at the
discretion of the District Commissioner and
the local Land Board.
- (f) Compensation for wire fencing, if
any, at a cash valuation.
- (g) Sufficient time to be allowed for
the move to be conducted without hardship or
inconvenience.

The Commission also recommended that the

Kithirioni natives should be removed from their land and settled to their advantage on other land to be added to the Kikuyu Native Reserve.

The total area to be added to the Kikuyu Reserve to accommodate the people of Tigoní and Kithirioni was assessed at 1,522 acres. The land recommended by the Commission for this purpose consisted of two blocks "A" and "B", as shown in the diagram herewith, and the small area "C" which was required to complete a corridor between the East and West portions of the Kiambu Native Reserve.

It appears that the Tigoní natives were strongly opposed to being accommodated in two blocks and desired to be in a single block, and the Kithirioni natives would only move from their present Reserve under pressure. Alternative sites more acceptable to the Tigoní people and involving no movement of the Kithirioni were considered. These sites were subsequently rejected by the natives concerned. The Governor then ordered surveys to be carried out of the areas recommended by the Commission. Blocks "A" and "B" and part of "C" were found to consist for the greater part of poor land capable of supporting only a very small population, but the land to the West of block "C" was found to compare favourably with the fertility of the soils in the Tigoní area.

I have shown in red pencil on the diagram herewith the area which the Governor

now recommends should be added to the Reserve for the accommodation of the Tigoní. It will be seen that it is in one long strip and not two blocks. The Governor is satisfied that the revised scheme represents a generous exchange of land. The two local members of the Land Commission agree, and the Local Native Council at a meeting on the 11th and 12th December 1935 also approved the exchange areas.

After reviewing the whole situation the Governor does not consider that the Commission's recommendation for the evacuation of the Tigoní should be rejected and he asks early approval for the removal to the areas which he now recommends.

The District Commissioner is assessing the compensation payable for land which has been cleared and the Governor says that the claim will be dealt with as generously as possible. I would only refer in this connection to the position of Githaka holders. It will be seen above that under the Commission's recommendation they were to be allowed to exercise a choice of plots in the A, B and C blocks proposed by the Commission. Presumably they will still be allowed some special treatment under the Governor's revised scheme, but there is nothing said about it in the despatch.

There are the following petitions for consideration:-

(1) Petition dated 27th May 1935 signed by the people of Tigoní.

(Signed) Luka Wanganga
" John Mbogwa
" Javenales Gitau
" Stanely Kinyanjui.

The Governor says that Luka Wanganga is a member of the Kiambu Local Native Council and was amongst those who agreed to the first alternative proposal (subsequently rejected) when it was discussed with the Local Native Council by the District Commissioner, Kiambu. The second and third signatories are teachers at a Roman Catholic Mission at the opposite side of the District; they have interests at Tigoni and are apprehensive that they may not be adequately compensated. The last is one of the githaka holders at Tigoni.

(4) Petition from the Kikuyu Central Association dated 2nd January 1936.

The Governor observes that the main theme of this letter is a general objection to removing from Tigoni and accepting any other land in exchange. He says that as the matter was exhaustively examined by the Kenya Land Commission he does not propose to comment upon the general recommendation as embodied in Section 396 of the Report.

The Governor refers to a letter written to the Provincial Commissioner, Nyeri, by "The Owners of the Tigoni land" in which it is claimed -

(a) That the land belongs to "Ten clans" and that no one person can give assent on behalf of the Tigoni people to removal. The signatories to the letter repudiate any assent given by Luka

Wanganga

Wanganga on their behalf.

(b) That the land to which it is proposed to remove the Tigoni, belonged to the Nyanweru and that the Nyanweru have protested to Government against the removal of the Tigoni there.

As regards (a) the Commission were satisfied that about the year 1904 the land was almost uninhabited.

The Governor says as regards (b) that since 1907 the area has been under the control of the Conservator of Forests and no native occupation has taken place without his authority.

In view of the Land Commission's recommendation in favour of evacuation and the exhaustive efforts that have been made locally to find land acceptable to the Tigoni people, there seems no reason why approval of the Governor's plans should be withheld, and the Governor asked to return suitable replies to the petitioners.

There have been various Parliamentary questions on this subject and there is one for next Wednesday, the 25th. The papers have been sent forward with an interim reply. We must remember that the Secretary of State promised Major Milner in the House of Commons last December to let him have a copy of the Governor's report.

C.A. Crossmith
23/3/36.

This is an unsatisfactory despatch in various respects.

In the first place it starts off by referring to both the Tigoni and the Kithirioni problems; it ends with a recommendation as to the Tigoni; but the only indication that the

Kithirioni

Kithirioni problem is to be settled in the best possible way (i.e. by allowing the natives of that area to "stay put") is to be found in the middle of paragraph 4, and then only in a reference to a scheme which has since been modified. It is however clear that this remains a part of the final scheme now recommended. This is very satisfactory in that it achieves the consolidation of this isolated area with the rest of the reserve without the necessity of what would clearly have been a very troublesome removal.

In the second place the despatch dismisses somewhat summarily the memorials of December 1936 and January 1936.

On the whole however the general impression conveyed by this despatch is that the Government has been at considerable pains to meet the (admittedly legitimate) objections of the Tigoni natives to the earlier proposals for their alternative accommodation, and has at last succeeded in formulating a scheme which (granted the necessity for a removal) satisfies reasonable native opinion.

It is interesting to note that the two local members of the Land Commission have expressed their agreement with the proposals (all the more interesting in view of the recommendation, in paragraph 465 of their Report, that the Tigoni Exchange, alone of the exchanges recommended by them, should not be regarded as open to possible variation.).

I do not think that there need be any hesitation in approving these proposals, except that in reply to

with a supplementary P.Q. on the 19th Dec. (No. 16 on 38005/35 P.Q.) the S. J.F. promised to send a copy of the Gov's comments to Major Milner when received. Other Gov's have been asked, on this subject, by Mr. Pabing, & on the last occasion (No. 7 on 38005/36 P.Q.) I pointed out that it was his intention to send a copy to Major Milner & not to Mr. Pabing, or to either or both & not to other N.P.'s who may be interested.

I therefore suggested that if the Gov. of communicating the despatch to the Council again - consulted with Mr. Pabing & the S. J.F. should promise to place a copy in the H.C. Library. The point was not however raised.

A possible course might now be to place a copy of the despatch in the H.C. Library; then for the S. J.F. to inform Major Milner & Mr. Pabing that he has done so, that he has considered the despatch & is prepared to offer the proposal to the Gov's for consideration; but that he is deferring doing so for a few days in case they may wish to offer any observations, which he will be glad to consider.

J. P. Pabing
26/3

This is one of those cases which show how impossible it is to direct operations from here. We don't know the facts properly except on the information we get and it appears that even people like the Carter Commission and the Provincial Commissioner may be mistaken at first.

It appears that the land which the Land Commission recommended for the Tigoni was not, in fact, suitable and that any idea of getting more suitable land, (which would also have come out of a Forest Reserve) was opposed by the Forest Department in the interests of its trees. Mr. Hopkins, the District Commissioner, thought he had got an agreement to remove in April 1935 but in August Mr. Vidal, the Provincial Commissioner, went down and inspected it since the natives were not easy in their own mind. Mr. Vidal's letter ought to be read. He pointed out that the objection of the natives on the ground that the land was not adequately watered and infertile was justified, and advised that the area be looked into again. Eventually, the Forest Department agreed to release the alternative land and then, after receipt of Mr. Vidal's letter, the Governor called for a report from P.W.D. and Agricultural Officers, had the matter discussed at a meeting of all departments concerned and eventually decided to give some good land instead of the inferior land which was at first been offered. The Governor says he is satisfied that this represents a generous exchange and Captain Wilson and Mr. Hemsted have agreed. The area has been

examined

examined by the District Commissioner who went all over it with the Conservator of Forests, Chief Koinange and the Elders of the Tigoni. He says that in his opinion, the land is so good that he does not expect any further serious objections on the part of the Tigoni.

I think there is nothing for it but to accept this recommendation. The Governor says that the claim for compensation will be dealt with generously and we can try to pin them to that. The Kithirioni will be left alone and will have the advantage that their piece of ground, instead of being absolutely isolated, will now adjoin the Native Reserve as extended to make room for the people from Tigoni.

I think then that the Kithirioni let can be left out of further consideration since it is now not proposed to do anything with them.

As regards the memorials, the memorial of May 1935 is now out of date because it referred to the original proposal. As I have said above, there was a good deal of justification for it and it has been recognised by Government and remedied by the proposal now put forward.

The memorial of the 2nd January 1936, however, is subsequent to the decision in regard to the new area. That area would have been known to the people because the District Commissioner went all over it, as shown in his letter of the 5th November, but, as the Governor points out, it is a protest against an move and that is not a matter into which we can very well go now. It has been recognised for years that the only thing to do was to devise some way of moving the people out of this area; the Land Commission found that it was only left free for occupation by accident, and,

from the way the population has increased in it, it is quite evident that it is not natural increase that has accounted for the growth in numbers.

I think the only thing to do is to inform the Governor that the S. of S. agrees.

Say that he notes with much satisfaction that the grievances of the people were investigated fully and that it has been found possible to provide more suitable accommodation for them. Agree that compensation for cultivated land should be paid and paid as the Governor recommends on as generous a basis as possible.

With regard to sending a copy of the despatch to Major Milner, M.P., or putting it in the Library of the House, I think that neither course is altogether satisfactory. The despatch is not particularly understandable without some considerable explanation and what I suggest is that, if the Governor's proposal is now accepted, the S. of S. should send a letter to Major Milner setting out briefly what has happened, saying that the despatch is somewhat difficult to follow but he will let him see it if he likes; that Government, on finding that the area proposed by the Commission was not satisfactory to the people, has been to considerable pains to find more suitable ground which, according to the District Officer who took the Siders all over the new area, will be acceptable; and, in particular, draw attention to the fact that there is no question of removing people

people from land which they have occupied from time immemorial because, in point of fact, they were not in occupation of this land at any rate in 1904, and that it was left unalienated simply by accident.

J. S. 202
4-4-36

(See also the new Decision)

Sir J. Shackleton.

The basis ground for the transfer is that of 411 to the square mile then between the [unclear] [unclear]. The Commission recommended it as the best area and the land was selected - it was to be good land - works of it [unclear] [unclear] (1000 acres for 900 acres). [unclear] must be moved, for their own safety, from land which they have no ancestral rights, the fact that the land they occupy (being surrounded by European farmers) was a [unclear] full to Europeans, [unclear] [unclear] to conduct any [unclear] [unclear] business. The fact that the Commission [unclear] the transfer [unclear], [unclear], [unclear] [unclear] on that score.

As the flood progresses?

W.S. 4476

202
W. Boyd

The S. of S. will probably [unclear] with [unclear] [unclear]

Discuss this after Easter?

W.S.

9/4/36

LORD PLYMOUTH

9/21/36

Secretary of State

Mr. Flood

In confirmation of my
telephone conversation with you
would like to discuss this
at 10:30 on Monday
I have informed Sir C. Bottomley
P.W.M. 21/4

The S. of S. discussed this question with Sir Cecil Bottomley and myself on the 27th of April. It was explained to him that the Tigon area was not and could not be represented as ancestral lands and that the settlement now proposed by the Governor had the advantage over that originally suggested of providing a more compact area of better land, with a wider corridor between the two bits of Native Reserve and had the additional advantage of leaving the Kithirioni alone.

Mr. Thomas enquired whether there would be any difficulty in moving the natives,

with

with their flocks and herds, to the new area or in building huts for them. We said we were quite sure that, as in a recent similar case, Government would do all it could to help the move and provide transport if necessary and that hut-building was not a difficult or lengthy operation.

The S. of S. then said that he agreed to accept the Governor's proposals.

Draft despatch herewith. I have purposely made it a bit ~~shorter~~ & ~~propose~~ ~~included~~ ~~at~~ ~~a~~ ~~reference~~ ~~to~~ ~~the~~ ~~uncertainty~~ ~~of~~ ~~the~~ ~~original~~ ~~idea~~

W.S.

W.S.
29.4

W.S.
30.4

4 to Kenya 287 (3 answered) 2 MAY 1936

Action as per
X to the Hon. Secy
of 21/4

5 to Mr. Milne 12 May 36

W.S.

Transferred to 28000/11/36

Extract from Kenya Gazette of 14th 26th April.

8. Government 262 - 23 May, '36

General invites attention to full report made in No. 3

Further
If any reply to the Petitioners
Question of the 29th of April is
necessary, we can write to
them on the lines of the letter
to Major Milner (No. 5), but
we can wait for the Petition to
raise the matter again - pretty
A. J. ...
22/6/36

No. 628

Transferred to 38000/11/36

to Kenya Gazette

9. Minutes of Tigonu 13.6.36
copy of a petition addressed to the
Governor of Kenya asking for information
regarding the agreement

Their objections were dealt with
in para 9 of No. 3, where it was
pointed out that the land in question
is part of the land dealt with in the
final para. of Sec. 214 A of the
Mombasa Report. In the opinion of
the Commission there are no native
rights in this area such as are alleged
in this memorial.

This memorial is addressed to the Gov.
& no action is required on the part of
the Govt.

3 Feb 37

J. J. ...
12/7

Enquiries advised taken in Petitions from the Tigonu

I don't think this will altogether do at
the present, because Major Milner had a copy in
the House the other night, and was anxious to know
whether Mr. Ormsby Gore had had it. He said he
had not, and at the time did not know that the
thing had been received in the Office. It is,
of course, coming through the proper channel and,
of course, sending the advance copy is intended,
to some extent, to embarrass the Government, but
we must take some notice of it all the same. The
answer is, of course, that the people who claim
to be responsible for this letter cannot, in any
sense, be held to own the land of Tigonu, and we
have been carefully informed by the Governor in
paragraph 7 of No. 3 that the responsible people
have no objection to offer, and that the local
Native Council has approved of the exchange area.
Also, in his report of the 5th of November, the
District Commissioner stated that he had examined
the whole area with the Conservator of Forests,
Chief Koinange, Luka, and the Tigonu elders and
expected that there would be no further serious
objections. He had said, however, that it was
possible that letters and petitions would be sent,
but that Chief Koinange agreed that no further
claims need be admitted. This petition is, of
course, an attempt to claim something that cannot
be allowed in the hope of embarrassing everybody
and thereby getting something more than is justified
on the facts. It might be as well for the
Secretary of State to send a letter to Major Milner
as per draft herewith.

T.A.

11.4.36

Later Major Milner has now sent in his copy as he had re-modelled the draft. N O 5 is what Mr Thomas said.

J.L.O. 157.

W.S. 15-7-36

DESTROYED UNDER STATUTE 12
To Milner - 10 a/c. - 14.7.36
Milner - 10 a/c. - 20.7.36

To Kampu, 6/5 - 12 AUG 1936
(w/c's Harwood 9/7/36, Extract from 12. 4 no 5)

14. Deputy Governor No. 139. ----- 15.3.36.
No. 13 a/c; submits report as requested on the petition, and states that there appears to be no serious opposition by the Tigoní natives to the proposed removal.

The Governor does not answer specifically the questions raised in the first part of the petition (No. 9 on the File), but his report brings out the fact that the objections of the Tigoní natives are not so much to the land which has been selected for them, as to any movement at all.

The movement of the Tigoní people has already been sanctioned and there is nothing in the Petition or in the Governor's reply to render any alteration of the decision necessary or desirable.

The issue of the letters of indemnity to the Tigoní people against claims by Githaka holders in the Nyamweru area, should go a long way

way to remove the fears of the Tigoní people about moving. The time selected for the move and the arrangements made (see paragraph 7 of this despatch) are thoroughly reasonable.

The contents of the Governor's despatch may be communicated to Major Milner, reference No. 12, and the Governor may be asked to inform the Petitioners that His Majesty's Government has accepted the recommendation of the Kenya Land Commission that the natives now in occupation of Tigoní should be moved and that it has no intention of varying that decision. The Secretary of State is satisfied that the land selected for the future occupation of the Tigoní people is suitable and represents a generous sixth acre, and that he understands that this is the view of all except two of the Ibari Heads.

C.R. Ross

14. 10. 36.

The petition was addressed to the Gov, & not to the S. of A. & he appears to have dealt with it accordingly. There does not therefore appear to be any need to advise the Gov. to write my reply from the S. of A.

I am, as the undersigned, to send the substance of the Dep. of Major Milner; & (3) reply to the Gov, nothing will be published in arrangements made for the move, with full that the Tigoní will appear to be removed to it.

J.P. 14/2

P.T.P. as to Parker papers 11.10

In the letter to Major Milner
it said I think he used to
(at the moment)
remind him (as in the
previous letter) that the
Land Commission found
that these people have no
right to the land which they
occupy (& have overworked)

Weds. 17.10.36

to the ...
He says ...
to ...
to ...

15 to ... - ... - ...

To Kenya, 869 (14 answered) 28 OCT 1936

WINDY BAKER 1/10/36

Mr. Flood.

17 Would you please advise what the S. of S. might
reply to the attached letter from Mr. Creech Jones, M.P.
regarding the Tigon.

Will it be sufficient if he merely sends Mr.
Creech Jones a copy of the letter on the subject
of the Tigon petition which he sent a short time ago
to Major Milner, M.P.?

Amberkin

W. B. Baker
6/11/36

In addition to a copy of the S.P.S.
letter of the 23rd instant, a copy of
Mr. Thomas's letter to Major Milner
dated the 12th May, might be sent
to Mr. Creech Jones.

I submit draft
of ...
I have expanded in ...

W. B. Baker
9/11

you said the ...
11.10.36

Have expanded on the "enclosure"
point - see the map below no. 4.

Weds. 9.11.36.

18 to Creech Jones. (14 answered) 10 Nov 36

W. B. Baker

J. Crech Jones (s/o)

12.11.36

Act 18 and will try to obtain information in regard to point that land offered to Tigone is not surrounded by alienated land.

DESTROYED UNDER STATUTE

Set by
Ch. [unclear]
18/11/36.

J. P. [unclear]
18/11/36
at [unclear]

89-19

[Handwritten mark]

C. O.

Mr. Grossmith. 6.11.36. *And (19)*

Mr. Paskin. 9/11

Mr. Flood 9-11

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley 9-11

Sir J. Shuckburgh

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State

For the Secretary of State's signature.

Downing Street.

10th November, 1936.

Dear Creech Jones

Thank you for your letter of

the 5th of November regarding the
Tigoni natives. The proposals formoving these people from the area
which they have been occupying*referred to in letter*
(which) was recommended by the Kenya

Land Commission) have been carefully

considered by my predecessors and

myself, and I do not think that I

can do better than to send you the

enclosed copies of letters to

Major Milner in which the position

is fully explained. You will

see that the Government of Kenya, in

consultation with the responsible

of the tribe
elders, has been at great pains to

select

DRAFT.

A. CREECH-JONES, ESQ., M.P.

To Major Milner. 23.10.36.
(No. 15)To " " 12.5.36.
(No. 5)

FURTHER ACTION.

17 14

November 5th, 1936.

Rt. Hon. W. Ormsby Gore, M.P.
Colonial Office,
Downing Street, S.W.1.

RECEIVED
12 NOV 1936
C. O. REGY

Dear Mr. Ormsby Gore,

I have received the following complaint which I think you should see in case there is any substance in the views of the Tigoní inhabitants.

It is said that the Kenya Government are exchanging unsuitable land for their present land. The land offered, Nyanweru by name, belongs by right to six "mbaris" who, I understand, made a claim for it before the Kenya Land Commission. This land is surrounded by alienated land and, consequently, it is felt that difficulties with Europeans would be experienced as to where the transferred persons could live. The land offered is not suited to growing crops that are grown in Tigoní, and the inhabitants feel that their rights to Tigoní would be extinguished if they were to move. They claim that the assumption that Tigoní was uninhabited before 1904 is untrue because there can be no question of native rights.

In view of this complaint, I shall be glad if you will cause enquiries to be made because with the exception of one man who, it is said, has some material interest to serve, all the inhabitants have definitely and unreservedly refused to accept the transfer.

Yours faithfully,

Alfred Jones

Member for Shipley Division.

(17)

15
23 October, 1936.

Dear Sir,

I have now received the observations of the Governor of Kenya on the Petition submitted on behalf of the "Ten Mbaries who own the Tigon Land", about which I wrote to you on the 20th of July.

The Governor says that all except two of the Mbari heads accompanied the Conservator of Forests, the District Commissioner, Liambu district, and Chief Koinange when the new land was inspected in November 1935, and that all who visited the area agreed that it was suitable. The only two who were not present were Kahara Ikumo, who from the first said he did not want to go to the high country but would prefer a piece of land in the Hagaya Area, and John Mbugwa who was busy at his occupation of teaching in school. Luka Wangari the leading Elder in Tigon (who, by a Notice dated the 21st August, 1936, has been appointed Headman of Tigon and of the exchange area at Nyamseru) has informed the District

Commissioner

16

Commissioner, Kiambu, that the objection is not so much to the land that has been selected, as to any move to any other place whatsoever. In this connexion Sir Joseph Byrne invites particular attention to the fact that the Petition is only signed by one Mbari Head i.e. Kiyanjui Mukara.

On receipt of the Petition, the Chief Native Commissioner along with Mr. Filling, the Deputy Colonial Secretary, and the District Commissioner of Kiambu, attended a Baraza at Tigoni at which there was present a representative gathering of the people. It was explained to them that the Government, while realizing that they did not want to move, had approved the recommendations of the Land Commission for the evacuation of the Tigoni Area and that they must accept the announcement as final and move to the selected area. In this connection you will recollect that the Land Commission found that these people have not and never had any rights in the land which they occupy, having drifted into it over a period of years.

Accusations were made that Luka had been bribed by the Colonial Government to agree to the move, but the absurdity

absurdity of this was pointed out. Luka has undoubtedly assisted the Government of Kenya but the Governor points out that he has also greatly helped his people by objecting to the area first selected, so making it possible for them to obtain very much better land at Nyamweru. This land is one and a half times the area of Tigon (which was becoming overcrowded by further infiltration.) It has been inspected by Chief Koinange and representatives of every Githaka at Tigon and has been reported to be good.

In order to allay the fear that Sorobe claims might be advanced in the future against the land on which it is now proposed to settle the Tigon Natives, the Governor has arranged that each head of a Githaka shall be issued with an indemnity document and that when the move has been completed a note, supported by a plan, shall be inserted in the Political Year Book. I enclose a copy of the form of indemnity which it is proposed to issue. As the Nyamweru land has been Forest Reserve for many years, the Governor does not anticipate that any claims to it could be upheld in any Court of Law so that the liability in this respect is estimated to be nil.

18

A further Baraza with Tigonif Natives has been held by the Provincial Commissioner, Central Province, when detailed arrangements for the move were notified.

The meeting was well attended and orderly, and expression of opinions was restrained. It was again made clear that the decision to move them was irrevocable and the Governor says that the Elders were undoubtedly impressed with the fact that the Government will do everything possible to smooth the difficulty and mitigate any possible hardships of the move.

Assisted transport is to be provided and the arrangements now made will permit of the reaping of the crops to be planted at Tigonif during the October rains and the preparation of land at Nyanweru in readiness for the rains of April 1937. The Governor anticipates that the move will be completed by the 31st of March, 1937

Whilst there may be a natural reluctance on the part of the Natives who had occupied Tigonif to leave the area Sir Joseph Byrne is satisfied that there is not now any serious opposition to the proposed move and I share his view
that

that agitation on the part of a few individuals should not be allowed to outweigh the saner councils of such leaders as Koinange and Luka who have the large majority of the Tigonai Natives with them in their acquiescence to the special arrangements which have been made for their people.

The petition was addressed to the Governor, and as he appears to have dealt with it adequately and to have taken all reasonable steps to mitigate any hardships of the move, it does not now call for any action on my part.

Yours sincerely,

(Sgn) W. Ormsby Gore

INDEMNITY.

WHEREAS in accordance with the recommendations of the Kenya Land Commission contained in Section 398 of their Report it has been decided that the persons now in occupation of the area known at Tigoni in the Kyambu District (hereinafter referred to as "the said persons") should be moved into the area known at Nyanweru, the boundaries of the latter area being shown on a plan No. 1..... which plan has been signed by His Excellency the Governor and deposited in the office of the Survey and Registration Department at Nairobi.

AND WHEREAS upon the moving of the said persons from the Tigoni Area to Nyanweru it has been agreed that the Government should give to the said persons such indemnity against claims from any persons who may claim to be githaka owners or occupiers of the said Nyanweru Area as is hereinafter contained.

NOW THEREFORE I, Sidney Herbert La Fontaine, the Provincial Commissioner of the Central Province, for and on behalf of the Government of the Colony and Protectorate of Kenya, in pursuance of the said agreement and in consideration of the said persons being moved from the said Tigoni Area to the said Nyanweru Area, hereby covenant with the said persons and their lawful successors that the said Government will at all times hereafter indemnify and keep indemnified the said persons and their lawful successors against all distresses, actions, proceedings,

proceedings, claims, and demands, costs, damages, and expenses whatsoever which may be levied brought or made against such persons in respect of the said Nyamweru Area by any persons who may claim to be githaka owners or occupiers of such Nyamweru Area.

DATED this day of
1936.

PROVINCIAL COMMISSIONER,
CENTRAL PROVINCE.

To

.....

(Name of Githaka Owner)

3000/1/20.

92
92

ESKIAL
NO. 1189

RECEIVED
SOUTH
C. O. FRBY

for sig. by the S. of S.

2 Drafts

M: Paskin 20/4.
M: Flood 20
Sir C. Cottonley 21.10
Sir J. Nathan
S. W. Woly 26.10

15 September, 1936.
23 Oct. 1936

Dear Milner,

I have ^{now received the} ~~the honour to refer to your~~
Despatch No. 315 of the 18th. of August, 1936,
^{of the Governor of Kenya}
~~in which you ask for my observations on the~~
Petition submitted on behalf of the "Ten Mbaris
who own the Tironi Land", about which I wrote ^{to}
you on the 20th of July.

(12)
The Governor says that

Major J. Milner.
N.C., T.D., N.P.

2-2-36-1-1
(CP)

All except two of the Mbari heads
accompanied the Conservator of Forests, the
District Commissioner, ^{District} Kiambu, and Chief Koinange
when the ^{land} ~~land~~ was inspected ^{in November 1935} and ^{A that} all who visited
the area agreed that it was suitable. The only
two who were not present were Kahara Ikumo, who
from the first said he did not want to go ^{to the} the
high country but would prefer a piece of land
in the Maguga Area, and John Mbugwa who was busy
at his occupation of teaching in school. Luka
Vandana, the leading Elder in Tironi (who, by a
Notice dated the 21st. August, 1936, has been
appointed ~~Chief~~ Headman of Tironi and the
exchange area ^(Yanwari)) has informed the District
Commissioner, Kiambu, that the objection is not
so much to the land that has been selected, as to
any move to any other place ^{whatsoever}. In this connexion
^{S. Joseph Byrne writes}
~~I would draw your particular attention to the fact~~
that the Petition is only signed by one Mbari

.....head

THE RIGHT HONOURABLE
W.G.A. ORMSBY-GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.1

1-2
Head - Kinyanjui Mukara.

On receipt of the Petition, the Chief Native Commissioner ^{along} with Mr. Pilling, ^{the} Deputy Colonial Secretary, and the District Commissioner of Kisumu, attended a Baraza at Tigononi at which there was present a representative gathering of ^{the people} Tigononi. It was explained to the ^{them} people that the Government, while realizing that they did not want to move, had approved the recommendations of the Land Commission for the evacuation of the Tigononi Area and that they must accept the announcement as final and move to the selected area. In this

Accusations were made that Luka had been bribed by ^{the Colonial} Government to agree to the move, but the absurdity of this was pointed out. Luka has undoubtedly assisted ^{of Kenya} the Government, but the ^{points out that he} ~~Government~~ has also greatly helped his people by objecting to the area first selected, ~~and~~ so making it possible for them to obtain very much better land at Nyamwera. This land is one and a half times the area of Tigononi, ^{it} and has been inspected by Chief Koinange and representatives of every Githaka at Tigononi and has been reported to be good.

In order to allay the fear that Dorobo claims might be advanced in the future against the land on which it is now proposed to settle the Tigononi Natives, ^{the Governor has} I have arranged that each Head of a Githaka shall be issued with an indemnity document and that when the move has been completed a note, supported by a plan, shall be inserted in the Political Year Book. ^{enclose a} A copy of the form o

connection you will recall that the Land Commission found that these people have not had any land rights in the area they occupy, ~~and~~ ^{has} ~~been~~ ^{been} ~~deprived~~ ^{deprived} of it over a period of years.

(which was becoming overcrowded) by further infiltration

which it is proposed to issue
 indemnity forms as enclosures to this despatch.
 As the Nyasweru land has been Forest Reserve
 for many years, ^{the Governor} ~~it~~ does not ^{that} anticipate any claims
 to it could be upheld in ^{any} Court of Law so that
 the liability in this respect is estimated to
 be nil.

By A further Baraza with Tigonzi Natives
 has been held by the Provincial Commissioner,
 Central Province, when detailed arrangements
 for the move were notified.

The Governor says that

The meeting was well attended and orderly,
 and expression of opinions was restrained. It
 was again made clear that ^{the} Government's decision
 was irrevocable and the ^{the} Tiders were undoubtedly
 impressed with the fact that ^{the} Government will do
 everything possible to smooth the difficulty
 and mitigate any possible hardships of the move.

Assisted transport is to be provided
 and the arrangements now made will permit of the
 reaping of the crops to be planted at Tigonzi
 during the October rains and the preparation of
 land at Nyasweru in readiness for the rains of
 April 1957. ^{The Governor} ~~it~~ anticipates that the move will
 be completed by the 31st. of March, 1957.

Whilst there may be a natural reluctance
 on the part of the ^{who had occupied Tigonzi} Tigonzi Natives to leave the
 area which they have come to regard as their
 home, ^{the Governor says that} there is not, in my opinion, any serious
 opposition to the proposed move and I do not think
 that agitation on the part of a few ^{not be allowed to} individuals
 should outweigh the saner counsels
 of such leaders as Koinange and Luka who have

large majority of the Tigon Natives with them in their acquiescence to the ^{official} arrangements which have been made for their people.

I have the honour to be,

Sir,

Your most obedient, humble servant,

GOVERNOR'S DEPUTY.

The petition was addressed to the Governor, and as he appears to have dealt with it adequately and to have taken all reasonable steps to mitigate ^{any} the hardships of the war, it does not call for any action on my part.

(Sgd) W. Ormsby Gore

I N D E M N I T Y .

WHEREAS in accordance with the recommendations of the Kenya Land Commission contained in Section 598 of their Report it has been decided that the persons now in occupation of the area known as Tigonl in the Kyambu District (hereinafter referred to as "the said persons") should be moved into the area known as Wamweru, the boundaries of the latter area being shown on a plan No. which plan has been signed by His Excellency the Governor and deposited in the office of the Survey and Registration Department at Nairobi.

AND WHEREAS upon the moving of the said persons from the Tigonl Area to Wamweru it has been agreed that the Government should give to the said persons such indemnity against claims from any persons who may claim to be withaka owners or occupants of the said Wamweru Area as is hereinafter contained.

AND NOW THEREFORE I, Sidney Herbert La Fontaine, the Provincial Commissioner of the Central Province, for and on behalf of the Government of the Colony and Protectorate of Kenya, in pursuance of the said agreement and in consideration of the said persons being moved from the said Tigonl Area to the said Wamweru Area, hereby covenant with the said persons and their lawful successors that the said

Government will at all times hereafter indemnify and keep indemnified the said persons and their lawful successors against all distresses, actions, proceedings, claims, and demands, costs, damages, and expenses whatsoever which may be levied brought or made against such persons in respect of the said Nyaswanu Area by any persons who may claim to be Githaka owners or occupiers of such Nyaswanu Area.

DATED this.....day of.....
1936.

PROVINCIAL COMMISSIONER,
CENTRAL PROVINCE.

To,

.....
(Every Githaka Owner).

1428



KENYA.

GOVERNMENT HOUSE,
NAIROBI,
KENYA

No. 489

REC
12 OCT 1936
C. O. REGY

15 September, 1936.

Sir,

I have the honour to refer to your Despatch No. 615 of the 12th. of August, 1936, in which you ask for my observations on the Petition submitted on behalf of the "Ten Mbaries who own the Tigoni Land".

2. All except two of the Mbari heads accompanied the Conservator of Forests, the District Commissioner, Kiambu, and Chief Koinange when the land was inspected and all who visited the area agreed that it was suitable. The only two who were not present were Kahara Ikumo, who from the first said he did not want to go the the high country but would prefer a piece of land in the Maguga Area, and John Mbugwa who was busy at his occupation of teaching in school. Luka Wanganga, the leading Elder in Tigoni, who, by a Notice dated the 21st. August, 1936, has been appointed Official Headman of Tigoni and the exchange area Nyamweru, has informed the District Commissioner, Kiambu, that the objection is not so much to the land that has been selected, as to any move to any other place. In this connexion I would draw your particular attention to the fact that the Petition is only signed by one Mbari.

.....Head -

THE RIGHT HONOURABLE
W.G.A ORMSBY-GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON. S.W.1

Amended (6)

38005/3
(13)

Head - Kinyanjui Mukara.

3. On receipt of the Petition, the Chief Native Commissioner with Mr. Pilling, Deputy Colonial Secretary, and the District Commissioner, Kiambu, attended a Baraza at Tigoni at which there was present a representative gathering of Tigoni. It was explained to the people that Government, while realizing that they did not want to move, had approved the recommendations of the Land Commission for the evacuation of the Tigoni Area and that they must accept the announcement as final and move to the selected area.

4. Accusations were made that Luka had been bribed by Government to agree to the move but the absurdity of this was pointed out. Luka has undoubtedly assisted this Government but he has also greatly helped his people by objecting to the area first selected and so making it possible for them to obtain very much better land at Nyanweru. This land is one and a half times the area of Tigoni and has been inspected by Chief Koinange and representatives of every Githaka at Tigoni and has been reported to be good.

5. In order to allay the fear that Dorobo claims might be advanced in the future against the land on which it is now proposed to settle the Tigoni Natives, I have arranged that each Head of a Githaka shall be issued with an indemnity document and that when the move has been completed a note, supported by a plan, shall be inserted in the Political Year Book. A copy of the form of
.....indemnity

indemnity forms an enclosure to this Despatch. As the Nyamweru land has been Forest Reserve for many years, I do not anticipate any claims to it could be upheld in a Court of Law so that the liability in this respect is estimated to be nil.

6. A further Baraza with Tigoni Natives has been held by the Provincial Commissioner, Central Province, when detailed arrangements for the move were notified.

The meeting was well attended and orderly, and expression of opinions was restrained. It was again made clear that Government's decision was irrevocable and the Elders were undoubtedly impressed with the fact that Government will do everything possible to smooth the difficulty and mitigate any possible hardships of the move.

7. Assisted transport is to be provided and the arrangements now made will permit of the reaping of the crops to be planted at Tigoni during the October rains and the preparation of land at Nyamweru in readiness for the rains of April 1957. I anticipate that the move will be completed by the 31st. of March, 1957.

Whilst there may be a natural reluctance on the part of the Tigoni Natives to leave the area which they have come to regard as their home, there is not, in my opinion, any serious opposition to the proposed move and I do not think that agitation on the part of a few malcontents should outweigh the saner councils of such leaders as Koinange and Luka who have

.....the

large majority of the Tignon Natives with them in their acquiescence to the arrangements which have been made for their people.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A. W. Coad

GOVERNOR'S DEPUTY.

I N D E M N I T Y.

WHEREAS in accordance with the recommendations of the Kenya Land Commission contained in Section 398 of their Report it has been decided that the persons now in occupation of the area known as Tigoni in the Kyambu District (hereinafter referred to as "the said persons") should be moved into the area known as Nyamweru, the boundaries of the latter area being shown on a plan No. which plan has been signed by His Excellency the Governor and deposited in the office of the Survey and Registration Department at Nairobi.

AND WHEREAS upon the moving of the said persons from the Tigoni Area to Nyamweru it has been agreed that the Government should give to the said persons such indemnity against claims from any persons who may claim to be githaka owners or occupiers of the said Nyamweru Area as is hereinafter contained.

NOW THEREFORE I, Sidney Herbert La Fontaine, the Provincial Commissioner of the Central Province, for and on behalf of the Government of the Colony and Protectorate of Kenya, in pursuance of the said agreement and in consideration of the said persons being moved from the said Tigoni Area to the said Nyamweru Area, hereby covenant with the said persons and their lawful successors that the said

Government will at all times hereafter indemnify and keep indemnified the said persons and their lawful successors against all distresses, actions, proceedings, claims, and demands, costs, damages, and expenses whatsoever which may be levied brought or made against such persons in respect of the said Nyanweru Area by any persons who may claim to be githaka owners or occupiers of such Nyanweru Area.

DATED this.....day of.....
1936.

PROVINCIAL COMMISSIONER,
CENTRAL PROVINCE .

To.

.....

(Every Githaka Owner).

C. O.

Mr. Grossmith. 4 8.36.

Mr. *Parkin* 4 8.36.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permu. U.S. of S.

Parly. U.S. of S.

Secretary of State.

38005/7/36.



Downing Street.

12 August, 1936.

Downing

Sir,

I have etc. to refer to

my predecessor's despatch No. 287 of the 2nd of May regarding the proposed removal of the natives of Tigoni and Kithirioni, and to inform you that

I have now received a copy of a petition dated the 3rd of June which was addressed to you ^{on behalf of the} by the "Ten Mbaries who own the land of Tigoni".

2. You will observe from the accompanying copy of Hansard (pages 1472-1473) that this petition was mentioned in the debate in the House of Commons on the 9th of ^{July} May, and in this connection I enclose for your information an extract from my

subsequent

DRAFT.

ENYA.
6/15
VERNOR.

Hansard 9th July 1936.
20 July 1936 (No. 12)
Extract []
Raja Nilam p. 12 (No. 5)

FURTHER ACTION.

subsequent communication to Major Milner,

together with
M.P. *a copy of an earlier letter*
submitted to him by Mr. Parkinson.

3. You will no doubt furnish me
with your observations on the petition
in question in due course.

I have, etc.

(Signed) W. ORMSBY GORE

G. O.

36005/7/36

Mr. Flood. 14.7

DOWNING STREET.

Mr.

20th July, 1936.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

X Sir C. Bottomley. 15.7

Sir J. Shuckburgh.

Permt. U.S. of S.

Party. U.S. of S.

X Secretary of State.

Dear Milner

Thank you for your

letter of the 13th. As I told you

in the House on Thursday, I had not

then seen a copy of the *from Tignor*

petition, but I have now received

one, which, from the date of it, was

evidently sent by air mail. It is

an advance copy and there has not

been time for the Governor to consult

his advisers and give me his opinion.

I return your ~~copy~~ *copy* herewith, as *you*

requested. I cannot, however,

do anything until the Governor

reports to me, but I will let him

know that I have received a further

petition so that the matter may not,

by any chance, be overlooked, though

DRAFT.

MAJOR J. MILNER, M.C., T.D., ~~and~~,
M.P.

FURTHER ACTION.

to info. [unclear]

W. Ormsby Gore

Extract to Kenya

I do not think there is much risk of that.

The position as we know it in the Office was fully set out in Mr. Thomas' letter to you of the 12th of May, which was sent after he had given his approval to what ~~we~~^{everyone} thought was an agreed settlement of the whole dispute.

The District Commissioner of Kiangou reported that he had gone over the whole area in company with the Conservator of Forests, Chief Keinanga, Luke, and the Tigoni elders and that he did not expect any serious objections from the people who were to be moved.

The local Native Council, a month later (December last), approved the exchange area. On this the Governor advised and my predecessor approved that the settlement should be adopted.

The petitioners appear to be people who object to any move, but in view of the

C. O.

Mr.

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Permt. U.S. of S.

Permt. U.S. of S.

Secretary of State.

DRAFT.

FURTHER ACTION.

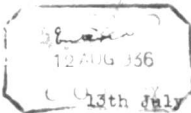
it exhaustively and found that the natives had no real claim to the area on which they now are, I do not think the objection is really ^{of much weight} ~~serious~~ ^{substantial} though it will have to be considered.

To turn now to the other point raised in your letter of July 15th, I find that

(which would have been on paper ~~etc~~)

Yours sincerely

W. Crawley Gore



Dear Ormsby Gore,

You will recollect that in the Colonial Office Debate I mentioned I had a copy of a Petition or representation indicating that the Tigonis deny any agreement to accept certain land offered as compensation for the land of which they have been dispossessed, and I understood you to say you had not received any such document. I therefore enclose the copy in my possession which perhaps you will kindly return after perusal.

It is curious that the matter has not been brought to your attention by the Governor. In any event I sincerely hope you will satisfy yourself on the matter.

Would you also kindly let me know what happened to a second petition presented to the Petitions Committee by, I think, Miss Rathbone, on behalf of the Gold Coast Aborigines' Protectionist Society. Mr Thomas sent me a copy of a letter in which he had intimated his decision as to the first petition, but I cannot find what happened to the second one.

Yours sincerely,

Rt Hon W. Ormsby Gore M.P.
Colonial Office,
Downing Street,
London S.W. 1.

38005/7/36

To,
HIS EXCELLENCE, THE GOVERNOR OF KENYA,
GOVERNMENT HOUSE, NAIROBI,
THRO' THE DISTRICT COMMISSIONER, KIAMBU.
" THE PROVINCE COMMISSIONER, NYERI.
" THE CHIEF NATIVE COMMISSIONER, NAIROBI.

LIMURU TIGONI
1974, JUNE 1936.
P.O. BOX NO. 34,
LIMURU KENYA.

and a Copy to the Senior Chief Koinange
S/o Mbin Kiambu.

REC

SIR,

We the Ten Mbarics who own the Land of Tigoni, have the honour to write you once more in order to remind you our letter we wrote to the Secretary of State(Late) dated 31.12.1935 concerning our refusal against the exchanging of the Tigoni Land with that of Nyanwero, moreover we hope you, too; got a copy of the letter. We ask you therefore to put the following points into your consideration.

(1) We understand that the Home Government has been informed by the Kenya Government that the Natives of Tigoni have agreed the Land of Nyanwero as being compensation of their own Land(Tigoni), and that they (the Natives) are quite prepared to leave Tigoni for Nyanwero. It was also added that these Native's occupations have been compensated. Then what really we wish to know from the Government is these:-

(a) When did this agreement take place?

(b) Who were the Natives that made the agreement, since the Natives of the Tigoni Land refused both the compensation of their Land, and removing from it?

(2) Our letter of 20th.12/1935 to the P.C. of the Central province clearly shows clearly that we know nothing of this agreement. Moreover the compensation of the Land was refused by every Tigoni Inhabitants, (Landholders). In addition to this every body that inhabits the Land of Tigoni stands for his own "Githaka" and not for another Man's Githaka; it is not the Natives custom to exchange the Land with another Land (the same thing for a Girl) and as so, unless Mwikuyu buys a Land from Mwathi (Ndorobe) and its Boundaries be Marked by Lilies(itokas) we could hardly stands on his side if any case occurs.

(3) So far we know that Land of Nyamwerō is belongs to the following "Mbaries":-

- 1. Mbari ya Ndinguri
- 2. Mbari ya Gikaba
- 3. Mbari ya Wakahihia
- 4. Mbari ya Wathi-Naira
- 5. Mbari ya Magara
- 6. Mbari ya Mukuha etc.

These different Mbaries have warned us beforehand not to receive their Land, though we are given by the Government; as it has given nothing by the Government to those mentioned Mbaries for their Land.

(4) We are certain that if we take this Land of Nyamwerō for ours, our Children will infuture be troubled by the old owners of the "Githaka" with frequent causes, for the simple reason that these old owners had bought the Land from the (Mdorobos) while the former did not buy it.

The following are the Mbaries to whom the Land of Igioni belongs:-

- 1. Luka Wanganga
- 2. Chege s/o Gathu
- 3. Philip Mugwira
- 4. Stanislas Kinyanjui
- 5. Kahara s/o Ikumu
- 6. Nganga s/o Githan
- 7. John Mbugwa
- 8. Kariokis/okuchua
- 9. Ndirangu s/o Thua
- 10. Kinyanjui s/o Mukura

May we ask the Kenya Government how many of the above mentioned leaders of the Ten Mbaries were present when the said agreement was reached? As we are not aware of such an agreement !!!

We are now ending here with every hope that the Kenya Government and the Home Government, should sympathize with those poor people rather than adding their troubles, if at least the British Government has mercy on her subjects. (see in the Kenya Land Commission Report Chapter VI. Sections 217 Note 3).

Hoping to receive your favourable reply at your earliest convenience.

We beg to remain

Sir,

Your-s Obdient Servants.

M. K. S. Nyong'o Karito
Wachira Nibatha

.....
.....
.....

C. O.

For the Secretary of State's signature.

Mr. Groesmith.

6/17X

Mr. Paskin

7/10

Mr. Hood 7

Sir C. Parkinson.

Sir G. Tomlinson.

X Sir C. Balfour 8/10

Sir J. Sturges

do not write 2/0 8/5 V

Perms. U.S. of S.

Party, U.S. of S.

Secretary of State.

See No 16
1936 P.S. file

DRAFT.

MAJOR J. MEYER, M.C., T.D., LL.B.,
M.P.

Copy to Kenya (13)

Downing Street,

18th May, 1936.

Dear Mr. Meyer,

In reply to your question in the House on the 19th December last regarding the recommendation of the Kenya Land Commission for the removal of the natives of the ~~territory~~ ^{on the Territory} ~~territory~~, I said that I was awaiting the Governor's comments and recommendations. I have now received them. The Governor's despatch is somewhat difficult to follow without considerable explanation because it also deals with the Commission's recommendations as regards the removal of the Kithirioni natives (Section 399 ^{of the Land Commission Report}) and the proposed addition of 1522 acres to the Aikuyu Native Reserve in the Batani river area

FURTHER ACTION.

Sections 402, 461 and 463). ^{Islands, of course, have} ~~There is no~~
^{if you wish} objection to your seeing the despatch, but

perhaps it would be more satisfactory to you
if I set out briefly the position as regards
the removal of the Tigoni natives.

In Section 398 of their Report the
Commission advised that the natives now in
occupation of Tigoni be ordered to quit and be
accommodated and compensated in the manner
suggested in Section 395. In accordance with
that recommendation, an area of Forest Reserve

was surveyed with the intention that it should
^{made for their accommodation, as an addition to the}
become available ^{as} Native Lands. The area

proposed by the Commission was not satisfactory
^{Tigoni} to the people and the Kenya Govt. has been at
considerable pains to find more suitable ground.
^{This they have now succeeded in doing, and}
where, according to the District Officer who

^{Tigoni} took the Elders all over the new area, ^{they are} will be
^{quite satisfied with it.}
acceptable. I am assured by the Governor that

the new area will represent a generous exchange,
^{given on assurance that the Govt. for disturbance}
and he has agreed to ~~accept~~ compensation ^{no}
^{will be assessed as} generously as possible.

- C. O.
- Mr.
- Mr.
- Mr.
- Sir C. Parkinson.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

DRAFT.

I am satisfied that the
reasons given by the Land
Commission, for their
recommendation that these
people should be moved, are
sound; and, that the
Govt. of Kenya has succeeded
in finding an alternative
area which is acceptable to
the Local Native Council.

FURTHER ACTION.

~~There is no~~ ³⁸⁸⁻³⁹¹ ~~of the Report of the Land~~
~~Commission that the Tigonis people~~
~~should be regarded as having~~
~~any~~ I must state quite firmly
that the area from which it is proposed
to remove the Tigoni people was not and
could not be represented as ancestral
land. There is therefore no question
of moving people from land which they
have occupied from time immemorial.
In point of fact they were not in
occupation of this land in 1904. The
fact that it has ^{not} been alienated is
simply an accident.

~~In all the circumstances I~~
~~approved the proposals for their~~
~~have agreed to the removal of the~~
~~Tigoni natives to the alternative area~~
~~approved by the Local Native Council.~~
~~Therefore~~
I would only add that I have asked that
the people be assisted in every possible
way, when the time comes, by the
provision of transport where necessary
and such other help as may be proper.

I may add that,
apart from its intrinsic

suitability, as regards area, fertility & water, the new area is so situated that it will greatly simplify the administration of the native reserve; & as regards the people themselves, will afford them opportunities for expansion which they could not possibly have enjoyed in their cramped, isolated "islands" of land that they have hitherto occupied.

Yours sincerely

G. O.

Mr. Flood. 29/4

Mr.

Mr.

Sir C. Parkinson.

Sir G. Tomlinson.

X Sir C. Balmfley. 29

Sir J. Shackleton.

+ Perm. U.S. of S. 30/4 70

Partly, U.S. of S.

Secretary of State.

O.D.
H 30 APR
B

DOWNING STREET.

April, 1906.

2 MAY 1906

934

Sir,

DRAFT Despatch.

(3)

KENYA

NO. 287

GOVERNOR.

I have the honour to acknowledge the receipt of your despatch No.65 of the 3rd of February, on the subject of the proposed removal of the natives of Tigoni and Kithirioni. I note with satisfaction that you have been able to select a ^{more suitable} ~~small~~ land which is considered suitable for the Tigoni and represents a generous exchange, and that your proposals have received the assent of Captain Wilson and Mr. Hemsted. It appears from the fourth paragraph of your despatch and from an examination of the plan that ^{the proposed} the proposed settlement will leave the Kithirioni natives undisturbed, which is certainly an advantage, while

FURTHER ACTION.

it will also provide a more convenient corridor between the two parts of the Kiambu Native Reserves. I also note from the plan that the area which will be added to the Native Reserve now amounts to 1,418 acres, which provides rather more than 11 acres for every acre of the Tigoní plot as recommended by the Land Commission.

2. From Mr. Hopkins's letter of the 5th of November, it appears that the land has now been examined by Chief Koinange, Luka and the Tigoní elders, and that it will provide a satisfactory settlement in their opinion. I also note that the exchange has been approved by the local Native Council.

3. Having regard to these circumstances and to the other considerations put forward in your despatch, I am of opinion that the Commission's recommendation for the evacuation of Tigoní should be

accepted

G. O.

Mr.

Mr.

Mr.

Sir G. Parkinson.

Sir G. Tomlinson.

Sir C. Bottomley.

Sir J. Shuckburgh.

Perms. U.S. of S.

Perly. U.S. of S.

Secretary of State.

DRAFT.

FURTHER ACTION.

^{that} accepted and the alternative plan now submitted affords a reasonable basis for a settlement of this question. I am glad to observe that you propose to assess compensation as generously as possible, and I trust that the move of the inhabitants will also be assisted in every possible way, when the time comes, by provision of transport where necessary and such other ^{help} assistance as may be proper.

4. I must, however, express some ~~little~~ ^{little} uneasiness at finding that the original proposal was so unsatisfactory as it in fact appears to have been, with the result that the objections ^{originally} put forward by the Tigoní ^{people} natives

appear to have been thoroughly justified. In particular, I have been impressed by the terms of the letter from Mr. Vidal, dated the 12th of August, which apparently for the first time brought it to notice that the area ^{originally}

originally proposed was inadequately watered and infertile, and I further regret to see that apparently some attempt was made by the Forest Department to ~~obstruct~~ ^{hinder} the ~~setting apart~~ ^{provision} of suitable land for the purpose in question.

5 With regard to the two petitions enclosed in your despatch, that dated the 27th of May is I think ~~as~~ satisfactorily disposed of by the provision of the alternative land to which I have now given my approval, while in regard to that dated the 2nd of January I agree with your view that as the matter was exhaustively examined by the Kenya Land Commission it should now be regarded as settled.

I have, etc.

(Signed) J. H. THOMAS

CHAPTER X.

EXCHANGES, ADJUSTMENTS AND SPECIAL CASES.

Exchanges and Adjustments.

380. There are some exchanges and adjustments which have been suggested in order to satisfy a claim of right, and there are others which rest on a basis of convenience or economic advantage. While a logical arrangement might require that we should deal in this place only with the former class and reserve the latter to be reviewed in the economic sections of the report, it is not easy in practice to keep the issues separate, and we therefore propose to include them all in the scope of this chapter. We shall first take the proposal known as the Tigoni Exchange.

381. When the Limuru farms were alienated, the area now known as Tigoni (L.O. No. 160) comprising 945 acres, remained as an island of unalienated Crown land in the middle of the farm area.

(1) The Tigoni Exchange.

382. It is evident from the records that its reservation from alienation had nothing to do with any question of native rights, but was due to an oversight.

383. In 1916, Mr. G. A. S. Northcote, then District Commissioner, Kiambu, proposed that Tigoni be made a township and since then it has been generally known as Tigoni Township Reserve.

384. In 1925 Mr. W. F. G. Campbell, District Commissioner, Kiambu, proposed to move the natives, who were by this time residing at Tigoni in very considerable numbers without specific authorization.

385. The Provincial Commissioner, Mr. C. M. Dobbs, raised the question of native rights, and in December of the same year Major H. W. Gray, who had succeeded Mr. Campbell as District Commissioner, proposed that the matter should be settled by compensating the *githaka* owners.

386. In 1926 the Chief Native Commissioner claimed the area for the native reserve, but the Commissioner of Lands opposed the application on the ground that it was not geographically connected with it.

387. In June, 1930, the Secretary of State referred to Tigoni in a despatch to the Governor, and expressed the opinion that it should be held for "native requirements, compensation or other."

388. We are satisfied from the evidence that about the year 1904 the land was almost uninhabited. There appears to have been a small village or possibly only one hut near where the

KIKUYU PROVINCE

PART I—CHAPTER X]

EXCHANGES, ADJUSTMENTS, ETC.

Police Station is now and a few other huts dotted about in the neighbourhood, but few or none of them were within the boundaries of the area in question.

389. In later years, as they gradually realized that this little island had been left apparently forgotten in the middle of the farm area, natives began to filter into it from homes which they had occupied on the farms before they were alienated, and also from the reserve. By 1923, according to the Hut Tax Census, they had reached the number of 812 persons; and by 1932 this figure had been almost doubled and there were 607 persons on the land, a density of 411 to the square mile.

390. The native evidence represents that there were ten *ithaka* on the land, all bought from a Dorobo named Kimunyi. A son of this Kimunyi appeared before Mr. Lydekker, District Officer, in 1921, and admitted the sale. While we are not impressed by the statements as to the tale of coats paid over, it appears probable, in view of all the evidence, that the Kikuyu had been engaged for a good number of years before the famine in the process of replacing the Dorobo on the land, and in this case it would appear that the process had not been completed when the famine occurred.

391. It appears from evidence given to Mr. Lydekker that a son of the Dorobo "whence" and one other Dorobo still had *ithaka* of their own on Tigoni in 1921.

392. The most probable conclusion is that the Kikuyu had already acquired some rights in the land before the famine, but the amount of bush which admittedly covered the land in 1904 shows that the occupation can never have been very effective. When the famine occurred they left the area and did not return to it in any considerable numbers until after the surrounding farms had been alienated. This is our finding on the facts.

393. The expediency of allowing these natives to remain on this island in the middle of the Lunyu farm area has been challenged not only by the European settlers of the neighbourhood but also by successive District Commissioners at Kiambu, who have recommended that in the interests of the natives themselves it would be far better for the reserve to be consolidated. In June, 1930, the District Commissioner wrote as follows on the subject of the Administrative difficulties which are occasioned by outlying fragmented portions of the native reserve—

"I do not think it is necessary to labour the point that such islands are most prejudicial to the efficient administration of the district. It is a district in which tribal control has become weakened by the individualism of some of the younger generation and the District Commissioner has the

KIKUYU PROVINCE

PART I—CHAPTER X]

EXCHANGES, ADJUSTMENTS, ETC.

complicated task of deciding when it is necessary that the traditional authority should be maintained and when upon occasion it must be let down gently.

"It is necessary to have an efficient system of divisions and locations under reliable chiefs who must be in close touch both with the District Commissioner and with their own people.

"A second point in the firm administration of the district is that Government orders must be strictly enforced. But this becomes difficult when the orders operate harshly. Whenever these "islanders" move out of their island without a registration certificate they are liable to arrest."

394. With these views we agree. His general proposal was that the Tigoni land should be surrendered in exchange for a block of forest land so situated as to join the Lari Native Reserve with the main reserve, and to eliminate the "islands" by a single exchange. The Conservator of Forests has agreed to this proposal with certain minor modifications.

395. The basis of exchange proposed was—

- 14 acres for every acre
- Compensation for ordinary land but in the form of exemption from one year's tax on the hut.
- Compensation for a better-class hut or house to be a cash compensation *ad valorem*.
- Compensation for planted trees (i.e., gums and wattles) at a cash valuation.
- Each *githaka* holder on the land surrendered to be allowed to choose whether he will take his substituted *githaka* in the northern extension block, which is of high altitude, or in the other blocks, which are lower, but not to be allowed to choose the precise locality which should be at the discretion of the District Commissioner and the local Land Board.
- Compensation for wire fencing, if any, at a cash valuation.
- Sufficient tith to be allowed for the move to be conducted without hardship or inconvenience.

396. We are satisfied from the records that every care was taken in putting these proposals before the natives. No less than three *barotras* were held, the first two to explore the position and the last to ascertain the opinion of the natives upon the proposals. We are satisfied that the natives fully understood their nature and details, and the representatives of six out of the ten *ithaka* agreed. The agreement of one of the six, however, was contingent upon a piece of land being found for him in the forest reserve near

KIKUYU PROVINCE

PART I—CHAPTER X

EXCHANGES, ADJUSTMENTS, ETC.

Hedman Mukoma's, and not in the block suggested: a concession which the District Commissioner undertook to recommend in his case.

397. We consider it to be a fact that the *githika* holders have now for the most part withdrawn their agreement, but we ascribe this principally to the extravagant hopes which the appointment of the Commission has raised.

398. After considering the evidence and the representations made from all quarters, we believe it to be to the advantage of the natives and the reserve as a whole that they should be ordered to quit Tigoni and be accommodated and compensated in the manner suggested above.

399. Kithirioni is an island of native reserve of seventy acres surrounded by the Lari Forest Reserve. We are satisfied that it is in the best interests of the inhabitants that they should be moved from their isolated position and be consolidated with the rest of the reserve: conditions in regard to compensation being the same as for Tigoni. This could be done by moving them about three-quarters of a mile north of their present home into an area adjacent to the Lari Native Reserve.

400. The position of these natives differs from that of Tigoni in that their land is native reserve, and they cannot be moved unless the Lands Trust Ordinance is amended. But in a later part of this report we shall make proposals for an amendment whereby advantageous exchanges would be possible, subject to the consent of the Local Native Council and the Lands Trust Board.

401. The total compensatory area required for Tigoni and Kithirioni at an allowance of an acre and a half for an acre would be 1,522 acres. This has to be added to the area of the general compensatory addition.

402. We, therefore, recommend that 1,522 acres be added to the reserve in the Hathi River area, so as to form a corridor between the Lari Reserve and the main reserve in the position shown on the sketch map opposite page 24 of the printed evidence. This would have the effect of consolidating the reserve. The natives moved from Tigoni and Kithirioni should be offered first choice of occupying the land, but if they prefer to take their compensation in one of the other compensatory blocks which we shall recommend to be added to the reserve, we do not think that they should be precluded from doing so, and we note that some of them have expressed a preference for Muguga.

403. The White Sisters obtained a lease in 1912 of certain land containing an area over which the natives claim rights. Part of the western boundary adjoining the reserve was never beaconed

CHAPTER XI.

RECOMMENDATIONS FOR THE SETTLEMENT OF THE KIKUYU CLAIMS UNDER THE 3RD, 4TH AND 5TH TERMS OF REFERENCE.

460. The result of our summary in Chapter VI was to show that altogether 2664 square miles of territory have been given by Government to the Kikuyu and 1043 square miles have been taken away, an apparent gain of 1621 square miles to the Kikuyu. But after taking into account the comparative values of the land given and taken, we found that the value of what has been taken from the Kikuyu is greater than what has been given to them by a figure which we assessed as 19,520 acres of good agricultural land (*vide* section 225). But in our review of special cases in Chapter X we have found that there are 3,000 acres of this land for which no compensation need be paid because the land is devoted to services on behalf of the Kikuyu. The balance of land we recommend to be added to the reserve in exchange for land lost is, therefore, 16,520 acres.

461. But this amount must be increased by 2,000 acres so be reckoned as a general compensation for disturbance; a further 1,000 acres in connexion with the admission to the reserve of certain Dorobo now resident in the Forest Reserve; and, if the conditions proposed for the Tigoni and Kithirioni exchanges are accepted, a further 1,522 acres to provide for them.

462. On these figures the total in favour of the Kikuyu becomes 21,042 acres. But in a calculation of this kind it is not possible to be exactly accurate, and we consider that it is better to name a round figure and call it 21,000 acres, and we recommend that this amount of land be added to the Kikuyu Native Reserve. This is exclusive of certain other areas which are already in native occupation and have been reckoned by us throughout this calculation, as explained in the notes and table in Chapter VI, to be already part of the Native Reserve, although their formal addition has not yet been concluded by gazettelement. They are—

Mwea: 205 sq. miles (addition approved by His Excellency the Governor in Council).

L.O. 4480: 0.69 sq. miles.

L.O. 388/1: 0.62 sq. miles.

A summary of our recommendations may now be given:—
463. We recommend: (i) that the Mwea area, L.O. 4480 and L.O. 388/1, comprising in all some 132,088 acres, be added to the Native Reserve; (ii) that a further area or further areas of a total

The Acreage recommended to be added.

Kithirioni
Exchange

Extent of
land required
and required
Compensation
for Tigoni
and Kithirioni

L.O. 6008,
the White
Sisters.

Recommendation of the Settlement of the Kikuyu Claims of Right.

KIKUYU PROVINCE

PART I—CHAPTER X)

EXCHANGES, ADJUSTMENTS, ETC.

Headman Mukoma's, and not in the black suggested—a concession which the District Commissioner undertook to recommend in his case.

397. We consider it to be a fact that the *githaka* holders have now for the most part withdrawn their agreement, but we ascribe this principally to the extravagant hopes which the appointment of the Commission has raised.

398. After considering the evidence and the representations made from all quarters, we believe it to be to the advantage of these natives and the reserve as a whole that they should be ordered to quit Tigoni and be accommodated and compensated in the manner suggested above.

399. Kithirioni is an island of native reserve of seventy acres surrounded by the Lari Forest Reserve. We are satisfied that it is in the best interests of the inhabitants that they should be moved from their isolated position and be consolidated with the rest of the reserve, conditions in regard to compensation being the same as for Tigoni. This could be done by moving them about three-quarters of a mile north of their present home into an area adjacent to the Lari Native Reserve.

400. The position of these natives differs from that of Tigoni in that their land is native reserve, and they cannot be moved unless the Lands Trust Ordinance is amended. But in a later part of this report we shall make proposals for an amendment whereby advantageous exchanges would be possible subject to the consent of the Local Native Council and the Lands Trust Board.

401. The total compensatory area required for Tigoni and Kithirioni at an allowance of an acre and a half for an acre would be 1,522 acres. This has to be added to the area of the general compensatory addition.

402. We, therefore, recommend that 1,522 acres be added to the reserve in the Bathi River area, so as to form a corridor between the Lari Reserve and the main reserve in the position shown on the sketch map opposite page 24 of the printed evidence. This would have the effect of consolidating the reserve. The natives moved from Tigoni and Kithirioni should be offered first choice of occupying the land, but if they prefer to take their compensation in one of the other compensatory blocks which we shall recommend to be added to the reserve, we do not think that they should be precluded from doing so, and we note that some of them have expressed a preference for Muguga.

403. The White Sisters obtained a lease in 1912 of certain land containing an area over which the natives claim rights. Part of the western boundary adjoining the reserve was never beaconed

CHAPTER XI

RECOMMENDATIONS FOR THE SETTLEMENT OF THE KIKUYU CLAIMS UNDER THE 3RD, 4TH AND 5TH TERMS OF REFERENCE.

460. The result of our summary in Chapter VI was to show that altogether 264 square miles of territory have been given by Government to the Kikuyu and 10½ square miles have been taken away, an apparent gain of 156 square miles to the Kikuyu. But after taking into account the comparative values of the land given and taken, we found that the value of what has been taken from the Kikuyu is greater than what has been given to them by a figure which we assessed as 19,529 acres of good agricultural land (vide section 225). But in our review of special cases in Chapter X we have found that there are 3,000 acres of this land for which no compensation need be paid because the land is devoted to services on behalf of the Kikuyu. The balance of land we recommend to be added to the reserve in exchange for land lost is, therefore, 16,529 acres.

461. But this amount must be increased by 2,000 acres to be reckoned as a general compensation for disturbance; a further 1,000 acres in connexion with the admission to the reserve of certain Borobo now resident in the Forest Reserve; and, if the conditions proposed for the Tigoni and Kithirioni exchanges are accepted, a further 1,522 acres to provide for them.

462. On these figures the total in favour of the Kikuyu becomes 21,042 acres. But in a calculation of this kind it is not possible to be exactly accurate, and we consider that it is better to name a round figure and call it 21,000 acres, and we recommend that this amount of land be added to the Kikuyu Native Reserve. This is exclusive of certain other areas which are already in native occupation and have been reckoned by us through out this calculation, as explained in the notes and table in Chapter VI, to be already part of the Native Reserve, although their formal addition has not yet been concluded by gazettelement. They are—

Mwea: 205 sq. miles (addition approved by His Excellency the Governor in Council)

L.O. 4450: 0.60 sq. miles.

L.O. 3881: 0.62 sq. miles.

A summary of our recommendations may now be given:—

463. We recommend: (i) that the Mwea area, L.O. 4450 and L.O. 3881, comprising in all some 132,088 acres, be added to the Native Reserve; (ii) that a further area or further areas of a total

The Acreage recommended to be added

Recommendation for the settlement of the Kikuyu Claims of Right

Kithirioni Exchange

Extent of Land required in Compensation for Tigoni and Kithirioni

L.O. 6006, the White Sisters

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PART I—CHAPTER XI

SETTLEMENT OF THE CLAIMS OF RIGHT

extent of 21,000 acres contiguous to the Native Reserve be added to it, the said total being comprised as under:—

	Acres
Item: Compensation for land lost to the tribe	16,520
Item: General compensation for disturbance	2,000
Item: In connexion with the admission of certain Doro to the Reserve	1,000
Item: In exchange for Tigoni	1,417
Item: In exchange for Kithironi	105
	—
Less 42 acres discounted in section 452 above	42
	—
	21,000

(iii) That Kithironi cease to be a part of the reserve and become Forest Reserve, subject to the particular recommendations made in sections 400 and 402 above; (iv) that Tigoni cease to be subject to native rights and be unalienated Crown land at the disposal of Government subject to recommendations made in section 395 above; (v) that a sum of £2,000 should be paid to the Local Native Councils of Kiambu, Fort Hall and Nyeri, in such proportions as Government after inquiry may consider just, to be used by them for compensating Kikuyu natives who are still living outside their reserve under a valid claim of right under section 86 of the Crown Lands Ordinance, 1915, or under sections 30 and 31 of the Crown Lands Ordinance, 1902 or by prescriptive right; (vi) That in consideration of the compensation recommended above both in the form of land and cash, all rights claimed by the Kikuyu tribe or by any clan, group, family or individual of the tribe in respect of land outside the Kikuyu Native Reserve, as it shall stand enlarged as a result of our recommendations, shall be extinguished, except for such rights, if any, as may be secured upon title.

464 To this recommendation, which deals only with the settlement of existing rights and claims, we shall subsequently add another in which we propose a further reservation of land to the tribe on economic grounds. This will be at a later stage in our Report after examining the economic requirements of the people. But the above recommendation is our finding regarding the settlement of existing disputes and claims.

465 We consider that it will be of advantage if we make some suggestion as to where the 21,000 acres are to be found. But we do not wish to preclude the consideration of alternatives. We ourselves shall not examine them, but it should not be regarded as in any way inconsistent with the general implementing

KIKUYU PROVINCE

PART I—CHAPTER XI

SETTLEMENT OF THE CLAIMS OF RIGHT

of our Report if Government should select areas other than precisely those which we shall propose. We have only two qualifications to make: (i) we recommend strongly that the areas proposed for the Tigoni exchange should be accepted, because any alternatives would lead to a re-opening of a discussion which has already been excessively prolonged; (ii) in several cases the land which we propose for addition to the reserve is already to a considerable degree in the occupation of natives who have rights. Items 9, 15, 16 and 18 below are instances. If these lands are not among the areas selected, the disturbance of natives will be the greater, and the figure of £2,000 set down as compensation for disturbance would need to be augmented.

466 We suggest that the 21,000 acres be comprised of the items set down in the table below. The reasons for selecting these particular areas will be given in the sections immediately following it.



RECEIVED 3 FEBRUARY, 1936.
24 FEB 1936
C. O. HEGY

TABLE SHOWING PROPOSALS FOR FINDING 21,000 ACRES TO BE ADDED TO THE KIKUYU NATIVE RESERVE

District	Locality	Description of boundary	Present status of the land	Area in Acres	Total forest in District	Remarks
NILEKI	1 Nyeri Hill	As surveyed	Forest	770		See section 463.
	2 In the Mount Kenya Forest Reserve, the tongue of forest near Chief Murgu's village	See Appendix No. 5	do.	1,125		
	3 In the Mount Kenya Forest Reserve between Sagani and Karani Plains	do.	do.	500		
	4 In the Mount Kenya Forest Reserve: the Naitokohi Hill area	do.	do.	2,000		
	5 In the Aberdares: the Cikira area	do.	do.	500	4,896	
FORT HALL	6 In the Aberdares: forest area in the Tusu Division	do.	do.	1,750		
	7 Part of L.O. 328/R Sabas Sabas Limited	See Appendix No. 5	Allocated Crown land	1,000		
	8 L.O. 1927 and L.O. 1958 near Sabas Sabas Station	As surveyed	Unalienated Crown land	493		Exchange or Purchase recommended.
	9 L.O. 4941 formerly known as Paul Clarke's farm	do.	do.	669	4,329	
			Carried forward		9,217	

Checked (H)

Sir,

I have the honour to refer to your despatch No. 978 of the 5rd December, 1935, regarding the recommendations of the Kenya Land Commission on the removal of the natives of Tigoni and Kithirioni.

2. In Section 398 of their Report the Commission advised that the natives now in occupation of Tigoni be ordered to quit and be accommodated and compensated in the manner suggested in Section 395.

In Section 399 the Commission recommended that the Kithirioni natives should be moved from their land in the Kikuyu Native Reserve in which they now live and have lived for some considerable number of years. It was, however, noted in Section 400 that this move could not be effected until the Native Lands Trust Ordinance, 1950, had been amended.

Finally in Section 402 the Commission recommended that 1522 acres were to be added to the Reserve in the Bathi River area so as to form a corridor between the Lari Reserve and the main reserve, in the position shown on the sketch map opposite page 24 of the printed evidence. The matter is alluded to again in sections 461 and 465.

5. Steps were taken in accordance with these recommendations and two areas of Forest Reserve were surveyed with the intention that they should cease to

be ...

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

be Forest Reserve and should become available as Native Lands. Representations were, however, made by the local Administrative Officers who reported that the Tigoni natives were very strongly opposed to being accommodated in two blocks of land and desired to be together in one block; and, moreover, that the Kithirioni natives would only move from their present reserve under pressure and that little advantage was to be gained by moving them if an alternative piece of Forest Reserve could be released.

4. The matter was, therefore, discussed with the Acting Conservator of Forests who expressed his willingness to release alternative land in exchange for a portion of Area "A" which had the advantages of meeting the wishes of the Tigoni people to be accommodated together, of furnishing a more commodious corridor between the two parts of the Kiambu Native Reserve, and of leaving the Kithirioni natives undisturbed. I enclose a copy of a letter from the District Commissioner, Kiambu, dated 10th April, 1935, Ref. No. LND.2/2.II, from which you will observe that the alternative proposal was more acceptable to the natives concerned than the plan proposed by the Commission.

5. Before I was able to submit the proposal for your consideration it became apparent that the attitude of the local natives had on re-consideration changed and that portions of the alternative areas would be quite unacceptable. In explanation of this frame of mind a copy of a letter dated 12th August, 1935, from the Acting Provincial Commissioner, Central Province, is attached (Ref. No. LND.17/1/74.IV)

be Forest Reserve and should become available as Native Lands. Representations were, however, made by the local Administrative Officers who reported that the Tigoni natives were very strongly opposed to being accommodated in two blocks of land and desired to be together in one block; and, moreover, that the Kithirioni natives would only move from their present reserve under pressure and that little advantage was to be gained by moving them if an alternative piece of Forest Reserve could be released.

4. The matter was, therefore, discussed with the Acting Conservator of Forests who expressed his willingness to release alternative land in exchange for a portion of Area "A" which had the advantages of meeting the wishes of the Tigoni people to be accommodated together, of furnishing a more commodious corridor between the two parts of the Kiambu Native Reserve, and of leaving the Kithirioni natives undisturbed. I enclose a copy of a letter from the District Commissioner, Kiambu, dated 10th April, 1935, Ref.No.LND.2/2.II, from which you will observe that the alternative proposal was more acceptable to the natives concerned than the plan proposed by the Commission.

5. Before I was able to submit the proposal for your consideration it became apparent that the attitude of the local natives had on re-consideration changed and that portions of the alternative areas would be quite unacceptable. In explanation of this frame of mind a copy of a letter dated 12th August, 1935, from the Acting Provincial Commissioner, Central Province, is attached (Ref. No.LND.17/1/74.IV)

In ...

In consequence of these representations I instructed that Public Works Department and Agricultural Officers should inspect and report upon the areas proposed for the Tigoni exchange. The reports showed that although the water supply was adequate the eastern part of the land, viz: Blocks "A" and "B" and part of the Corridor "C" consisted for the greater part of poor land capable of supporting only a very small population. The report on the western end of Corridor "C" and the area connecting this corridor with the Kithirioni Reserve was very favourable and stated that these lands were suited to the production of potatoes, peas, vegetables, wattle and maize (to a lesser degree), and that they compared favourably with the fertility of the soils in the Tigoni Area.

6. On receipt of these reports I called a meeting which was attended by the Colonial Secretary, the Chief Native Commissioner, the Commissioner for Local Government, Lands and Settlement, the Acting Conservator of Forests, the Acting Provincial Commissioner, Central Province, and the District Commissioner, Kiambu, for the discussion of the problem, and decided that, subject to your concurrence, in the interests of an amicable settlement a piece of forest to the west of the block previously selected must be made available in place of some of the inferior land on the eastern side.

This land has now been selected. It is shown, together with the Commission's proposals, on the attached plan, and I am satisfied that the revised scheme represents a generous exchange for the Tigoni residents.

Capt. ...

Capt. F.O'B. Wilson and Mr. Hemsted have been consulted and have expressed their agreement with these proposals.

7. As regards the attitude of the natives concerned, a copy of a report dated 5th November, 1935, from the District Commissioner, Kiambu, (Ref. No. LND.2/2.II) is attached, showing that the responsible people of Tigoni have no objection to offer to the new proposals. The Local Native Council at a meeting held on the 11th and 12th December, 1935, have also approved of the exchange area.

8. I must now refer to the Memorial dated the 27th May, 1935, addressed to you by four natives, which is transmitted with this despatch. Luka Wanganga is a member of the Kiambu Local Native Council, and was amongst those who agreed to the first alternative proposal when this was discussed with the Local Native Council by the District Commissioner, Kiambu. The second and third signatories are teachers at a Roman Catholic Mission at the opposite side of the district: they have interests at Tigoni and are apprehensive that they may not be adequately compensated. The last signatory is one of the Githaka holders on Tigoni.

9. I would also refer to the letter dated 2nd January, 1936, from the Vice President of the Kikuyu Central Association enclosing a further petition from inhabitants of Tigoni signed by 5 people who claim to represent the Tigoni Land Holders, and other documents.

This letter was referred to in your despatch No. 33 of the 18th January, 1936, and is now returned. The main theme of this correspondence is a general objection to removing from Tigoni and accepting any other land in exchange. As this matter was exhaustively

examined by the Kenya Land Commission I do not propose to comment upon their general recommendation as embodied in Section 398 of the Report.

Reference is made in paragraph 7 of the letter dated the 20th December, 1935, addressed to the Provincial Commissioner by "The Owners of Tisoni Land" to the claim by other natives to ownership of the land which is now being offered in exchange. It was to this complication that the District Commissioner, Kiambu, referred in paragraphs 6 and 7 of his letter of the 5th November, 1935. The Commission enquired very closely into all claims on behalf of Kikuyu family groups in an endeavour to re-establish the boundaries of Kikuyu occupation as it existed at the commencement of European Settlement. The particular area now under consideration is within the Forest Reserve on the slopes of the Aberdares and is referred to in the final paragraph of Section 214A of the Report. The second plan opposite page 78 of the Report shows that in the considered opinion of the Commission this land was not in 1907 in the occupation of Kikuyu. Since that date the area has been under the control of the Conservator of Forests and no native occupation has taken place without his authority.

10. After reviewing the whole situation I do not consider that the Commission's recommendation for the evacuation of Tisoni should be rejected.

As regards the point made that compensation should be paid for land which has been cleared and brought into cultivation, the District Commissioner has intimated that he is including provision for compensation on this account ...

account in the assessment which will be submitted to Government in due course. The claim appears to me to be reasonable. The whole assessment of compensation will be considered carefully and it may be accepted that it will be dealt with as generously as possible.

11. I regard it as of importance that the removal should be effected as soon as possible and I should be grateful for your early approval of the alternative plan proposed in this despatch.

I have the honour to be,

Sir,

Your most obedient, humble servant,

J. G. J.
BRIGADIER-GENERAL.
GOVERNOR.

Office of the District Commissioner,

K I A M B U.

10th April, 1955.

The Hon. Provincial Commissioner,
Central Province,
Nyeri.

LAND COMMISSION REPORT.
Tigoni and Kithirioni Exchanges.

Reference the Acting Conservator of Forests' letter No. 47/20/124 of the 22nd March - copy attached.

2. Proposal No. 5 in this letter is the one which I wished to see put through and I beg to report that negotiations have now been brought to the following stage:-

(1) The Acting Conservator of Forests and I visited the area in question and have come to agreement on the matter. He does not wish to press the proposal put forward in the last paragraph of his letter as I consider that it would probably wreck the whole arrangement.

(2) I have discussed the proposal with the Hon. the Commissioner for Local Government, Lands and Settlement and he informs me that he has no objections to raise provided the Acting Conservator of Forests and I agree and the Kiambu Local Native Council approve of our arrangements.

(3) I have gone over the ground with the Kiambu Local Native Council. While opposing the Land Commission recommendations for the Tigoni and Kithirioni exchanges they have expressed their unanimous approval of the new proposal.

(4) I have been over the ground with the natives of Tigoni and Kithirioni and both these groups are in favour of the proposals.

5. The Local Native Council inform me that they are

strongly ...

strongly opposed to the recommendations of the Land Commission in this matter and the excision of Kithirioni from the Reserve would have to be forced through in face of their opposition.

4. The Kithirioni natives state that they will not move off their land unless they are forced to and are prepared to do all they can to avoid doing so.

5. The Tigonl natives state that they dislike the idea of being moved to two separate blocks and wish to be all together.

6. They have in fact agreed (together with the Local Native Council) to accept the 1358 acres (approx.) in my proposal No. 5 in Exchange for Tigonl. This leaves a balance of 80 acres to come to the reserve in the Northern block which was set aside for Tigonl.

7. In this land I hope to be able to accommodate a large part of the Dorobo which have to come to the Reserve from the Kijabe Forest. The problem of accommodating these people in a suitable area is going to be very difficult without the help of this 80 acres.

8. As all parties concerned appear to agree to this new proposal I shall be grateful if I may be given permission at once to carry on with arrangements for the move of the natives from Tigonl to the area now proposed.

J. Gerald Hopkins.
DISTRICT COMMISSIONER.

Copy to :- The Hon. Commissioner for Local Govt., etc.

The Hon. Chief Native Commissioner.

The Ag. Conservator of Forests.

The Hon. Colonial Secretary,

Nairobi

I beg to report that on my recent visit to the area I inspected the area of forest land which has been recommended by the Land Commission should be given to the Tigoni natives in exchange for the Tigoni Townsland Reserve, and I also granted an interview to the Tigoni natives.

2. It has been suggested recently that the Land Commission's recommendations should be varied in order that the Tigoni natives may be given one block of land to live on, instead of two, and that the Tigoni natives should be allowed to remain on their present hereditary reserves.

3. I frankly admit that this variation has been put forward as an infinitely preferable alternative to the two areas recommended by the Land Commission and it has also been suggested that the Tigoni natives might be willing to accept the rounded area with some degree of willingness.

4. After my interview with the Tigoni natives I am never entirely convinced that they will ever agree to take up a large proportion of the area recommended on the grounds that it is inadequately watered, that the soil is extremely infertile and that it will be difficult to undertake the very heavy work of clearing the thickly afforested land without the loss of existing crops from it.

5. The feeling of the Tigoní natives against being forced to leave up this alleged infertile and inadequately watered area is so intense that I consider it my duty, even at this late stage, to recommend that an exhaustive survey of the water facilities and of the quality of the soil be made, by the Government Departments qualified to do so, before it is finally decided that the Tigoní natives must be moved there against their wishes.

6. I feel strongly that Government must be satisfied by expert opinion that the area, to which the Tigoní natives are to be moved, is suitable, otherwise it may be forced to revise its decision due to the passive resistance of the Tigoní natives to occupy such area.

I do not consider that views put forward by officers of the Administration and the Forest Department are quite adequate in the circumstances.

7. It is contended by the Tigoní natives that, as long ago as 1927, when the first negotiations for their removal from Tigoní were initiated, the basis of such negotiations was that an area could be found for them which the natives would accept and which had equivalent fertility and water facilities to the Tigoní Territory, and that, now, the Government, owing to the Commission's recommendations, has entirely departed from that basis.

This contention is supported by past letters in the files of which I append extracts.

From the Chief Native Commissioner, Mr. E. Maxwell to the Colonial Secretary - letter No. 103/3/1/4/48 of November 19th, 1927. Para. 3 - "If it is the desire of Government that the Tigoní area should be cleared of natives, the only course open would be to find a piece of land which the natives would accept in exchange" etc.

From the Senior Commissioner, Mr. R. H. Hamsted to the C.M.C. letter No. 14/3/28 of January 12th 1928 copy of the whole letter is attached for ready reference.

8. From my own personal knowledge of the negotiations in this matter from 1928 to 1930, when I was District Commissioner at Kiambu, and from subsequent letters in the files, I am under the clear impression that the only area to which the majority of the Figoni natives (vide section 39 of the Land Commission's report) ever have agreed to cede, is between the Kitambuyu and Bussa rivers.

9. Such area in practicality no way conforms to the areas as recommended by the Land Commission.

10. I have however reasons to think that the Figoni natives, at the present juncture, would agree to an area south of the Nyamvera river and adjoining the northern boundary of the area as recently suggested and would gladly relinquish an equivalent acreage of forest in the eastern portion of the recently suggested area.

11. Finally I would state that it is my considered opinion that no satisfactory solution to this problem can be evolved until the Government Forest Department realises that there may be weightier considerations, in the eyes of Government, than the loss of a 1,000 acres of good forest and of the possible, but not conclusively probable, drying up of sources of rivers.

12. I attach map showing the areas in question and on which the naming of the rivers may not be correct but can be verified by the Survey Department.

Provincial Commissioner
Central Province.

Copy to: The Hon. Commissioner for Local Government, Land and Settlement, Nairobi.
The District Commissioner, Nairobi.

The Hon. Chief Native Commissioner,
Nairobi.

Kiambu District - Tigoni Area
Ref. your No.A.10/3/1/8/55 of the 23/1/27.

I most strongly deprecate the attitude of the Acting Conservator of Forests that a course which may be suggested by Government is impossible, and his contentions are not supported in the report of the District Officer, Bagoretti.

The plain fact is that if some two hundred native families are to be dispossessed of their homes, which must be found for them, and if Government considers that the only solution is to be found in the Forest area, then the Administrative and Forest Departments must ascertain and overcome the existing difficulties.

2. The difficulties which the Acting Conservator of Forests sees do not appear to me to be insuperable. It be possible for the Kiambu Local Native Council to purchase the plantations and give compensation for the preparation done on the land; it may be possible to move the Saw Mill; it may be possible to let the Forest Station remain as such.

Nor is it a foregone conclusion that the occupation by natives would destroy the value of the area for water catchment purposes.

3. In any event I suggest for your consideration that further enquiries be made and that the Acting Conservator of Forests be required to visit the area with the District Commissioner, Kiambu, or myself in order to examine and discuss the proposal.

4. If no area is available for the natives in question, the only alternative would appear to be to include the Township Reserve in the Native Reserve, and perhaps have it fenced and the cattle branded in order to mitigate the risk of spreading disease.

Sd. R.W. ^{acted}
Senior Commissioner
Kikuyu Province.

Copy to the District Commissioner, Kiambu.
for information.

FOREST RESERVE.

23

25

25

29

30

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35

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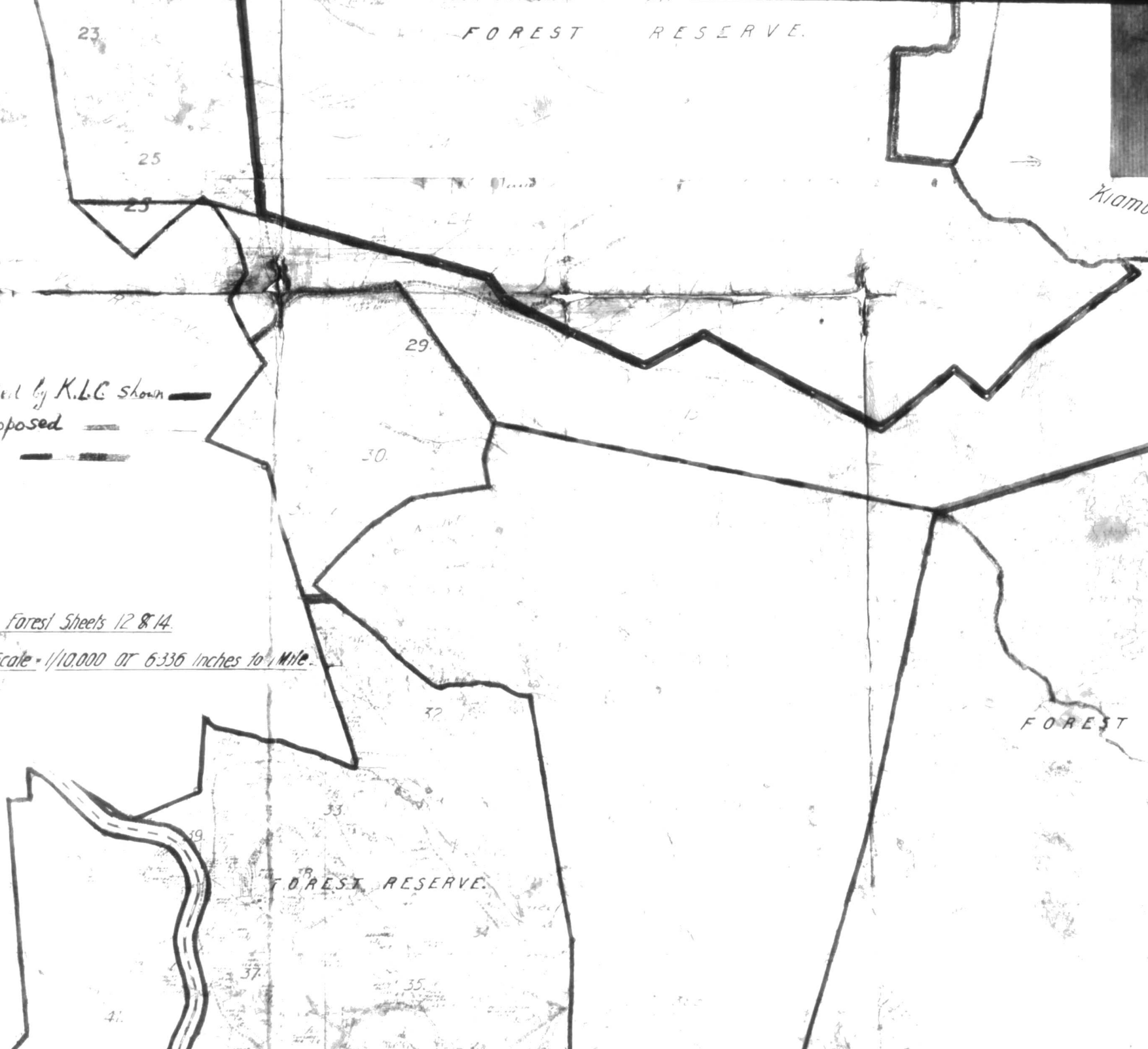
Kiamu

FOREST

Boundary recommended by K.L.C. shown ———
 Boundary now proposed ———
 Common Boundary ———

Parts of Kikuyu Escarpment Forest Sheets 12 & 14.

Scale = 1/10,000 or 6.336 inches to 1 mile.



Office of the District Commissioner,
K I A M B U.
5th November, 1935.

The Hon. Provincial Commissioner,
Central Province.

N Y E R I.

TIGONI EXCHANGE AREA.

Your No. LMD. 17/6/35 II of the 23rd October 1935.

I beg to report that on the 4th instant, I examined, carefully, the whole of the new proposed Tigoni Exchange Area in company with the Conservator of Forests, Chief Koinange, Luka and the Tigoni elders.

2. After walking over the whole block and examining it thoroughly I am left with the opinion that it is a very fertile piece of land with ample water which is well distributed.

3. As the Conservator of Forests refused entirely to make provision for the 115 acres required for the Nairobi Water Works Exchange, this new Tigoni Exchange area will include the corridor necessary to join up the Uplands location with the rest of the Githunguri Division. The rest of the land is so good, however, that if the actual survey follows approximately the line which the Conservator of Forests pointed out yesterday, I do not anticipate any further serious objections from the natives of Tigoni.

4. As much of the area is under young plantation or cleared and newly planted with crops by Forest Department squatters the Tigoni natives should be able to take it over before next rains and produce sufficient food for themselves the following season without any difficulty at all.

5. I have asked the Conservator of Forests to have the survey completed as soon as possible, and to warn Forest Department squatters that they will be put elsewhere in the forest as soon as the crops now in the ground have been reaped.

I will inspect the survey line as soon as it is completed.

6. I would like to bring to your notice the fact that I was met yesterday near Kithirioni by about 100 or more natives who stated that the land which it is now proposed to give to the Tigoni natives was claimed by them. I explained that neither Government nor the Land Commission admitted any claims to this land and that it was proposed to give it to the Tigoni natives in Exchange for the area they are now occupying.

7. It seems likely that some of these people will send letters and petitions* to you, the Chief Native Commissioner, etc. and Chief Koinange agrees with me that, if this should happen, they should be told firmly and finally that no claims to this Forest Department land can be considered and that we are not even willing to discuss the matter with them.

Glenn H. ...

DISTRICT COMMISSIONER.

JGH/G.

* Some writing this letter the part of their communication has arrived in the form of a telegram to Koinange & myself & our ...
 and!

By 12. 6/2/21

64

CATHOLIC MISSION
P.O. LIMURU
KENYA COLONY.

27th. May 1935.

THE RIGHT HON. THE SECRETARY OF STATE FOR THE COLONIES
THRO? H.E. THE ACTING GOVERNOR OF KENYA COLONY
NAIROBI.

COPY TO C.N.C NAIROBI.

" " P.C. NYERI.

" " D.C. KIAMBU

" " CH. R. BUXTON & ERSKINE HELL GOLDEN GREEN LONDON.

" " D.LUNAN M.P. HOUSE OF COMMONS LONDON.

" " CANNON BURNS Arch. MLC LIMURU

K " KIKUYU LOYAL PATRIOTS (PRESIDENT) KIAMBU.

" " CENTRAL ASS. KIKUYU P.O.Box 59.Nairobi.

Sir/ We Tigoni ~~mapia~~ people to the Kenya Govt. As well as the Home Government, because of our land of Tigoni.

- (1) We wish to make a certain whether it is British rule that they Britons can exchange land with another, when the owners do not want the exchange? Then if that is so, we are ready for the exchange though fear since others around us have lost theirs, but to express it fully we have no desire of the exchange.
- (11) What we want to say in connection with the exchange of our land, is (a) that above all we wish to express our grievances. We are displeased the Diagram ~~ix~~ in the Evidence page 24, because you can also see that it looks like a nice road connecting the two Locations of Headman Nganga and Headman Rimongi & Headman Gathingo. This is so because the Forester Lari has been troubling people of the three locations named above when they pass from the small reserve surrounded by the forest. so our "Githaka" is regarded as for connecting link of the two reserves.
That our desire or it is the desire of the Forest Officer or the Government?
If you refer to that quoted diagram you will see that, that diagram serves that purpose and no other,
- (111) We do earnestly and certainly express that purpose because are being taken from Tigoni for the simple reason that we ~~xx~~ are in the middle of the Europeans farms, and no other to our knowledge. Our question ~~ix~~ to the Government is. which of the two lands Tigoni and that other, is in bad position and that will always cause disturbance and heavy expenses to us we Tigoni people?

2/ All of which will emerge from the two sides that that the Forest Department.

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- The "Githaka" shown on that named diagram is very unfruitful, it is only part (c) that belong to Githirioni people which is fertile part (b), the eastern side on the same diagram is very fertile land that grow nothing edible even trees on it are "Buthiro" "Mukuhakaha" which a good sign in Kikuyu land that shows the unfertility of soil; part (a) is the same and have all part (B) has ~~practically~~ practically no water.
- b/ Although we have said above that we exchange our land with another we beg that we may be allowed to choose as it is said in the K.L.C. Report page 117 section 395 (B) any land that we like, without any interference from the D.C. or L.L. Board.
- c/ Again we pray that this map be not thought of or considered deeply, because its drawer is one with the knowledge how to weak a tribe as ours be diminished, in many ways, through heavy expenses.
- d/ We wish to mention that from "Tigoni to Githirioni" is ~~is~~ 10 miles and the land that we prefer on the same side as of the one promised by the Land Commission is by the side of river Bathi page 118 section 402 in the report, a portion of Kinari which is about 16 miles from Tigoni, and it is between the Government Forest and the Native Reserve under Headman Ngeanga

If we have to be forced to leave Tigoni, the distance from the land we are promised to the by bathi river is miles $1\frac{1}{2}$ so it is appears to us as a disturbance regarding what we see shown

- 3/ When we refer to the evidence page 23 para. 40-3 as if we had said that we should be given one acre for $1\frac{1}{2}$ acres we did not say so, it was the wish D.C. because we wanted to be given three times of tigoni. If refer to the evidence page 132 the evidence given by Luka Wanganga he expressed how we are against leaving Tigoni, but we were told that if we refuse to leave Tigoni we would lose our land as our ~~neighbours~~ neighbours around. When we give our evidence regarding to tigoni, none of us thought that land could be exchange for another, as it was laid down by the Land Commission, which reasons we do not know.

- 4/ When we remember our 1930 promise with D.C. who was at Kiambu that times who is know P.C. of Kikuyu Province. He went with the tigoni representatives to see what land would have been accepted for the exchange, which was not minded how broad it was at that time. Kenya Government had decided to let free that reserve ~~XXXX~~ surrounded by the forest but because of remembering that promise we wrote to the P.C. to ask him whether we had to be given the land he showed us, our letter was dated 26th of march 1935, and the reply was dated 4th April 1935. which he told us that we should not expect the land he showed us when he was D.C. at Kiambu. What we wish to say to the Government is that, if that was not kept, then we be better allowed to remain at Tigoni.

- 5/ We were told by the D.C. on the 9th march 1935 which ~~XXXX~~ was our first time, this shauri of land ~~XXXX~~ exchange or removing from Tigoni our Land.

We were astonished to hear that if we refuse to shift we would be forced to do so and this was the first "Baraza" in which the matter of Tigoni was discussed. We had only been informed ~~xxx~~ about that baraza at 8 p.m. of 8/3/35 and that had to meet the following day at 8 a.m. we were not pleased because we were not prepared, the baraza was concerning with counting our huts & other things such as trees & such things were least we wished to hear about the major things we wish to hear are related here below.

On 9.4.55 there was a baraza at Githirioni and some members of Kiambu L.N.C. and all the Tigoní Githaka owners met and the D.C. when we reached there we were shown the boundries made by the Forester, we found that boundries we badly marked, and it was ~~in~~ the day that we were shown the map on page 24 of the evidence, so we refused that land, because it has no water unfertile and very thin, and in the diagrams it appears like a neck of Girffe. The D.C. did not show us well, because he only ~~showed~~ showed us where the Forester had separated, because when we read the map on page 24 in the evidence we feel as if it is the Forester who had drawn the boundries in the absence of the D.C. Members of L.N.C. did not approve of it for the same reasons ~~x~~ we have said above.

6/ What we pray the Government that they may re-consider for us

is that "shauri" ~~it~~ in the report of K.L.C. page 115 ~~chapter~~ chapter 10 s 381 & 385-388-387 and in the evidence page 82- 182 & 188 given by Luka and People of Tigoní.

7/ We pray the ~~merciful~~ merciful Gvt. that we may be allowed to ~~pay~~ sayour expenses at Tigoní when we will be removing without our consent how we should be given our shares. (a) to choose what land we want section 394 (e) in the report page 117 without being compelled by the D.C. or the L.L.Board.

8/ Our compensation to be given according to our properties. Our people the ~~w~~ owners of the land, first to be paid the cost of their shambas, because they bear the cost of cultivate their land, through given some parts to "Ahoi" (Tenants) who give him in return some native beer or shs.12/- instead of beer according to native custom, so ~~he~~ should say the number of acres cultivate, being shs. 50/- per an acre. Gardens with manure has separated cost.

9/ Compensation for wattles and blue-gums and since one gum tree is making 60 cft. if it is cut and cost of the fuel one stack is cost shs. 10/- per a stack, such ~~tree~~ tree we charge shs.12/- whether small or big. Wattles we charge 2/- per tree other ~~tree~~ tree such as "Mugumo" our sacred trees cost ~~shs.1000/-~~ shs.1000/- each tree. On the land there are three mugumo tees for worship God, because our older people will have no place of worship.

10/ Compensations our round huts are of two kinds (a) wild cider which would cost shs.120 (b) ~~the~~ of cider shs.75/- Grains stores 20/- each, store (Europeans style) ~~shs. 20/-~~ each. House of built with corrugated Iron Sheets, the owner may say the cost and fences also. Compensation of thatching reeds at Tigoní and Kanyawa river & Ithanji which are very useful to us for thatching huts, an acre of it cost sh.120 thsa ithanji is ~~widely~~ widely used by people of locations under Headman Mukoma & Kihiko as well as (squatters) reeds enough for a hut cost sh.10/- the owner ~~is~~ of the githaka may be allowed to say the numbers of acres he has.

We regret to say that the land where we have to be removed to has no ithanji (reeds). So what shall we do thatching of huts and we cannot bear the cost of the C.I.Sheets?

On the whole area there two big rivers Tigoní and Ithanji and four other streams and many wells, well watered, we are astonishing to see the Gvt. forcing us to go on water-less land.

11/ Compensation of crops we regret to say that some crops that ~~grow~~ grow at Tigoní land would not grow at that place such as sugar-canes and Bananas which are essential to us. One planted sugar-cane stem would cost shs.5/- and that of banana would cost sh.10 that is the custom existing in kiambu District. We wish to be allowed to count this ourselves.

We will stop there and hope that the Govt. will consider our requests kindly, remembering that when you tell us something of removing, it sounds as if you wish to diminish us. X

We hope that you give our "shauri" hearty consideration, since we have passed all the necessary steps in the Govt. and have done it in vain, that's why we have send it to you for a further consideration.

Our objection will continue.

We have the honour to be Sir,

Your Servants People of Tigani .

- 1 Sgd. *Suta. Nanyanga*.....
- "2 " *John M. Ngwa*.....
- 3 Jovenales. Citsau... *Jovenales. Cito*
- 4 *Stepely. Kinyanjani. Stevie. Konyan*

On behalf of Tigani People.

The Attached letter has been written by the Natives the owners of "Githaka" of Tigoni, and I believe that you shall reconsider the matter and end our troubles.

We believe that the Home Government will listen to our troubles and observe the White Paper or Native Policy published in 1930, promising that the British Government will not continue to take the Native Land any more. If His Majesty's Government stands by word, then it must keep the word promised and not have it change day by day. When the Carter's Commission took an oath that they had to follow their orders. They did not follow what they were appointed, they followed its Secretary's (Mr. H.S. Tazan) precis, etc. See their Introduction Page 3 Section 8 para (d):-

"In the case of the Secretary's precis, prepared before the arrival of the Commission, only a summary has been printed, because the original contains extracts from proceedings in the Executive Council and other confidential matter, which could not be published without reference to the Secretary of State".

When the Kenya Land Commission came out here, they enquired about the boundaries of Masai and Kikuyu, as they were before Whitemen entered this country, which is not included in the Masai's Agreements, dated 10.8.1904 and 4.4.1911. (See Kenya Land Commission Report Appendix VIII p.572 -576). Since these Agreements were not concerning the Masai and Kikuyu Boundaries, but only referred to Masai and Europeans Settlement of which I believe it was made out privately (without Kikuyu Knowledge) by the Members of the Administrative Staff. (See the Kikuyu Central Association's Memorandum presented to the Kenya Land Commission Evidence Page 191-214).

Hence his report were protested by Natives and the Government should not take our lands with accordance to this Commission's recommendations.

Hoping that I shall receive your favourable reply as soon as possible please.

I have the honour to be,

Sir,

Your most obedient servant.

Jesse Karok

VICE PRESIDENT
KIKUYU CENTRAL ASSOCIATION.

E/3

The Right Hon'ble,

The Secretary of State for the Colonies,

L O N D O N.

Sir,

We the Clans (10 Mbaris) who own the land of Tigoni have the honour to appeal to His Majesty's Government on Behalf of our land Tigoni, in which we must earnestly express the sorrow and grief that we suffer whenever we are told to remove from it.

2. During the time when the Kenya Land Commission visited our country, we asked him to give back the lands which were taken from us by Europeans (Evidence page 297; paragraphs 51-52 and page 181 - 191); but we did not ask him to have our land changed or ourselves removed from our own land. Therefore we asked the Government: Why are we forced to remove from Tigoni? We understand that European Farms say that we are in the middle of their farms, but that is not a justified reason why we should leave our land and go to dwell in another land. We also know that there are great numbers of Europeans who have their farms in the middle of the Native Reserves, but will they be removed also? Or, that Law applies to poor Natives only?!! The recommendation of the Kenya Land Commission advising the Government to remove us from Tigoni seemed to be purely choking us, as old men and women of Tigoni would fall dead on account of the troubles they should suffer on a such emigration. We therefore beseech His Majesty's Government to turn Their Mercy towards these helpless population and leave us in our land Tigoni where we have ever been.

3 THE EXCHANGE OF LAND. It is not our social custom to exchange a land by another or (a Girl by another). Moreover the land which the Government wants to give us in exchange to Tigoni belongs to other Kikuyus, and it was taken from them by the Forest Department and those clans have given us a Notice that they have appealed to the Government to be given their land back.

to be given their land back. Let us acknowledge the Government that we can not own a land and be able to take an oath of its ownership (during the case) unless we buy it from (Mwathi or Dorobo) and be shown the lilies, etc. (Itokas) of its boundaries by him (Dorobo) according to the Native Custom. It is also a great loss on our part to leave our land of Tigoni and so to suffer in so many ways for nothing. Our letter to you (The Secretary of State) of 27.5.35 asked the Government to retain us in Tigoni only; and we also asked whether the Law of exchanging land by another and giving the Natives so many troubles exists in any other part of the British Empire? Indeed a person who suggested and advised the Government to remove us from Tigoni is the very one who can know an easy way of destroying and killing a whole Native Tribes, by means of alteration of climate. If justice and mercy is to prevail the inhabitants of Tigoni appeal to you with them to relieve them from the trouble they suffer whenever they are told to remove. There are over 800 souls in the Tigoni area (not as written in Evidence p.22) and His Majesty's Government should sympathize with those poor souls, rather than add their troubles. We always Pray to God for any one who will end those troubles.

4. THE KENYA LAND COMMISSION. The Land Commission said that the Tigoni area had nothing to do with Native rights, but this is obviously Untrue (see their report Chapter X page 115 Section 382) and it is even proved by their own suggestion that the Native of Tigoni should be given one and a half acres (1½ acres) out of Forest Land in exchange of each acre of Tigoni (Report Chapter X p.117 Sec. 385, 386, 387 & 395: Evidence p.22-24). Why should Land Commission advise the Government to offer ½ acre more for every exchanged acre of Tigoni, if the Natives had no Rights to dwell there? The Land of Tigoni belonged to the Natives from the time of our Great, Great Forefathers, and we have right to be there as far as ever. (see Report Chapter VI Section 217 Note 3).

5. TIGONI TOWNSHIP. Tigoni is sometimes named Tigoni Township, although there is no work done or a sign to indicate it as a Township. There is a small Police Station quarters which was situated there through permission of the Natives in hope that it would do some good to us, and experience has shown us that it has nothing to do

- 3 -

that it has nothing to do with Native Reserves, but it concerns Europeans Squarters only; hence it should be removed to Europeans Squarters.

6. APPEAL. The reason why we appeal to you is simply because the Provincial and District Commissioners of this country (Kikuyu) do not look over our matters with justice. They forces and command us to do things blindly, although we don't think that it is a Law of British Government. (See the attached copies of our letter dated 20th December 1935 and the Provincial Commissioner's reply Ref.No. LHD.17/6/60 II dated 23rd December 1935, received by us from the Provincial Commissioner, of Central Province.

The above quotation from Provincial Commissioner shows clearly that those who represent the Kenya Government have no mercy towards us Natives and we therefore appeal to the Home Government to take certain measures to retain us in our Land Tigon. If the British Government looks over the matters of its subjects with justice and mercy we hope that it will let us live in Tigon. You may be let to understand that, the recommendation of Land Commission dealt with important affairs on the part of Europeans only, and not Natives, especially in Kikuyu Country.

Hoping that the Home Government will deal with matter with mercy; we hope to receive your favourable reply at your earliest convenience.

We beg to remain,

Sir,

Yours obedient Servants.

E/2

J.K. John Mbugua
Tomwale Gitau
Simian Muthungu
SEA Nky Kinjani
Kimungi wa Incheba

FOR AND ON BEHALF OF TIGONI LAND HOLDERS.

NYERI 23rd December 1935.

Ref. NO. LND. 17/6/60 II.

John Mbugwa
Tigoni - Limuru.

Thro' The District Commissioner,

KIAMBU.

THE EXCHANGE OF TIGONI LAND.

1. I have received a letter signed by you and eight other signatories.

2. I would inform you that the Land Commission has recommended that the Tigoni natives shall be moved from the area at Tigoni and this recommendation has been accepted both by the Imperial Government and the Kenya Government and therefore there is no question that the move will not take place.

3. The Kenya Government has taken infinite trouble to find good land to which the Tigoni clans shall be moved, this good land has now been decided upon and the move will take place as soon as possible.

4. The recognised elders of Tigoni and the Kiambu Local Native Council have shown their approval of the land decided upon.

5. I am not prepared to reopen this matter.

SD, M. R. R. VIDAL.

AG. PROVINCIAL COMMISSIONER
CENTRAL PROVINCE.

TIGONI LILURU 20th DECEMBER 1935.

The Provincial Commissioner, Nyeri,
Thro' The District Commissioner, Kiambu.

COPY TO THE SENIOR CHIEF KOINANGE WA MBIU,
KIAMBAA, KIAMBU

THE EXCHANGE OF TIGONI LAND.

Sir,

We (Tigoni inhabitants and leaders of the clans who own Tigoni lands) have the honour to present the following letter to His Majesty's Government in order to express our grievance and sadness on behalf of our land of Tigoni.

The following are the points which we hope that His Majesty's Government will consider sympathetically:-

1. It is understood that Tigoni lands belong to Ten Clans (according to letters presented to Government Office Kiambu). Therefore there is no right for any one among the Tigoni inhabitants to do anything with lands unless all the clans consent and agree together.

2. The Government should be given to understand therefore that if there ~~is~~ any person who claims to have right of consent on behalf of the land of other clans such a person is wrong and he may entice and lead the Government to a grievous fault which may result to great trouble between the Government and the Natives (ourselves).

3. We understood that the Local Native Council held in Kiambu on 11/12/35 discussed about the Exchange of Tigoni land and Nyamweru and it was agreed that Tigoni would be given up in exchange to the latter. But may we ask the Government; by whom between the Ten Leaders of above clans was such an agreement reached?

4. We can honestly say that we never came to such agreement. You will probably say that Luka Wangwa agreed, but let it be known to you that Luka is a leader of the Land of his Clan which is now under Case between Wakahangara his father and Wang'ang'a Simeon's father, before the Tribunal Court at Chura; and for that he can't do anything with it before the case is decided. Since he is not a leader of other clans, we wish to inform the Government that whatever he might have agreed or said to the District Commissioner without the consent of other clans is wrong.

5. During the year 1927 when Mr. Lydecker was the D.C. of Dagoretti or even when Kenya Land Commission was present every leader of a clan had to speak and represent the interests of his land on behalf of their land, consequently we wish to ask H.M. Government whether such matter was altered?

6. THE LAND EXCHANGE. We wish to express to the Government that the exchange of the above mentioned land was protested by us a time ago, since it is not our social custom to exchange land by another (or a girl by another); moreover such an exchange will certainly lead us to never-ending troubles, therefore we don't see the reason why we should leave our land and enter into so great troubles in many ways. We therefore beseech H.M. Government to leave us to dwell in our land in Tigoni where we have been for many past years.

7. We know that Nyamweru land belongs to other clans which was taken from them by the Government of the Forest Department; and they have brought us to the Notice that they have expressed their objections to the Government protesting against the exchange of their land. We don't want to have our land changed although we are enforced to do so. Our desire is to dwell in Tigoni only.

Our desire is to dwell in Tigonl only.

We are ending here and we ask His Majesty's Government to consider our matter sympathetically remembering that when we are told to change our situation it means to weaken and diminish our families by means of alteration of climate.

Trusting that you shall look our matter with mercy.

We have the honour to be,

Sir,

Your faithfully servants,

The Owners of Tigonl Land.

SD. J.K. JOHN-MBUGWA AND MARIUS NG'ANG'A.
" Jovenale Gitau & Kariuki wa Muchuga.
" Stanly Kinyanjui.
" Ndiranga wa Thno & Kimengi wa Muchema.
" Simeon Muthungu wa Wang'ang'a.
" Ng'ang'a wa Githanga.
" Philip Mugwira.
" Kinyanjui wa Mukura.
" Kinyenje wa Kimonyi.

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KIKUYU CENTRAL ASSOCIATION,

P.O. Box No. 59.

Nairobi End January 1936.

The Right Hon'ble,
The Secretary of State for the Colonies,
LONDON.

Sir,

In confirming my cable to you dated
12th November 1935 as follows:-

- "WE KIKUYU PROTESTING AGAINST DISTRICTER KIAMBU
- "REMOVING TIGONI INHABITATIONS ETC. ACCORDING
- "CARTER COMMISSION REPORT SEE CHAPTER VI
- "SECTION 217
- "NOTE 3 AND OUR LETTER 13.10.34. OUR OBJECTIONS
- "WILL FOLLOW".

REGARDING NYAMWERU AREA - FOREST - AND TIGONI PEOPLE.

The following wire were sent to D.C.Kiambu
and copy to the Senior Chief Keinange by Nyamweru and
Githirioni people signed by Wangunyu waa Mukuha on
(4.11.35) for and on behalf of Thirty Mbaris:-

" WE BEG TO SUBMITS SOLES REGRETFULL, THIRTY
CLANS, TENS THOUSANDS OF (MBARIS) WHOM THEY
MADE CLAIM FOR LAND FOREST NYAMWERU BATHI
RIVER NORTHERN, YOUR VISITOR YESTERDAY WITH
TIGONI TEN CLANS (MBARIS) YOU TOLD THEM THAT
YOU MAY GIVE UP, OUR THIRTY CLANS LAND FOR
EXCHANGE THEIRS TIGONI OUR FIRM ASK HOWEVER
EXCHANGE THIS OUR LAND AND GIVE TO THE TIGONI
PEOPLE? WE WERE MADE CLAIM AND SUBMITTED
MEMORANDUM TO THE KENYA LAND COMMISSION DATED
12/11/32. PLEASE SEE THROUGH YOUR FILE IN YOUR
OFFICE, THE REPLY HAVE NOT YET RECEIVED THEN
SEE PASSFIELD THE (LATE) SECRETARY OF STATE FOR
THE COLONIES' CORRESPONDENT END JANUARY 1930.
PAGE 3, WE THEREFORE SEE TO INFORM YOU THAT OUR
MEMBERSHIP (MBARIS) ASK WHAT THIS RESOURCE OF
EXCHANGE OUR LAND TO THE TIGONI PEOPLE, WE
AGREE NOT AS IT IS IMPOSSIBLE TO US".

NOTE. The following is the D.C.Kiambu's letter Ref.
LND.2/VOL IV dated 9.11.35, which were addressed to the
Secretary of the Kikuyu Land Board Association:-

"with

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"With reference to your letter of 7th instant
"asking for a copy of the Secretary of State's
"instructions re Kenya Land Commission Report.
"I have not got a copy of these instructions,
"and I don't even know whether such
"instructions were issued.

Sg. J.G.Hopkins D.C.

I enclose herewith a letter drawn by the
Tigoni Inhabitants, with the objections as promised.
The Attached letter has been written by the Natives the
owners of "Githaka" of Tigoni, and I believe that you
shall reconsider the matter and end our troubles.

We believe that the Home Government will
listen to our troubles and observe the White Paper or
Native Policy published in 1930, promising that the
British Government will not continue to take the Native
Land any more. If His Majesty's Government stands by
word, then it must keep the word promised and not have it
change day by day. When the Carter's Commission took an
oath that they had to follow their orders. They did not
follow what they were appointed for, they followed its
Secretary's (Mr. H.S.Pazan) precis, etc. See their
Introduction Page 3 Section 8 para. (d):-

"In the case of the Secretary's precis,
"prepared before the arrival of the Commission,
"only a summary has been printed, because the
"original contains extracts from proceedings
"in the Executive Council and other
"confidential matter, which could not be
"published without reference to the Secretary
"of State".

When the Kenya Land Commission came out here,
they enquired about the boundaries of Masai and Kikuyu
as they were before Whitemen entered this country, which
is not included in the Masai's Agreements, dated
10.8.1904 and 4.4.1911. (See Kenya Land Commission
Report

Report Appendix VIII p.572 - 578). Since these Agreements were not concerning the Masai and Kikuyu Boundaries, but only referred to Masai and Europeans Settlement of which I believe it was made out privately (without Kikuyu Knowledge) by the Members of the Administrative Staff. (See the Kikuyu Central Association's Memorandum presented to the Kenya Land Commission Evidence Page 191-214).

Hence his report were protested by Natives and the Government should not take our lands with accordance to this Commission's recommendations.

Hoping that I shall receive your favourable reply as soon as possible please.

I have etc.,

(Sgd.) ?

VICE PRESIDENT
KIKUYU CENTRAL ASSOCIATION.

COPY.

P. O. Box No. 39
TIGONI LIMURU 31.12.1935.

The Right Hon'ble,
The Secretary of State for the Colonies,
London.

Sir,

We the Clans (10 Mbaris) who own the land of Tigoni have the honour to appeal to His Majesty's Government on Behalf of our land Tigoni, in which we must earnestly express the sorrow and grief that we suffer whenever we are told to remove from it.

2. During the time when the Kenya Land Commission visited our country, we asked him to give back the lands which were taken from us by Europeans. (Evidence page 297; paragraphs 51-52 and page 181 - 191); but we did not ask him to have our land changed or ourselves removed from our own land. Therefore we ask the Government: Why are we forced to remove from Tigoni? We understand that European Farmers may say that we are in the middle of their farms, but that is not a justified reason why we should leave our land and go to dwell in another land. We also know that there are great numbers of Europeans who have their farms in the middle of the Native Reserves, but will they be removed also? Or, that Law applies to poor Natives only?! The recommendation of the Kenya Land Commission advising the Government to remove us from Tigoni seemed to be purely choking us, as old men and women of Tigoni would fall dead on account of the troubles they should suffer on a such emigration. We therefore beseech His Majesty's Government to turn Their Mercy towards these helpless population and leave us in our land Tigoni where we have ever been.

3. THE EXCHANGE OF LAND. It is not our social custom to exchange a land by another or (a Girl by another).. Moreover the land which the Government wants to give us in exchange to Tigoni belongs to other Kikuyus, and it was taken from them by the Forest Department and those clans have given us a Notice that they have appealed to the Government to be given their land back. Let us acknowledge the Government that we can not own a land and be able to take an oath of its ownership (during the case) unless we buy it from (Mwathi or Dorobo) and be shown the lilies, etc. (Itokas) of its boundaries by him (Dorobo) according to the Native Custom. It is also a great loss on our part to leave our land of Tigoni and go to suffer in so many ways for nothing. Our letter to you (The Secretary of State) of 27.5.35 asked the Government to retain us in Tigoni only; and we also asked whether the Law of exchanging land by another and giving the Natives so many troubles exists in any other part of the British Empire? Indeed a person who suggested and advised the Government to remove us from Tigoni is the very one who can know an easy way of destroying and killing a whole Native Tribe, by means of alteration of climate. If justice and mercy is to prevail the inhabitants of Tigoni appeal to you with them to relieve them from the trouble they suffer whenever they are told to remove. There are over 800 souls in the Tigoni area (not as written in Evidence p.22) and His Majesty's Government should sympathize with those poor souls, rather than add their troubles. We always Pray to God for any one who will end those troubles.

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4. THE KENYA LAND COMMISSION. The Land Commission said that the Tigoní area had nothing to do with Native rights, but this is obviously Untrue (see their report Chapter X page 115 Section 382) and it is even proved by their own suggestion that the Native of Tigoní should be given one and a half acres (1½ acres) out of Forest Land in exchange of each acre of Tigoní (Report Chapter X p.117 Sec.385, 386, 387 & 395: Evidence p.22-24). Why should Land Commission advice the Government to offer ½ acre more for every exchanged acre of Tigoní, if the Natives had no Rights to dwell there? The Land of Tigoní belonged to the Natives from the time of our Great, Great Forefathers, and we have right to be there as far as ever. (see Report Chapter VI Section 217 Note 3).

5. TIGONI TOWNSHIP. Tigoní is sometimes named Tigoní Township, although there is no work done or a sign to indicate it as a Twonship. There is a small Police Station quarters which was situated there through permission of the Natives in hope that it would do some good to us, and experience has shown us that it has nothing to do with Native Reserves, but it concerns Europeans Squarters only; hence it should be removed to Europeans quarters.

6. APPEAL. The reason why we appeal to you is simply because the Provincial and District Commissioners of this country (Kikuyu) do not look over our matters with justice. They force and command us to do things blindly, although we don't think that it is a Law of British Government. (See the attached copies of our letter dated 20th December 1935 and the Provincial Commissioner's reply Ref. No.LRD.17/6/60 II

dated

dated 23rd December 1935, received by us from the Provincial Commissioner, of Central Province.

The above quotation from Provincial Commissioner shows clearly that those who represent the Kenya Government have no mercy towards us Natives and we therefore appeal to the Home Government to take certain measures to retain us in our Land Tigoni. If the British Government looks over the matters of its subjects with justice and mercy we hope that it will let us live in Tigoni. You may be let to understand that the recommendation of Land Commission dealt with important affairs on the part of Europeans only, and not Natives, especially in Kikuyu Country.

Hoping that the Home Government will deal with matter with mercy; we hope to receive your favourable reply at your earliest convenience.

We beg to remain,

Sir,

Your obedient Servants

(SGD) J.K. JOHN MBUGW.

JOVENALE GITAU

SIMBON MUTHUNGU

STANLY KINYANJUI

KINYANJUI WA MUKURA.

E/2

FOR AND ON BEHALF OF TIGONI LAND HOLDERS.

TRUE COPY.

PROVINCIAL COMMISSIONER'S OFFICE

CENTRAL PROVINCE.

NYERI 23rd December 1935.

Ref. P.O.LND.17/6/60 II.

John Mbugwa
Tigoni - Limuru.

Thro' The District Commissioner,

KIAMBU.

THE EXCHANGE OF TIGONI LAND.

1. I have received a letter signed by you and eight other signatories.
2. I would inform you that the Land Commission has recommended that the Tigoni natives shall be moved from the area at Tigoni and this recommendation has been accepted both by the Imperial Government and the Kenya Government and therefore there is no question that the move will not take place.
3. The Kenya Government has taken infinite trouble to find good land to which the Tigoni clans shall be moved, this good land has now been decided upon and the move will take place as soon as possible.
4. The recognised elders of Tigoni and the Kiambu Local Native Council have shown their approval of the land decided upon.
5. I am not prepared to reopen this matter.

SD.M.R.R. VIDAL.

AG. PROVINCIAL COMMISSIONER
CENTRAL PROVINCE.

TRUE COPY.

TIGONI LIMURU 20th DECEMBER 1935.

The Provincial Commissioner, Nyari.
Thro' The District Commissioner, Kiambu.

COPY TO THE SENIOR CHIEF KOINANGE WA MBIU,
KIAMBAA. KIAMBU

THE EXCHANGE OF TIGONI LAND.

Sir,

We (Tigoni inhabitants and leaders of the clans who own Tigoni lands) have the honour to present the following letter to His Majesty's Government in order to express our grievance and sadness on behalf of our land of Tigoni.

The following are the points which we hope that His Majesty's Government will consider sympathetically:-

1. It is understood that Tigoni lands belong to Ten Clans (according to letters presented to Government Office Kiambu). Therefore there is no right for any one among the Tigoni inhabitants to do anything with lands unless all the clans consent and agree together.
2. The Government should be given to understand therefore that if there rises any person who claims to have right of consent on behalf of the land of other clans such a person is wrong and he may entice and lead the Government to a grievous fault which may result to great trouble between the Government and the Natives (ourselves).
3. We understood that the Local Native Council held in Kiambu on 11/12/35 discussed about the Exchange of Tigoni land and Nyamweru and it was agreed that Tigoni would be given up in exchange to the latter. But may we ask the Government; by whom between the Ten Leaders of above clans was such an agreement reached?

4. We can honestly say that we never came to such agreement. You will probably say that Luka Mang'anya agreed, but let it be known to you that Luka is a leader of the Land of his Clan which is now under Case between Nakahangara his father and Wang'ang'a Simeon's father, before the Tribunal Court at Chura; and for that he can't do anything with it before the case is decided. Since he is not a leader of other clans, we wish to inform the Government that whatever he might have agreed or said to the District Commissioner without the consent of other clans is wrong.

5. During the year 1927 when Mr. Lydekker was the D.C. of Dagoretti or even when Kenya Land Commission was present every leader of a clan had to speak and represent the interests of his clan on behalf of their land, consequently we wish to ask H.M. Government whether such matter was altered?

6. THE LAND EXCHANGE. We wish to express to the Government that the exchange of the above mentioned land was protested by us a time ago, since it is not our social custom to exchange land by another (or a girl by another); moreover such an exchange will certainly lead us to never-ending-troubles, therefore we don't see the reason why we should leave our land and enter into so great troubles in many ways. We therefore beseech H.M. Government to leave us to dwell in our land in Nironi where we have been for many past years.

7. We know that Nyamweru land belongs to other clans which was taken from them by the Government of the Forest Department; and they have brought us to the Notice that they have expressed their objections to the Government protesting against the exchange of their land. We don't want to have our land changed although we are enforced to

do so. Our desire is to dwell in Tironi only.

We are ending here and we ask His Majesty's Government to consider our matter sympathetically remembering that when we are told to change our situation it means to weaken and diminish our families by means of alteration of climate.

Trusting that you shall look our matter with mercy.

We have, etc.

The Owners of Tironi Land.

- SD. J.K. JOHN MBUGHA AND MARIU NG'ANG'A.
" Jovenale Gitau & Kariki wa Mwachuga.
" Stanly Kinyanjui.
" Ndhiranga wa Thuo & Kimengi wa Mwachema.
" Simson Muthunga wa Mang'ang'a.
" Ng'ang'a wa Matanga.
" Philip Mugwira.
" Kinyanjui wa Lukura.
" Kinyenje wa Kingnyi.

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