

THE BANTU OF KAVIRONDO.

By W. E. OWEN.

The Bantu tribes of North, Central, and South Kavirondo number roughly about half a million, divided into many units. Under the present organization they are administered for purposes of local government under two Native Councils, those of North Kavirondo and of Kisii, in South Kavirondo. One large Bantu Location, that of Samia, comes under Central Kavirondo, but with this large exception, and a few minor ones, the Bantu tribes are being given the opportunity to develop as racial entities.

The land which they occupy comprises some of the very best in Kavirondo, from the point of view of rainfall, altitude and soil constituents, though there are lands where the small rainfall and poor soil militate against a large population. Bunyole, for instance, has a population of 1,200 to the square mile, Maragole 900. Over against these densely populated areas must be set the large tribal lands of North and South Kitosh, Kabras and Kakalelwa, carrying less than 100 to the square mile. Broadly speaking, the richest soil carries the largest population, and the poorest soil the smallest.

In days gone by the distribution of the Bantu was much wider than it is now. The old men of the tribes possess a strong historical sense, and are mines of historical lore and tradition (fast passing away, sad to say). The main lines of the traditions they hand down are as trustworthy as tradition is generally accepted to be the world over. According to these old men it would appear that generations ago, they occupied lands away to the west of their present holdings, land now in the possession of the Kavirondo Nilotes. They linked up with the Bantu in Busoga in the Uganda Protectorate.

A typical instance is that of the Banyole tribe. Their traditional founder, by name Omwa, lived 45 miles to the west of their present location. His migration eastwards can be traced, and a comparison of the genealogies of the Banyole and of the Nilotes now in possession of the land westwards, bears out the statements of both Bantu and Luo, that the Bantu retreated before the rising tide of Nilote conquest. The struggle which goes on in the mind of the Bantu narrator is amusing at times, for he is obviously unwilling to admit any superiority of prowess on the part of the Nilotes, and yet resentful that lands formerly in the possession of his tribe have been wrested from them, and are now in the possession of their old-time enemies. So though they have lost much land it is never because

they were not as good and as brave men as their conquerors. They generally attribute their defeat to "frightfulness" and "ruthlessness" on the part of their enemies which they themselves were too humane to resort to.

If any further proof of this former possession were needed it is to be found in many of the place names now far outside the Bantu territories. They are survivals into the Nilote occupation of the tongue of the former Bantu owners.

This retreat of the Bantu before the Luo was not a retreat, lock, stock and barrel. While the majority retired before the invaders, others remained behind, or returned to their old homesteads on sufferance, when the first shock of conflict had passed. The descendants of these remnants of the former Bantu tribes can be traced in what are now purely Luo locations. They have become completely Luoised, and, in fact, call themselves Luo, but they inter-marry with the descendants of the pure Luo, and are thus distinguished from the members of their neighbouring clans, who do not inter-marry. When confronted with a genealogical tree they shamefacedly admit their Bantu ancestry, in which they take no pride whatsoever.

Here it may not be out of place to emphasise the importance of collecting genealogies at times when there is nothing to excite the suspicion that if a true genealogy is given it will not serve the interests of those who supply it. Over and over again I have been able to confound disputants of contending clans by referring to genealogies given me years ago when no dispute had loomed over the horizon. For instance, in a certain claim to land, it was put forward that the claimant's ancestors for four generations had all been buried on the land claimed. Had this been unchallengeable it would have given very strong support to the claim. As the dead are not given headstones with the names of the dead inscribed, it is an extremely difficult claim to disprove. As it happened, I had in my book the genealogy of the claimant clan, given me years before, when there was no motive to pervert history. This gave a very different story, and showed a migratory movement, every ancestor in the four generations concerned having been buried in a different place, miles from the land claimed. In this transition stage every bit of information may have an interest far beyond that which it had when it was collected.

With the coming of the British Government the pressure by the Nilotes on the Bantu borders has ceased, in so far as actual warfare is concerned, but only to give place to pressure through the Administration, the Nilotes claiming that the present Bantu boundaries where the two races meet, include lands restored to the Bantu by the British, but which had been conquered by the Nilotes about the time

of the coming of Hobley, the first to bring Kavirondo under administration.

In these racial wars the Bantu lost, not only lands, but women also, to the Nilotes, who captured them. This meant to the Bantu the loss of potential population, but to the Nilotes an increase to their future numbers beyond the capacity of their own women folk. This Bantu loss of women is still going on, but in a more subtle manner. The bride-price among the Bantu is low as compared with that amongst the Nilotes. Inter-marriage is common, but the differing standards result in the flow of women being largely in the one direction, that is, away from the Bantu to the Nilotes.

In the south of South Kavirondo there is a tribe in a location called Suna. The people came over from Uganda about eight generations ago. They have been so permeated with Nilotic influences that they are becoming absorbed. The same thing is happening on the island of Businga, where the ruling family goes back eighteen generations. But even this long tradition is not able to withstand Luo influences. What the future holds for the Bantu Kavirondo remains to be seen. One thing is certain, and it is that the age-long rivalry will continue.

ORIGIN OF BANTU TRIBES.

In what I shall have to say with regard to the origin of the Bantu tribes, my remarks will be confined mainly to those of North Kavirondo. I have no experience of the Kisii, and only a very slight knowledge of the other Bantu peoples of South Kavirondo. The materials for arriving at tentative conclusions are derived from two sources: traditions and language. Sir Harry Johnson put forward the suggestion that the mother tongues from which all the Bantu stock derived are to be found in the Bagishu of Elgon and the Bakonjo of the Ruenzori Mountains. Whether this is true or not it is certainly true that the Bantu tribes south of Elgon speak in dialects which have very strong affinities. These affinities reach out far beyond the purely arbitrary boundaries of the administrative area of our creation, and have kinship with not only the Bantu tongues of their immediate neighbours in Busoga in Uganda Protectorate, but extend away to the Congo border, so much so that on my first visit to Kavirondo in February, 1918, I was able from my knowledge of the language of the ancient kingdom of Bunyoro on the border of the Congo, to understand the first sermon I heard.

The dominant dialect is that of the tribe of which Chief Mumia is the head. They call themselves Bawanga, from their traditional ancestor and founder, Wanga, who is said to have led an emigration from Teriki, near the Nandi border, about twenty generations ago. A knowledge of this dialect enables one to be understood, with ease or

with slight difficulty, over practically all the Bantu areas. The most peculiar of the dialects is that of the Maragole tribe, and it is the one which is less understood outside of its own group. But in spite of these differences the dialects fall into one broad language unit, and the differences are no more marked than those between, say, the speech of a Cornish yokel as compared with one from Yorkshire.

But while the affinities of language would point to a common origin, this belongs to such a remote age that it gives but little help in the task confronting us. Our only hope is that in their own traditions or in those of their neighbours, we may get the information which we want.

The North Kavirondo Land Tenure Committee of 1930 endeavoured to lay foundations upon which further and more detailed information could be built up. I had been engaged for some years on the task of getting genealogies from leading clans, and this, together with the results of the Land Tenure Committee, forms the basis of certain tentative conclusions. With one exception, all the present units trace their origin back to districts other than those which they now occupy and own. For instance, the Maragole occupying a large and populous location, say that their ancestor Muragoli, came from Shirati in Tanganyika Territory; the Bawanga, that their ancestor, Wanga, came from Teriki; the Basuna, from the Kingdom of Buganda (Suna was a well-known name in the royal house); the Banyole, from near where the Yala River enters Lake Victoria.

None of the tribes have traditions of a long migration except the Maragole and the Suna. The length of the genealogies I have recorded vary from twenty-one generations in the case of the Abayaya clan in Bumaraki, down to eight in that of the Abakulo of Buk'ek'e. Genealogies are carried back, with but one or two exceptions, only so far as the founder who led the migration from the former home. None have any tradition as to what led the ancestor to migrate, except one small tribe now near the mouth of the Nzoia River. In this case internal dissensions in the parent tribe led to a split. But from the importance which was attached to opportunities for hunting it is plain that the desire for new hunting grounds was one of the factors impelling migration. Where the new comers found good unoccupied hunting lands they took possession, and as their numbers increased, they fought with their neighbours for expansion. Hence the history of the tribes is one of constant inter-tribal strife.

It is not clear whether they brought with them the system of land tenure which they have to-day. But while it is in the nature of the case that they broke territorially with the parent stock, there is nothing to indicate that this involved a break with the culture of their ancestors. We may safely assume some element of continuity between their

present system and that of the land from which they migrated. Before describing this system, one general observation may not be out of place here. I have received the impression that both in the original occupation of the land and in the arrangements for its subsequent subdivision and inheritance the dominating passion has been a regard for posterity. In the most natural way this passion manifests itself, and embraces not only the immediate offspring but extends indefinitely to a vision of generations yet to be born. In our industrialised civilization this desire to provide for posterity finds expression, not in the acquisition of land so much as in the acquisition of wealth, but in the communities which we are considering it appears to have had its principle manifestation in acquiring land. This passion for the good of posterity is one of the most marked features of tribal life.

The system of land tenure is so bound up with the tribal organization that they are complementary, the sub-divisions of the land corresponding with the sub-divisions of the tribe. The tribe as a whole unit is called the Lihanga, and the land it occupies is called its Kyalo. The tribe is sub-divided into clans called Tsimbiya, and each clan has its own clan lands, called Tsingongo. The clans are sub-divided into sub-clans, called Efiribwa and these also have their lands, which they refer to as Liloba. Within the sub-clans are the families, and each family has its fields, known as its Kimenyu or its Indalo. All the males in the tribe have a definite status, that of Abene Kyalo or Abene Liloba, the terms meaning Owners of the Land, and Owners of the Soil. These terms are used interchangeably.

The tribal head or chief is likened to the centre pole supporting the roof of the round house. Amongst the Bawanga he is called the Nabongo, other tribes have other names, such as Omwami, Omwami Omuk'ulundu, Omulindi we Ng'oma, or Omwilwatsi Omuk'ulundu. Next in order below the chief are the heads of the clans, and as the poles arranged in a circle supporting the verandah of the round house are called Maguru, so the heads of the clans are called Abamaguru. Surrounding the home is the fence with its entrance called Ekiribwa, its plural form Ebiribwa being the name for the sub-clans. The heads of the sub-clans are called Abelwatsi. In this picturesque way the constitution of the tribe recalls the familiar features of the kraal.

Theoretically, the land belonging to these tribal sub-divisions is inviolate. Actually, it is subject to encroachment from its neighbours. Thus the family land may be coveted by a neighbouring family, either that of the same sub-clan, or that of a different sub-clan or even clan, according to contiguity. Avariciousness is not confined to more cultured races, so that land disputes are not uncommon in tribes with a heavy population. If the parties are both members of the same sub-clan then appeal is made to the Omwilatsi, the head of the sub-clan, who has powers to adjudicate. If the disputants belong to

different sub-clans then appeal is to the Oweliguru, the head of all the sub-clans within the clan. If they belong to different clans then the appeal is to the Omwami, the chief of all the clans. No class of dispute raises such angry passions and such strong feeling as a dispute about land. In those cases where members of one tribe encroached on the land of members of another tribe, the appeal was to the spear. After an appeal to the spear peace was resorted to by a suitable ceremony, a common one being known as *ok'ukalaga imbwa*—cutting a dog. In its original form an actual dog was employed, which was speared by representatives of the warring tribes, vows of peace being made over the dying body. At the recent meeting in North Kavirondo between the representatives of the people and His Excellency, it is reported that the Africans produced a dog, when land questions were discussed, and that they invited His Excellency to set their hearts at rest in their traditional way.

The nature of the rights of the clansmen, the *abene liloba*, in the land within the jurisdiction of the clan is of a very definite nature. There is no abstract conception, nothing nebulous, about the nature of these rights. On the contrary everything is of a particular, concrete nature. For instance, the land of the sub-clan is the sum total of the land in the possession of the individual families in the sub-clan. There is no mystical entity in the sub-clan which holds the title deeds, as it were, apart from the individual families. Thus in law suits, it is always the individual with a grievance who appears as the complainant. When he is supported by members of his own community it is from a deep sense of clan solidarity, because united they stand, but divided they fall, so that while it is true to say that the individual has no rights apart from the sub-clan, it is equally true to say that the sub-clan has no rights apart from the individual families which compose it. The sum total of their rights is that which the sub-clan is entitled to maintain.

In like manner can the rights of the wider units of tribal organization be described. The rights of the clan, the unit wider than the sub-clan, is the sum total of the rights of the individual families in all the sub-clans which have sprung from it. Similarly, the rights of the tribe is the sum total of the rights of the families in all the clans which have descended from the tribal ancestor.

I have rather elaborated this point, because in many of the tales that are told of tribal or clan expansion it is the individual who extends the clan boundaries into the bush country to the point where expansion brings conflict with others. In the most natural and simple way the process is unfolded. First the original ancestor appears on the scene on desirable land. He cultivates and hunts from the homestead as a centre. His sons grow up, and extend the area brought under cultivation and under the chase. Some stories represent the ancestor as

portioning out his land north, south, east and west among his sons, with "hinterlands" towards the circumference in which they can expand. As the generations increase in numbers, the individual members, using the land already occupied as a vantage ground, pushed on ever further and further, establishing their families on fresh ground, and so extending the area brought under the influence of the clan and tribe as a whole.

Another line of evidence supporting the view that the basis of land rights is to be found in the family, lies in the fact that there can be no stronger argument amongst the Bantu than the appeal to the grave sites of their forefathers. The English expression "The land of my fathers" may be used by one whose family has no tradition of land-owning. Amongst the Bantu of Kavirondo such an expression conjures up a picture of actual sites of graves where lie the bones of their ancestors, whose spirits are conceived of as attached to the land, over which they act as guardians. These spirits are thought to exercise in a glorified manner the functions performed while still alive. Thus the family in trouble invokes its actual ancestral spirits, the clan invoked the spirits of the old clan Abamaguru, and the tribe, on the comparatively rare occasions when danger threatened the whole tribe, invoked the spirits of the old chiefs. (I have deliberately used the past tense in the case of the last two invocations, for I have never come across their use, and believe them to have faded away under our administration.)

It must be kept in mind that the "family" has a wider connotation amongst the Bantu, than that amongst us. Ties of kinship which are weak with us, are strong with the Bantu. The bearing of this on land tenure means that in the division or inheritance of land a much wider circle of relations must be considered than is customary amongst ourselves.

Land is disposed of during the lifetime of the head of the family as need arises. Thus a man divides some of his land to his sons if they marry during his lifetime. On the approach of death he informs responsible relations in the sub-clan as to the disposal of whatever land remains. If he leaves a widow she has the right to cultivate as much of the fields as she requires for her own support and that of any children still dependent on her. On the death of the widow the fields she used revert to the heir who may keep them for himself, or meet the claims of other members of the family.

This process of sub-division results in, what appears to our orderly minds, a very chaotic distribution of the fields. The land in the possession of any family is seldom, if ever, composed of a solid block. When pressure on land was less a man would leave one site and occupy one a mile or two away, but still retaining his rights to

his old site. When he came to distribute land to his sons, he would give one a field here and a field there, and this apparent chaos was further complicated by fields of a dwindling family passing to the members of a growing one. But though to us the result is chaos, and a map of the land of a clan done in different colours for the different families comprising it, would be of a very intricate pattern, it is not chaos to those families themselves. Each field has its boundaries (generally cultivation trenches) and these are most jealously guarded. Even a small encroachment leads to angry passions.

As can readily be imagined, this process of sub-division had its limits. Pressure of population on the soil reaches the point where sub-division can proceed no further. It is said of some families in Maragole to-day that a man with four sons can only provide for two of them. The others must seek wage-earning, or become tenants on the land of more fortunate families. It is significant that only amongst the Maragole is there an alleged custom of selling land.

A quotation from Lord Lugard's Dual Mandate may fitly conclude the point of view here set forth. He writes "It is clear from this description that African land tenure is not "communal" in the sense of tenure in common. Its characteristic seems rather to be individual tenure of land derived from a common stock at the disposal of the tribe or family." Lest anyone should dissent from Lugard's view and quote the findings of the Committee appointed to consider the question of land settlement in Ankole, Bunyoro, Busoga, and Toro (the report was published in 1913) I would like to say that I have spent about six years in Ankole and Toro, and went into the question and could find nothing to support the statement that "It would appear that according to native customs no land was owned by anyone except the chiefs, and that the peasants were merely occupiers."

Important as it is to understand the rights of the owners of the soil (the *abene liloba*) only second in importance is it to understand the position of the tenants. These are called *abamenywa* or *abamenyibwa*, or *abarende*, words meaning the same status, but used in varying dialects. Before freedom of movement came in with the British Administration, the would-be tenant was confined in his choice mainly to seeking a tenancy on land of another clan within the tribe. I cannot do better than quote the report of the Committee on Native Land Tenure in North Kavirondo (of which I was a member) for a description of the position of tenants.

"There are no clans in the district which have no clan land, but there are families which for one reason or another have left the land of their own clans and are residing, by permission, on the land of other clans. Some are from other clans of the same tribe, some from other tribes, and, in some cases from tribes outside the district. The custom

governing the granting of permission so to reside was as follows: The man desiring leave to settle on the land of a clan other than his own would first approach someone well known to him (frequently a relation by marriage) and ask permission to settle on or near his holding. If the friend was willing he took the applicant to the *liguru* of the *lugongo* who, in conference with the elders, would enquire into the man's history and character and his reasons for leaving his own clan. If there was any objection by the elders of the *lugongo* the request must be refused. In the event of approval the man would be allotted land. . . . There was no payment, but he was required to make himself generally useful to the family which had sponsored him and it was an absolute and essential condition of his residence that he came completely under the authority of the *liguru* and elders of the *lugongo*. . . He could be turned out at any time if he gave offence to his sponsor or to the people of the *lugongo*, but when once established . . . he could not be evicted without reference to the *liguru*. . . . The children of a tenant inherit their father's rights, but are tenants-at-will just as he was. . . . When the family of an *omumenyibwa* has remained for three or four generations it is known as *omumirikha* (absorbed or merged) and is considered to have been adopted into clan membership, with corresponding rights in the land, but the fact that its members can inter-marry with the clan indicates in itself that it is of different stock, and this is never forgotten. . . ."

Turning now to another subject, and with but little time to deal with other aspects of the life of the Bantu, I have thought it important to touch upon tribal government. The family is governed by its head, the families which comprise the *ekiribwa* or sub-clan by their head, the *omwitwatsi*, the settler of disputes. Next in ascending order is the clan, ruled over by the *oweliguru*, and above all is the *Omwami Omukulundu*. When any one of these died a successor was appointed by a ceremony of installation called *okwemeka*. This ceremony was divided into two stages, the first called *kirembe* performed on the day of death and burial, and the second called *okukina omwimo* performed at a variable time later. An important factor in deciding the time when the second ceremony was to take place, was the amount of the food stocks in the grain stores. It was always put off until there was an abundance of food for the feast, with copious supplies of beer.

The description which follows is mainly based on that given me by the clan of the Abagolwe in the Location of Wanga, and is that of an *oweliguru* or clan head. When he is seen to be dying the clan elders gather at his kraal, and learn from him which of his sons is to succeed him in office. If he dies leaving no choice, the elders choose

one. It is not necessarily the eldest son. The sons are not allowed to see their father die, but they are, of course, at the kraal. After death (I am only picking out the main points, for a full description would take too much time) a fat ox (called *isurusi*) is brought and the heir takes his father's spear, and with one powerful thrust endeavours to spear the animal through, from the right side to the left. The spear is withdrawn, and the mortally wounded ox is guided, if possible, into the hut in which the dead man is lying. If it resists all efforts to guide it into the hut, but dies in the open, this is taken as a sign that the choice of an heir is not approved by the clan heads in the spirit world. No immediate action is taken to choose another son. This is deferred until before the second part of the rite, the *okukina omwimo*.

On the day appointed for *Okukina omwimo* the heir is prepared for the ceremony. Seated at the doorway of his late father's hut his head is first of all shaved by a married sister. If he has no sister, then the office is performed by a near female relation. This done, he is then seated in the open kraal on a newly prepared cow skin, and his head, back and chest rubbed with butter till it glistens. The elder women, the wives of the clan elders, then throw at him or pour over his head from small baskets, simsim seed, small and large millet and beans. This is done with an accompaniment of loud ululations, and is a token that the women of the clan accept the new head, and that he guards the crops.

The insignia of office which belonged to his deceased father are then produced, and consist of five articles:—

1. The *Elisiri*. This is an iron wristlet made from twisted iron, generally curled back at the ends leaving a gap of about three-quarters of an inch. It is worn on the right wrist.
2. The *Ekisiri*. This is generally the tail of a monkey, and is worn on the forearm just below the elbow, so that the tail hangs down.
3. The *Ekimwata*. This is a headdress generally made of cowrie shells sewn on a skin, conical in shape, and provided with a chin strap.
4. The *Elifumu*. This is his father's spear.
5. The *Imbiri* or shield.

The next part of the ceremony is performed by an elder of a class of dependents called *Abagali*, or *Abasumba*. It is not the function of the members of the clan to perform it. He puts on the *elisiri* and the *ekisiri*, the wristlet and the tail, and in doing so signifies that he and his class give their allegiance to the new clan head.

The *Ekifumbi* or stool of office is now brought into prominence. Glistening with butter on head and chest, with simsim seeds and small millet sticking to his body, he is now seated on the *ekifumbi* of his

father while an elder of the clan puts on his head the *ekimwata*, the cowrie shell headdress. His father's spear is put into his right hand and the shield in his left, again to the accompaniment of loud ululations.

Thus attired, he with the clan elders, beats the bounds of the clan land (some clans omit this part of the proceedings) and then makes a tour of visits to the kraals of the principal clan elders, who make gifts according to their substance, some offering a fowl, others goats.

In this ceremony of *okwemeka* all sections of the clan community have their share, his near relations, the women, the dependents, and the clan elders. One cannot help a feeling of deep regret that customs such as this are swiftly passing away. With their passing also passes much of the old clan loyalty and discipline. Personally I urge on the people the importance of retaining this custom, but with so much sweeping away this and other customs, it requires concerted action if it is to be saved.

One final word ought to be said about the administration of justice. Appeals to constituted authority were less frequent before the British administration came in than after. There was much more individual action than now.

This can be illustrated by the procedure adopted to procure the return of the bride-price of a wife who had been divorced. The irrevocable action against which there was no appeal was for the husband to seize the wife by the wrist and drag her forth from the kraal. This was their equivalent of our decree absolute. If the wife's people refused to return the cattle, there was no appeal to constituted authority. The claimant watched his opportunity and seized a woman of their clan known to have an infant. He caught her as she went to the well, or to market. He hauled her off to his kraal, treating her as gently as her struggles permitted. The fact of the seizure of this woman soon became known to those who held back the return of the bride-price. The unhappy father of the infant, left with a crying baby on his hands, lost no time in bringing pressure to bear on those responsible, to return the cattle, that his infant be not deprived of its mother too long.

I am told that this scheme always worked, but it is not one of the customs which I would wish to retain.