

Examination of the Protectorate Arrangements that Led to the Treaties Between the Chiefs at the Southern End of Lake Tanganyika and the British Government.

The effect of the Arab settlements of the shores of Lake Tanganyika

Colin Carlin Jan. 2020.

The reports of Dr. David Livingstone, and other visitors to the Tanganyika¹ plateau in the 1860s and 1870s tell of the very extensive occupation by Arabs owing allegiance to the Sultan of Zanzibar. The Lungu and their neighbours were harassed by these Arabs and by raids from the larger tribes to the south. Paradoxically Livingstone and other travelers were facilitated by the principal Arab traders and would not have been able to travel through the country without their help.

The Arabs and their Swahili followers lived along the lakeshore dealing in the slaves they traded from the more militant tribes. Up to the late 1880s, their captives were forced to carry loads to the Indian Ocean coast where those who survived were sold in slave markets. This earned the slavers a terrible double profit. The slaves worked the spice plantations of Zanzibar and Pemba or were shipped by Arab dhow to the Omani and Muscat coast of the Arabian Gulf or the cotton fields of the Euphrates Valley in what is now Iraq. The British Royal Navy ran intensive anti-slaving patrols to stop this traffic under the direction of Sir John Kirk, the British Consul General and Agent in Zanzibar.

Legal documents and contemporary reports show how the British Crown came into titular possession of the lands on the Tanganyika lake shore and the plateau above and why Ulungu became a Protectorate rather than part of a Colony. Through a process of negotiation and treaties with the local authorities, the chiefs and headmen agreed to hand over their lands in return for protection for the raiders. These agreements should also be seen in the context of the growth of European interests in Africa exemplified by the ongoing Berlin Conference over the distribution of spheres of interest in the continent. The Germans were expanding into Tanganyika, while the Belgians were turning the Congo into a private colony and the Portuguese were encroaching east and west and claiming interests in the lands in-between. Meanwhile, the British with Cecil Rhodes and the British South Africa Company leading the way were expanding their influence in Southern Africa and colonizing what became Zimbabwe. The Arab traders with their extensive trading contacts, and the principal Chiefs, would have known of these external pressures. The

¹ Livingstone's Last Journals Volume II, page 248, mentions the missionary's visit to Zombe's village on the Halaochéché on the 13th or 14th November 1872. He describes it as a rapid stream 15 yards wide and thigh deep running through Zombe's stockaded village. This description of the Lucheche strongly suggests that it is below the confluence with the smaller Mbulu, the two streams making a "rapid stream". The Lucheche is a modest stream as it leaves Lake Chila and meanders beside the Lucheche Gardens towards St Paul's and is only two or three yards wide.

Commander Lovat Cameron during his epic voyage on the lake comments on the Arab traders living in the lakeside villages.

Edward Cote Hore, a master mariner and an early commander of the London Missionary Society's vessels on Lake Tanganyika also described a visit in 1879 to Zombe's village in his memoir "Tanganyika, eleven Years in Central Africa".

reaction of the local people and their chiefs is seen in their response to opportunities for protection offered by the presence of the Missionaries, the merchants of the African Lake company and then the British South Africa Company acting under a form of license from the Government in London.

These documents transform our understanding of the political situation on the Tanganyika Plateau at the end of the 19th Century and the consequences for the people of Ulungu.

Miss Hope Gamwell in her "*History of Abercorn*"² summarizes these events:

"Early in 1889 Messrs. Swann, Wright and Carson of the London Missionary Society reopened Niamkolo, and it was in that year that Kitimbwa, (Chitimbwa) harassed on every side by the Ruga Ruga (Arab slavers) and the Wawemba, formally handed over the Lungu territory to Swann in exchange for what help he and his colleagues could give in dealing with the slavers. Kitimbwa was evidently head Lungu chief at that time and no mention can be found of a Tafuna. Shortly after this handover H. H. Johnston, the British Consul at Mozambique came 'titupping over the plateau on his donkey making treaties, and Swann persuaded Kitimbwa to make a treaty with Johnson leaving the Mission all the land they might require for their stations."

A Contemporary Report Illustrating the Background to these Treaties.

Alfred Swann in his memoir of his time on Lake Tanganyika writes of his engagement with the Lungu and the protection they found themselves pressed to seek from him and then with the British Government. While he maintained good relations with Tip-pu-Tip on the Congo coast and Rumaliza at Ujiji who he describes as Arab gentlemen, he utterly contemned their brutal trade and Ruga Ruga followers.

The relevant passage Reads ³:

"The Walungu, in whose country we resided, owned the whole of south Tanganyika, and about this time a messenger arrived from the chief if I would meet them at a council to discuss tribal matters. I accepted their invitation. Kitimbwa, the paramount chief, occupied the central mat. Around him were gathered the sub-chiefs and headmen. I could not imagine what subject was to be discussed, for so far as I knew, nothing important had happened to disturb their calm."

"The usual mysterious and irritating preliminaries in all these indaba went on for some time. - - - At length an orator stepped into the clear space before the chief, lay down and rolled over in the dust (an expression of loyalty). Pointing his spear to the hills he shouted: "Our fathers are sleeping around us, some by the rivers, others on the hill-tops; their spears were buried with them, with the exception of one which was given to Kitimbwa; that is it lying by his side. With this spear descended the power to speak to us as his father did. To day he speaks! Listen! these are his words: "On account of war, and disease, the Walungu are few; their land is extensive, but the children cannot protect it."

² The Northern Rhodesia Journal, Volume IV-no. 6 1961

³ Swann Alfred J., *Fighting the Slave Hunters in Central Africa*, Seeley & Co., London 1910 pages 189 – 191.

“ The Awemba gave us no sleep; the Arabs ate up our daughters. Until the white man came, we knew no friends. They fed us when our crops were stolen. They sheltered us when our huts were burned. They gave medicines to our sick, and spoke to our enemies with guns in their hand. I am getting old and tired; you are weak. Let us give our land to the white men!”

Comment: There are echoes of the cadences and phasing of the practiced Christian preacher that suggest that Swann was exercising considerable poetic license when translating these passages by the Chief’s orator. In the absence of other evidence, we can only assume that he relays the gist of the oration.

“All present knelt down and clapped their hands saying: “Tata witu! Tata witu!” (equivilent to “ We agree” lit. “our father”).

“Kitimbwa then turned to me saying: “You have heard our words. We give you our land; will you accept?”

I explained that I valued their offer, but that my chiefs had no desire to possess their country; we came to help them, and did not wish for reward. Besides, I would have to consult my comrades. He answered, “If you refuse, we shall be eaten up and our tribe will cease to live.”

“The pros and cons were duly discussed at our station, and we agreed to take over the country in the meantime. Title deeds were drawn up and signed by the chief, and I became trustee for the London Missionary Society of all Ulungu. The map was being painted red in spite of us, certainly not by our seeking or desire.”

“This proved only a rehearsal, as it happened, for the real John Bull was even then at our doors; and if that French critic had been with us I confess it would have been more difficulty to disabuse his mind of our real intentions. A special messenger arrived with the news that a British Consul was approaching. This was a real surprise, for we had begun to imagine ourselves independent people, beyond the thoughts of Downing Street, much too insignificant for this diplomatic notice. We were wrong! The great John Bull was about to sweep us into the Empire whether we wished it or not. We were wrong! I went out to meet the representative of Britain, expecting to see a military escort, Union Jack, bayonets, sword and perhaps an eyeglass. Nothing of the sort appeared. Across the plain walked a few natives who preceded the consul. He was a small man, riding a donkey, and wearing a man-o’-war’s-man straw hat which gave him quite a youthful appearance.

As we met, he held out his hand pleasantly, saying.

“ I am Consul Johnston. Are you Mr. Swann?.”

Official and Legal Documents Evidencing these Events

The African Lakes Company [ALCo.] made agreements and purchased land from local Chiefs for their trading stations. Glasgow University Archives hold the Company records. The Library of the School of Oriental and African Studies in London has the papers of the London Missionary Society who also made agreements with the Chiefs and Headmen for their missions.

Early examples were the arrangements for Niamkolo on the lake and Fwambo, Kawimbe and Kambole up on the plateau. While these initial agreements with the Chiefs have not been located, Glasgow Archive includes three documents that evidence that agreements were made between the local chiefs and the ALCo. They also document the Company's dealings with the British South Africa Company [BSACo.]

1. 1893 Deed of Sale between the ALCo. and the BSACo. - The ALCo. had run out of funds and were saved by re-financing from the BSACo. and reformation of the Company as the African Lakes Corporation. Glasgow Reference GB 248 UGC 193/1/17/1/28.

2. 1935 Certificate of Claims confirming that the ALC had acquired rights to their Kituta and Fife estates and that they would to sell on to the BSACo. Ref. UGC 193/1/17/1/43.

3. Ref UGC 193/1/17/1/28. This is an example of the sort of agreements that were being signed with chiefs although this one is for Nyasa. It names the chiefs in Malawi from whom the ALCo. bought land in fee-simple (a type of freehold title) ⁴.

An agreement between Kitimbwa and Alfred J. Swann of the London Missionary Society formed the basis of the treaties Johnston made 1889 in Ulungu on behalf of the British Government. Alfred Swann was a qualified Master Mariner and was employed by the Mission as head of the Maritime Department they had established on Lake Tanganyika. He later became a senior magistrate in Nyasaland.

Harry Johnston, Her Majesty's Commissioner and Consul General for the territories under British influence North of the Zambezi and Alfred Swann also left records of their dealings with chiefs in the Lake Tanganyika region.

In his report addressed to the British Prime Minister, the Marquis of Salisbury, Johnston lists the treaties he signed with the chiefs and village headmen on his journey along the Stevenson Road from Karonga to Abercorn and around the lakeshore. He travelled through regions at the head of Lake Malawi and then further west visiting what we now know as Wafipa on the Tanganyika plateau and Mambwe and onto the Lungu lands on the shores of lake. He then moved onto the high western escarpment bordering the great lake. From Chitimbwa's near Kambole he headed south to Mweru Wantipa and Lake Mweru leaving Swann to carry on treaty making up the west side of the lake.⁵

Swann notes that each treaty was put in a separate waterproof container. These were sent to London and are now in the National Archives in Kew under the heading Treaties with African Chiefs 1889.⁶

For the Ulungu Treaties see appendix IV.

⁴ In English law, a fee simple is a form of freehold ownership. It is the highest form of ownership that can be held in real estate in common law countries.

⁵ The National Archives, Kew reference: Portugal, Consuls at Mozambique. Johnston, Churchill. Despatches 1-25. 9 Johnston's letters are available online at <https://discovery.nationalarchives.gov.uk/details/r/C3561893>

⁶ The National Archives- Kew, London, reference FO 93/4/2

Unfortunately many of the names are difficult to read or have been poorly transliterated from the vernacular. The following is an attempt to interpret his script. The names would probably be clearer on the actual treaty document. Reference to the early Abercorn District Note Books helped unravel some of these names. Presumably a copy of the treaty was left with each chief and headman.

This is a significant document as it mentions a Chief Tafuna of Kasanga that may be the first documented reference to Chiefs of that name.

Consul Harry Johnston lists the treaties on page 32 of his report to London:

1. Treaty made at Kanguru's with Kanguru 17 September 1889.
2. made at Undi's with Undi on 22nd September 1889.
3. made at Petankungu with Petankangu 5th October 1889.
4. made at Wanyambe with Nyambere 3rd November 1889.
5. made at Isokama with Mpako 4th November 1889
6. made at Marambo with Myingyi Tslinga 4th November 1889.
7. made at Marambo with Mwiniya Tslingu 4th November 1889. [?]
8. made at Miriganda with Usang - - 6th November 1889.
9. made at Ruruwara with Iowa 10th November 1889.
10. made at with Pangara with Usangwani 16th November 1889.
11. made at Msisi with Mkoma 18th November 1889
12. made at Kararamuka with chief of Ukukwe 19th November 1889.
13. made at Tshi - - inga with Chief of Musaku -Fwambo 23rd November 1889.
14. **made at Kasanga with Tafuna 29th November 1889.**
15. made with Mwasi's [?] with Mwasi
16. **made at Iyandwe with Kitimbwa 1st December 1889**
17. made at Kamenga with Usiro 6th December 1889.
18. made at Timbwe with Tshingu 9th December 1889.
19. made at Tshimwere with Kera 14th December 1889
20. made Ndaila with Nangwe, Mwsiyi Mwamba 15th December 1889
21. made at Geruru with chief of Wakinga 16th December 1889
22. made at Myambu with Likama 19th December 1889.
23. made at Mwinyi Mando's with Chief Watambo -Mwandia 20th December 1889.
24. Treaty made at Rnunda with Kasembe [?] 4th January 1890.
25. Treaty made at Mpanda's with Mponda 7th January 1890.

[names in bold are locally significant, perhaps some of the others can be recognized?]

These two treaties and notes follow below:

Treaty made with chief Kitimbwa (Chitimbwa) of Iyendi (Liendi)

TREATY made at *Ipendwe (Lindwe)*, in *Western Ulungu*.
this *Fifth* day of *December* in the year 18*93* between
Henry Hamilton Johnston Esq. H.M.
for and on behalf of Her Majesty the Queen of Great Britain and Ireland, *Consul*
Empress of India, &c., &c., her heirs and successors, on the one part,
and the Undersigned, *Kitimbwa, Chief of* for *his*
heirs and successors, on the other part. *Ipendwe*

I, the Undersigned, *Kitimbwa* do in the presence of
Headmen and people assembled at this place hereby promise:—

1st. That there shall be peace between the subjects of the Queen of
England and *my* subjects.

2nd. That British subjects shall have free access to all parts of
my country
and shall have the right to build houses and possess property according
to the laws in force in this country; that they shall have full liberty to carry
on such trade or manufacture as may be approved by Her Majesty; and
should any difference arise between the aforesaid British subjects and
me the said *Kitimbwa* as to the duties or customs
to be paid to *me* the said *Kitimbwa* or the Headmen of
the towns in *my* country by such British subjects or as to any other
matter, that the dispute shall be referred to a duly authorized represen-
tative of Her Majesty, whose decision in the matter shall be binding and
final; ~~and that~~ ~~will not extend the rights thus guaranteed to~~
~~British subjects to any other persons without the knowledge and consent~~
~~of such representative.~~ *H.M.S.*

3rd. That I the said *Kitimbwa* will at no time
whatever cede any of *my* territory to any other Power, or enter into any

Agreement, Treaty, or arrangement with any Foreign Government except through and with the consent of the Government of Her Majesty the Queen of England, &c., &c.

Done at *Iyendwe* this *First* day of *December*, 18*98*

Kitimbwa + *His mark*

N. W. Wilson

N. W. Wilson

Signed in the presence of

Alfred Gwamu

Hasana + *His mark*
bin Salum
(Kabunda)

We, the Undersigned, do swear that we have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties, in the *Kiswahili* languages in the *Kilungu*

Mwinyi Mwanji + *His mark*

Witness to signatures:

(Signature) (*Kiongwé*)

Alfred Gwamu

The boundaries of Kitiubwa's country
herein referred to are declared to be the
following:—

On the north, the coast of
Lake Tanganyika between the mouths of
the rivers Lofu and Louzua; on the
east the course of the river Louzua; on
the south, the country of Iounga; and
on the west, the course of the River Lofu.

Kitiubwa X his mark

H. H. Johnston
H. H. Johnston

Witness to Signatures.

Alfred Swann

to the south, the country of Isungu; and
on the west, the course of the River Lofu.

Iyendwe (Lindwe) Western Ulungu.
Kitimbwa . Iyendwe . Kitimbwa (4 times).
— — Alfred. J. Swann . Habana
bin Salum (Kabunda) . Kiswahili .
Kilungu . Mwingi Asmani . كينغ
(Kiungwe) . Alfred. J. Swann .
Kitimbwa . Tanganyika . Lofu .
Lonsua (2) Isungu . Lofu .
Kitimbwa . etc .

Treaty made with Chief Tafuna at Kasanga. (Probably a village north of the Kalambo River and not the present Kasanga on the lake shore.) It is notable that the Missionary Alfred Swann was a witness to the "signatures" on both treaties.

TREATY made at *Kasanga on the* in *The Country of Ulungu,*
this *Twenty ninth* day of *November* in the year 18*89*, between
River Kawa *South end of Tanganyika*

Henry Hamilton Johnston Esq, B. N. Consul.

for and on behalf of Her Majesty the Queen of Great Britain and Ireland,
Empress of India, &c., &c., her heirs and successors, on the one part,
and the Undersigned, *Tafuna, Chief of Eastern* for *his*
Ulungu
heirs and successors, on the other part.

I, the Undersigned, *Tafuna* do in the presence of
Headmen and people assembled at this place hereby promise:—

1st. That there shall be peace between the subjects of the Queen of
England and *my* subjects.

2nd. That British subjects shall have free access to all parts of
my country
and shall have the right to build houses and possess property according
to the laws in force in this country; that they shall have full liberty to carry
on such trade or manufacture as may be approved by Her Majesty; and
should any difference arise between the aforesaid British subjects and
me the said *Tafuna* as to the duties or customs
to be paid to *me* the said *Tafuna* or the Headmen of
the towns in *my* country by such British subjects or as to any other
matter, that the dispute shall be referred to a duly authorized represen-
tative of Her Majesty, whose decision in the matter shall be binding and
final; and that ~~will not extend the rights thus guaranteed to~~
~~British subjects to any other persons without the knowledge and consent~~
~~of such representative. H.H.S.~~

3rd. That I the said *Tafuna* will at no time
whatever cede any of *my* territory to any other Power, or enter into any

Agreement, Treaty, or arrangement with any Foreign Government except through and with the consent of the Government of Her Majesty the Queen of England, &c., &c.

Done at *Kasanga* this *Fifth* week-day of *November*, 18*99*

Tafuma  *His mark*

H. W. Johnston
Attorney

Signed in the presence of

Alfred J. Swann
Esq.

We, the Undersigned, do swear that we have truly and honestly interpreted the terms of the foregoing Agreement to the Contracting Parties, in the *Kisweluli* languages, *Kilungu*

Tahimkoine  *His mark*

Msonge  *His mark*

Witness to signatures :

Alfred J. Swann

The boundaries of the County of Eastern
Ulunghu herein referred to are declared to be
the following: -

On the north the River Kawa so far
as the boundaries of Fija, on the east the
County of Fija and the County of Usanda
(at a distance of thirty miles from the coast
of Tanganyika); on the south, the County
of Mambwe; and on the west, the River
Lofu, and the coast of Lake Tanganyika
from the mouth of the R. Lofu to the mouth
of the River Kawa.

Tapuna X His mark

H. W. Winstony.
W. Winstony.

Witness & Signatures

Alfred Swainson.

his mark

H. W. Johnston
H. W. Johnston

red Swann.

his mark

that we have truly and honestly
Agreement to the Contracting Parties,

his mark

his mark

J. Swann.

... of thirty miles from the coast
of Tanganyika; in the south, the country
of Mambwe; and on the west, the River
Lofu, and the coast of Lake Tanganyika
from the mouth of the R. Lofu to the sea.

Kasanga. Ulungu. Tanganyika
on the River Kabra

Tafuna E. Ulungu. Tafuna (4) —

— Alfred. J. Swann. Justawa

(Isma'il) Kiswalili. Kilungu.

Tshimkorwe. Msonge. Alfred. J. Swann

E. Ulungu. Kawa. Fipra. Fipra. Lofu.

Uwanda. — Mambwe. Lofu. — Lofu.

Kawa. Tafuna. — —

Documents not yet located:

1. The African Lakes Company original grants/purchases from the Lungu Chiefs at the southern end of Lake Tanganyika that enabled them to establish their base at Kituta and later up at Abercorn.

They may also have had a store at Kasakulawe

2. The agreement Swann made with Chitimbwa in 1889 before Johnston arrived to make these sale agreements into formal treaties.

3. Deed of sale or transfer from the London Missionary Society to consul Harry Johnston when he took over the agreement made between Alfred Swann and Kitimbwa who he describes as the paramount Chief of the Lungu.

4. The London Missionary Society's purchase agreements over their missions at Niamkolo, Fwambo and Kawimbe.

What Followed Next

The African Lakes Company sold its interest to the British South Africa Company in 1893 some four years after the treaties were signed. A further agreement in the Glasgow University Archives between BSACo. and African Lakes Corporation Ltd. covered the Company's Fife and Kituta estates. It is significant that this has been printed out. Document GB 248 UGC 193/1/17/1/28 .

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This Deed is made the *Third* day of *September* 1935 BETWEEN THE BRITISH SOUTH AFRICA COMPANY whose registered office is at 2 London Wall Buildings in the City of London (hereinafter called the Company) of the one part and THE AFRICAN LAKES CORPORATION LIMITED whose registered office is at 122 Ingram Street Glasgow (hereinafter called the Grantee) of the other part



WHEREAS by a Transfer made the 28th day of September 1893 at Zomba in what was then the British Central Africa Protectorate but is now the Nyasaland Protectorate between the Company of the one part and The African Lakes Company Limited the Company transferred and made over absolutely to the said African Lakes Company Limited (*inter alia*) AN ESTATE in fee simple at Fife on the Nyasa-Tanganyika Plateau situate in what was then and in the said Transfer was called the Tanganyika Province British Central Africa but is now the Northern Province of Northern Rhodesia (the area and boundaries of which estate were in the said Transfer described in the manner appearing in the First Part of the Schedule annexed hereto) AND AN ESTATE in fee simple at Kituta in the Urungu country on Rhodes Bay Tanganyika situate in what was then and in the said Transfer was called the Tanganyika Province British Central Africa but is now the Northern Province of Northern Rhodesia (the area and boundaries of which estate were in the said Transfer described in the manner appearing in the Second Part of the said Schedule annexed hereto)

AND WHEREAS each of the said two estates was so made over as aforesaid with the reservation THAT on all minerals metals and precious stones obtained from the said two estates a royalty of 5 per centum *ad valorem* should be paid to the Company, but subject as to the estate at Fife to all the conditions set forth in the original Certificate of Claim dealing with the Nyasa-Tanganyika Road Inyamwanga Estate issued by His Majesty's Commissioner and Consul-General on 18th September 1893 and subject as to the estate at Kituta to all the conditions attached to the original Certificate of Claim dealing with the Eastern Urungu Estate and issued by His Majesty's Commissioner and Consul-General on the 20th September 1893

AND WHEREAS by Special Resolutions of the said African Lakes Company Limited duly passed and confirmed at Extraordinary General Meetings thereof held respectively on the 30th day of August and the 15th day of September 1893 it was resolved that the said African Lakes Company Limited should be wound up and that Arthur Hart should be appointed Liquidator for the purpose of such winding up and that the said Liquidator should be and was thereby authorised to carry into effect the Agreement hereinafter mentioned

AND WHEREAS by a General Disposition and Assignment dated the 10th day of April 1895 and registered at Fort Jameson on 2nd April 1909 and at Blantyre on 16th September 1909 and made between the said African Lakes Company Limited and the said Liquidator and the African Lakes Trading Corporation Limited the said African Lakes Company Limited with the consent and by the direction of the said Liquidator and the Company

for its own right and interest transferred *inter alia* the said two estates to The African Lakes Trading Corporation Limited

AND WHEREAS by Special Resolution of the said African Lakes Trading Corporation Limited duly passed and confirmed at Extraordinary General Meetings thereof held respectively on the 28th day of March and the 12th day of April 1894 it was resolved that the name of the Company be changed to The African Lakes Corporation Limited

AND WHEREAS the said two estates were subsequently surveyed and their respective areas and boundaries as so ascertained were accepted by the Grantee as the areas and boundaries of the said estates at Fife and at Kituta made over to the Grantee by the Company in the said Transfer

AND WHEREAS the said areas and boundaries of the said two estates so ascertained and accepted were delineated and described in Plans and Diagrams distinguished as General Plan No. 3 Diagram No. 1 Farm No. 1 Mzanza and General Plan No. — Diagram No. 14 Farm No. 14 Kituta and lodged at the Lands and Deeds Registry of Northern Rhodesia

AND WHEREAS copies of the said Plans and Diagrams endorsed as accepted by the Grantee were subsequently attached to the said Transfer

AND WHEREAS a document containing the said Transfer and the said copies was registered in the North Eastern Rhodesia Lands and Deeds Register under No. 4 and a copy thereof is attached hereto

AND WHEREAS the Grantee has requested the Company to execute this Grant in confirmation of the mineral rights in respect of the said two estates transferred and made over to the Grantee by the said Transfer dated the 28th day of September 1893 to enable the Grantee to register its title thereto in the Registry of Mining Titles in Northern Rhodesia

NOW THIS DEED WITNESSETH as follows namely :—

1. THE Company hereby grants and confirms to the Grantee the sole and exclusive right to prospect for win take away keep and dispose of all minerals metals and precious stones situate on and in the said two Estates subject to the Mining Law from time to time current in Northern Rhodesia and on condition that there shall be paid by the Grantee to the Company a royalty of five per centum *ad valorem* on all minerals metals and precious stones obtained from the said two Estates.

2. THE Company shall at all times have the right to inspect by its Engineers and other authorised agents any operations mine working building or mines located in the said two Estates and to inspect and where required obtain copies of any plans reports or statements prepared in connection with them.

3. NOTHING in this Grant contained shall affect or prejudice or be deemed to affect or prejudice any rights possessed at the date hereof by the Crown.

IN WITNESS whereof the Company and the Grantee have caused their respective Common Seals to be hereunto affixed the day and year first above written.

THE SCHEDULE above referred to:—

PART I.

PARTICULARS OF THE ESTATE AT FIFE.

This Estate has an area of Six thousand acres and is bounded approximately as follows:—

Starting from a marked point on the North side of the Nyasa-Tanganyika Road distant exactly one mile (1760 yards) in a south-easterly direction from the African Lakes Company's Store as existing in 1893, the boundary of the said Fife Estate shall be carried at right angles to the main direction of the Nyasa-Tanganyika Road for a distance of 2820 yards and from where this measurement ends shall be carried at right angles in a north-westerly direction for a distance of 5640 yards and from where this measurement ends shall be carried at right angles for a distance of 5640 yards in a south-westerly direction (across the Nyasa-Tanganyika Road) and from where this measurement ends shall be carried at right angles for a distance of 5640 yards, and from where this measurement ends shall be carried at right angles for a distance of 2820 yards back to the starting point. But the Nyasa-Tanganyika Road which runs through the Estate shall have a breadth of 75 yards and be exempted from this property.

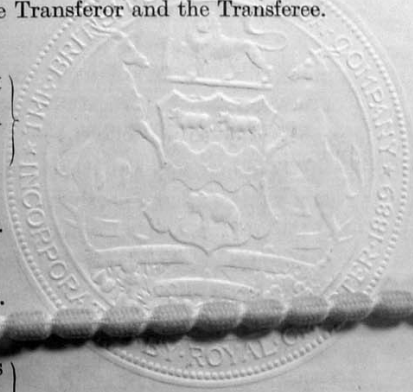
PART II.

PARTICULARS OF THE ESTATE AT KITUTA.

This Estate has an area of Six thousand acres with a frontage on Rhodes Bay, Tanganyika of not more than one mile. This Estate shall not trench on the Zombe settlement where there is a station known as "Abercorn" occupied by the British Central Africa Administration. The boundaries of the said Kituta Estate, subject to the above mentioned limitations shall be further determined when convenient to the Transferor and the Transferee.

THE COMMON SEAL of THE BRITISH SOUTH AFRICA COMPANY was hereunto affixed in the presence of:

J. de la Roche
Arthur J. Chapman } Directors.
John W. Smith } Secretary.



THE COMMON SEAL of THE AFRICAN LAKES CORPORATION LIMITED was hereunto affixed in the presence of:

John A. Morrison } Directors.
J. A. Morrison } Secretary.
W. Johnson ASSISTANT
and James Harris Woodruff } Witnesses
Solicitor Glasgow
and Thomas McPherson }
Sub-Notary Public Glasgow
In testimony of which
we have signed these



Certificate of Claim

In this document Harry H. Johnston sets out to confirm the legitimacy of the purchase, in fee simple of large tract of land in Ulungu country, Tanganyika Province, British Central Africa from Chief Ntara Ngorwi Kito by the African Lakes Company on the 30th December 1890. Chief Kito is not listed among the Chiefs Harry H. Johnson negotiated his treaties so his identity and town is not established.

The “estate” in question stretches from the south east shore of Lake Tanganyika and the Anglo-German boundary in the north, across to the left bank of the Upper Saisi River. On the south, it reaches the 9th parallel south to where it intersects with 31 degrees East Longitude crossing the eastern base of Sungu (Sunzu) or Lusungu mountains and the northern boundary of the Fwambo (Kawimbe) Estate of the London Missionary Society. All the land previously purchased by the Mission was specifically excluded from the estate. The Islands lying off the coast of Lake Tanganyika, within the area were included.

Villages and plantations belonging to native people, existing at the date of the Certificate were excluded and could not be changed without the consent of H. M. Commissioner. All land included in such a consent would revert to the purchaser. No new villagers or plantations could be made without the consent of the Commissioner.

These appear to be strong terms and we can only assume that the pressure from the Arabs and slave raids was such that they seemed to be worth the protection that was apparently implicit in the purchase.

We know from the record that African Lakes Company clerks and missionaries took up arms and attacked stocked Arab villages and released captives at the risk of their lives. So the Company assumed its responsibly at some risk to their employees lives.

No mention is made of payment for the estate or of the provision of protection against raids by Arab slavers or other tribes. However, the Company was obliged to pay for a survey of the estate at the rates set out by the Administration

The original document in the Glasgow University Archives is referenced Certificate of Claim UGC 193/1/17/1/53 .

See below

CERTIFICATE OF CLAIM



I, Henry Hamilton Johnston, Esquire, companion of the Most Honourable Order of the Bath, Her Majesty's Commissioner and Consul General for the Territories under British Influence North of the Zambezi etc, etc being authorized by Her Majesty's Government to enquire into and settle all land claims within the Territories under British Influence North of the Zambezi, and to grant to all claimants whose titles shall be proved to be true and just, a Certificate to that effect under my hand and seal, specifying the extent of land over which the Claim extends, and the exact nature of the Claim, together with any limitations, restrictions, or conditions which I ^{may} think fit to attach to this recognition, the said Certificate then becoming a voucher for the legality of the claim.

DO HEREBY CERTIFY that I have enquired into the Claim of the African Lakes Company Limited to have purchased an Estate in Fee Simple on South ~~East~~ end of Lake Tanganyika in the Urungu or Ulungu country, Tanganyika Province, British Central Africa from the chief of Ntara, Ngorwi Kito on December 30th. 1890; and that having ascertained that there are no valid counter-claims to its possession, and that the vendor above-cited was the sole and only rightful owner of the land on which the said Estate was situated and of which it formed an integral part, I DECLARE the above mentioned claim of the African Lakes Company Limited to be established and to be recognised as legal and valid by the Government of Her Britannic Majesty under the following conditions:-

I. That the boundaries of the said Estate shall be as follows:-

On the North the shores of Lake Tanganyika and the Anglo-German boundary (as set forth in the Anglo-German convention of June 1890) from the south east shore of Lake Tanganyika to the left bank of the Upper Saisi River; on the west the ^{1 by} 31° of East Longitude; on the south the ninth parallel of South Latitude from where it intersects with the thirty first degree of East Longitude to where it crosses the eastern base of the ^{1 + there showing a line showing the northern base of the Sungu mountains} Sungu or Lusungu mountains and the northern boundary of the Fwambo estate of the London Missionary Society and running conterminously with the boundary of the said Fwambo Estate

Estate till it reaches the left bank of the nearest affluent of the River Saisi which it shall follow downstream to its junction with the Saisi, and thence the left bank of the Saisi downstream to the starting point: ALWAYS PROVIDED however that all land belonging to the London Missionary Society the purchase of which was sanctioned by H.M. Commissioner and Consul General prior to the date of this Certificate shall be excluded from the boundaries of this Estate, ALL ISLANDS lying off the coast of Tanganyika between the 31st degree of East Longitude and the Anglo-German boundary shall be included within this Estate unless already included within the sanctioned claims of the London Missionary society.

2. That the said African Lakes Company Limited shall pay the cost of surveying the said Estate according to the scale of charges fixed by Her Majesty's Commissioner and Consul General and approved by Her Majesty's Government; the plan made by the said survey and approved by Her Majesty's Commissioner and Consul General to be attached by the consular seal to this Certificate of Claim and constitute in ~~some~~ common with the definition of boundaries herein given the only valid and legal evidence as to the extent of the said Estate.

3. That no native village or plantation existing at the date of this Certificate on the said estate shall be disturbed or removed without the consent in writing of Her Majesty's Commissioner and Consul General; but when such consent shall have been given, the sites of such villages or plantations shall revert to the proprietor of the said Estate. No natives can make other and new villages or plantations on the said Estate without the prior consent of the proprietor.

AND IN WITNESS to the validity of the above mentioned claim of the said African Lakes Company Limited, subject to the foregoing three conditions, I have hereunto set my hand and Seal this Twentieth day of September, Eighteen Hundred and Ninety three at Zomba in the British Central Africa Protectorate.

Conclusion

This is an example of the way in which significant parts of Zambia came under British Protection at during the reign of Queen Victoria. It at also illustrates the extent to which the Arab occupation of the northern part of the country forced the chiefs and their peoples to turn to foreign powers for security and support. It also illustrates the way in which missionaries, commercial enterprises and the British Foreign Office set about legalizing their presence in Lungu country by formal legal agreements with the existing authorities and between themselves.
