

DESPATCH.

EAST INDIA PROT.

No. 26822

C O.
26822
Recd. 29 JUL 05



No. 346
1905
June
Special Paper
26804

(Subject.)

Land Grant to Mr R. Chambaiah

To copy of another letter from Mr Chambaiah. Does not consider it necessary to comment on charges brought against him.

(Minutes.)

Mr Read

Section 26804

2 Ack receipt of approval
The Commr's action in writing
the letter in 26804

1/8
I send copy of commr's L.F.O. when
in front of me.

H. J. R.
11/8

Copy sent to Mr J. P. A.
19968
1905

C. O.
26822
23 JUL 05

Commissioner's Office,
Mombasa,

bg



OFFICE OF THE SECRETARY OF STATE

No. 75

Sir,

With reference to my despatch No. 560 of June 26th I have the honour to enclose herewith a copy of another extraordinary letter which I have received from Mr. Chamberlain. As you are in possession of copies of all the correspondence which passed between Mr. Chamberlain and myself before the offer of a grant of twenty thousand acres of land, I consider that it is unnecessary for me to comment on the charges brought against me.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

W. Chamberlain

Principal Secretary of State.

For the Colonies,

Downing Street,

LONDON.

Incluse

C. O. 309
26822
27th June 1905.
29 JUL 05

ELMENTETTA,

27th June 1905.

To,
Sir Donald Stewart, K.C.M.G., C.B.,
H. M. Commissioner.

Sir,

I beg to acknowledge the receipt of your letter of May 4th. Writing to me on April 4th, 1904, Sir C. Eliot, H. M.'s late Commissioner recognised my right to demand an explanation of the treatment accorded to me by the Secretary of State, and promised that such explanation should be provided. You now say that you are not in a position to give any further information than that which I have already received in the correspondence between me and H. M.'s Principal Secretary of State for Foreign Affairs.

You know that no explanation of any kind has been given to me. You know that my repeated appeals and arguments have been met by Sir Clement Hill with evasions and subterfuges. You know that a gross wrong has been done to me by His Majesty's Government and that the whole scandalous transaction originates from a corrupt domestic intrigue within the four walls of the Foreign Office.

Your first and paramount duty as the King's servant, under the Commission issued to you by His Majesty, is to protect the person of the King's subjects against indignities. Faithless to this high duty, you have dared to use threats and force in order to compel me to surrender my legal rights. There is abundant evidence provided by yourself, to show that you have throughout

been

been satisfied that my cause is a just one. The only motive that can be suggested for your action is that you have been afraid to incur the displeasure of your official superiors and to prejudice your prospects of promotion in the public service. Your direct acquaintance with my claims upon H. M.'s Government began with your appointment as H. M.'s Commissioner in June 1904. Lord Lansdowne had objected to my grant as it was in a Native Reserve, although his lordship had himself just given 500 square miles to a Syndicate within the same Reserve. Within a few weeks, almost within a few days of your arrival in East Africa, you had decided to remove the Masai from the Rift Valley. You had also secured the consent of the Masai themselves to the intended change which has since been carried out. Your action in regard to the Masai implied, as a logical necessity, that H. M.'s Government were now free to carry out in a faithful and honourable manner the contract into which they had entered with me. Since the sole objection to my grant had been removed by your decision and action, and since H. M.'s Government had promised me equitable treatment, the only method by which such treatment could be assured to me was by the due fulfilment by His Majesty's Government of the plain terms of a legal contract. But a very different aspect was speedily placed upon the matter.

You had been instructed to confer with Mr Flewmer and myself and to advise as to an appropriate manner of meeting our claims "without undue encroachment on tribal grazing grounds". On September 23, 1904, you so conferred with Mr Flewmer who was accompanied by his Solicitor. To these gentlemen you made the following remarkable statement. The Foreign Office, you said, had stated that Mr Flewmer and myself could not have 32,000 acres that, right or wrong, the Foreign Office would not depart from this position, but that the Foreign Office was prepared to do almost anything short of this in order to settle a troublesome matter.

Right or wrong, the Foreign Office would not depart from

this

this position. If you or any member of His Majesty's Government consider that a dishonest and immoral position can be sustained with brazen and cynical effrontery even by a great Department of State, and that the public interest can thereby be served and the public confidence in your Administration thus secured, I can only say, as one individual settler, that you and His Majesty's Government have been labouring under a grave and dangerous misapprehension which must shortly be removed in a very effectual manner. It is a matter of justice and of right about which I have been arguing and appealing during the last two years. You as His Majesty's representative, have told me on the express instructions of His Majesty's Government that might is right. Your doctrine shall not be forgotten and it may possibly be imprinted upon before the Protectorate is many years older. Having made this important and amazing statement, you proceeded to arrange terms with Mr Flemmer. You offered him a form of settlement which confirmed your own words that "the Foreign Office was prepared to do almost anything short of" an obvious and simple duty. Mr Flemmer expressed himself as satisfied with the settlement thus offered; you informed him that the arrangement would enjoy your complete endorsement and recommendation and that it would certainly be confirmed by the Foreign Office. But your estimate of the extent of your own powers and of your influence with Downing Street proved to be grievously at fault and your energetic and vigorous action met with a sudden and severe check. The Foreign Office bluntly repudiated, without explanation and with severe censure, the proposals which you had yourself propounded as "an appropriate manner of meeting the claims" preferred by Mr Flemmer. Why? You are perfectly well aware of the reason. Lord Lansdowne, advised by ignorant or unscrupulous persons, had made a mistake. His Lordship was not prepared to submit even to a mild correction from so insignificant and unimportant a personage as His Majesty's Commissioner for British East Africa. Principles of right conduct and of justice; the whole law of contract; and even every vestige of

public confidence in the Administration might and should be sacrificed, rather than that it should be placed on record that Lord Lansdowne had made a mistake but had rectified it in a manly, straightforward, and honourable manner. Thus you were instructed by His Majesty's Government and thus you have obeyed.

There is, Sir, no need to enquire at this stage whether your Administration has lost or gained in influence and credit with the public in consequence of the part you have played in this transaction. At least you may congratulate yourself on the fact that your influence with the Downing Street Officials has been measurably increased and strengthened. As a British subject long resident in South Africa I have learnt, during the recent period when the British Government was in sole control, to attach a new and hitherto unsuspected meaning to these matters of official obedience. Many a British Officer, Civil and Military had the opportunity of doing a right, just, or courageous action. But he did it not; it was not his "job", or, he was not going to lose his job". This happened again and again in full view of the colonists of South Africa. We have seen the machinery of British Administration in motion. The disillusion and disappointments we have thereby experienced have been many, and they have still to make their influence felt upon the history of the Empire in Africa.

You, Sir, His Majesty's Commissioner enjoyed a great opportunity. You had all the facts before you; on your own statement, you had been clothed with special powers; you had formed a definite, clear, and independent judgement as to the right and justice of the matter which had been intrusted to you, as the King's servant, for settlement. Two clear and very divergent courses lay before you. You were free to say that, as an official subordinate to higher officials at home, you were not sent here to mete out the King's justice or to do right by the King's subjects, but to obey orders, and to receive your pay, and to earn your promotion.

promotion. You were equally free to say that as His Majesty's representative, it was your first and paramount duty to see that no stain of unfairness or injustice should mar the history of your Administration and that no just complaint should be preferred in vain by the meanest of His Majesty's subjects. The same clear choice lay before your predecessor. We know what Sir Charles Eliot elected to do; we know also what His Majesty's present Commissioner has done. You prefer to be known as a tractable official rather than to write your name large in the annals of Empire as a just and fearless Ruler. So be it; the choice is your own. Your superior officers at home can depend upon you, if not for a high conception of your public duty as the King's servant, at least for quiet and prompt obedience. High preferment and a successful official career must await you. All honours, save only one, shall in due season be conferred upon you. The honour which you may not earn is the inestimable privilege of enjoying the confidence and respect of the people over whom you have been set as a Governor.

I claim that which is justly mine. It is useless to appeal longer to the King's officers for justice. Those of them that are not corrupt are fearful to endanger their own interests. I will therefore adopt other methods of obtaining redress for the wrong that has been done to me.

I am, Sir,

Yours faithfully,

Sd/- ROBERT CHAMBERLAIN.

Connaught 401
26922 314



DRAFT

E.A.P. No 351

16 August 85

Comr. Sir D Stewart

Sir, Please the honor to
ack the receipt of your
desps No. 360 of the
28th June & No 375
of the 30th of June on
the subject of Mr.
R. Chamberlain's land
grant.

MINUTE.

700 12/8/85

26907

- Mr.
- Mr.
- Mr. Anrobus.
- Mr. Cox.
- Mr. Lucas.
- Mr. Graham.
- Sir M. Omsmanney.
- The Duke of Marlborough.
- Mr. Luttelton.

I refer to the terms
of the letter which
you addressed to
Mr. Chamberlain on
the 20th of June.

L.F. & F. letter

Copy to Mr. Stewart

I have
Yours
Alfred Lyttelton

58, No. 26807 and 26822