

DOMESTIC.

EAST AFR. PROT.

9531

C. O.

9531

Recd
MAR 09

Previous Individual

Age, w. 3

1909

Mch

Previous Paper

/9255

Silberad case

~~See~~ ~~copy of~~ Pamphlet re
 handed to Mr. [unclear] by Mr. [unclear] H.P.

Mr. Reed. Mr. Cox.

Note (1) that Mr. [unclear] and makes
 Mr. Haywood's name public.

(2) That he states wrongly that there has been
 no inquiry into Haywood's case. Haywood was of
 course suspended from duty, tried by the Executive
 Council, ~~and~~ ~~convinced~~ & allowed to return to
 duty. Of all this Mr. [unclear] is unaware.

(3) On page 14 Mr. [unclear] tries to argue that
 Silberad ^{Haywood was} ~~was~~ guilty of a breach of the
 criminal law, & should have been criminally
 punished.

This question was discussed as regards Silberman in June,
it was also raised in the lithographic corr: of which copies
are here: see also minutes on 46339 & the Gov's lithogram

46607.

W. J. R.

On 4/4/61 I have suggested that if the case ~~is~~^{is}
brought up again in Parliament ^{the time to take would be} that the cases were
handled with exceptional leniency, as is evidenced by the fact
that instances of similar misconduct in the past have
been most severely dealt with, the usual penalty being
dismissal.

To 2084 is attached an analysis of the evidence & notes
of the case.

There can be no doubt elaborate material for a full copy - if
we receive notice that there is to be Parliamentary discussion
TOM 18/3

W. J. R.

19/II

If this is made ^{the} a matter for debate
in the House the C of G had better
see the papers in order to be able
to support Colonel Seely on the
legal points arising

Prostitution was not forced or advised
to illicit intercourse. This is clear from
Joseph Booth's report. She refused co-ercion
on the first night & was not forced. Later
she co-operated. She was not advised by Silberman

I do not
think that
very strong
defence
will be
made
any

expiration of your present
leave of absence will be
that being on board on the
11th of Dec, there are no funds
for which you are to draw
pay for the days intervening
between the two appts.

3. You are ^{to} at liberty to
embark at a ^{future} later date if
(the steamers leave every Wednesday)
you wish it but you must
understand that you will
not begin to draw the pay
of the new appt before the
date of embarkation.

Wm. C. V. FIDLER.

As regards § 373: the case is nearer the line
 but she was not bought, hired or obtained for
 the purpose of prostitution or if and in so far
 as ~~as a prostitute or in any way~~ ~~as a prostitute~~ they
 a prosecution might have been perhaps
 instituted under the words "for any unlawful
 or immoral purpose". I doubt if any jury
 or it we have convicted having regard
 to all the circumstances. Silberman was obtaining
 a native wife according to the custom of
 the country - not a virgin but a part
 mistress of another man. The legal advisers
 of the Protectorate said there was no violation
 of the criminal law & we accepted it
 but I still like to telegraph asking
 their grounds for holding that no offence
 was committed under § 373 of the Indian
 Penal Code by either Silberman or Hazen.

HFB

1913

W.H. Nich. 19.

Telegraph as proposed. File 2003

36. BEDFORD SQUARE,
LONDON.C. O.
931
REC^d
REG^d 18 MAR 09

4.111.09.

BRITISH EAST AFRICA.

The House of Commons will shortly have an opportunity of expressing its opinion of the conduct of certain Magistrates in British East Africa, and of the manner in which that conduct has been dealt with by the Government.

The object of the pamphlet you will receive with this is to bring together, in convenient form for your perusal, statements of fact and of opinion that have lately appeared in the Press. By reading these letters you will see that this is no party question, but, on the contrary, one that involves the maintenance of our best Colonial traditions.

The gravity of the matter lies in the fact that these instances are not isolated, but are typical of conduct in the Administration. They also show that such conduct is in effect condoned by those in authority.

It is an ungrateful task to deal with individual cases, but vague accusations are useless, and so are vague promises of reform.

The Colonial Office having declined to lay the papers before the House, it has become necessary to add further information in order to make clear the circumstances under discussion.

Ignorance cannot now be pleaded. The responsibility rests with the Public, and a cve all with Parliament, for a state of things incompatible with good government, and which has been well called "a different but far more insidious slavery."

If nothing effective is done, what right have we to criticize other countries, or to refuse to plead guilty to the charge of being a nation of hypocrites?

I am, Sir,

Your obedient Servant,

W. Scoble Roskell