

EAST AFR PROT
No. 11632

C.O.
11632
APR 25

No. 1149

(Subject)

1905
11 March

Reports on Financial Condition and Trade of District
by Messrs. Gwynne & Mansfield

Last previous Paper
1149
C.O.A.

Lo - reports delay

Mr. Read.

(Minister)

Please see also FO papers 4264519.
These reports submitted for (tit. of Feb. at
bottom of file) for publication before
April 1, no doubt in view to show the
position of the Protectorate at the date of
transfer
425 is minute to the effect that C.O. (?)
concurred - holding back the Agricultural
report for the District report. The latter is
in 5794 has been printed.

? Publish the three despatches (300, 425 & this)
with the enclosed reports as a Commission paper
under the name Reports relating to the administration
of the South African Protectorate.

[As the reports in 5794 have been printed by P.O.
it would be convenient to merge for the whole
to be done there]

W.B.P. / 1/1/05

It will be seen from the slips attached to the original of the Forestry Report that the F.O. are anxious to lay the Veterinary & Forestry Reports.

Just get this deep into me put into type by the F.O. & we can then consider whether any of the Report is of use. What should be published

at once
A. J. R.
24/7

To Read

These papers have been put on to type and Mr. Cross has arranged to keep the type for them & the census (519) reports until it has been decided which are acceptable to Log.

The diamond report on the Ukamba Province is valuable, but I don't think the Prices of the 2nd Provincial reports are worth logging in the Provincial Report. * If the Forest & Veterinary Reports are not to be published there remain the Railway Post & Telegraph (para ^{the last} 2 items preliminary) and the two Reports with this despatch. All these I think are worth publishing.

The note regarding a page 5 of the part of Mr. Downing's report to the effect that the increase in paper & stationery was caused mainly by the fact that the greater part of the Commission's salary was previously paid from the Commission Vote

to B.B.
S/P

M/S

To Read

The District Messrs. have also found

I agree
H. J. R.
24/7

general question of rendering reports for
the Protectorate I am sorry that the
pressure of other work has prevented my
attending to this in proper time. 79
The F.O. have introduced one provision
of a report on the annual 'Blue-
book' - see off dept: to Comm^{rs} of 2nd
June 1904 herewith, but there has
been no system of periodical
departmental reports such as were
received from the Gold Coast.
Reports have been furnished as
called for by F.O. or on occasion
appeared to the Protectorate
as otherwise, to signify. I understand
that the position is the same in B.C.A.

If it is decided to start the system
of Departmental Reports in the new
Protectorate, I think it would be
advisable to print only those reports
which are likely to be of public
interest & to present them to Parlt.

The expense of publishing the
Gold Coast departmental reports
at the expense of the Colony has
been very costly, hardly any of the
copies being disposed of.

W.H.S.
26/6

No notice has been taken all these
reports & I shall suggest that the
copies be a Pub! Paper in the
future.

Not from
2-2

think they will
be better for
the

I refer
to the
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which
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in the centre of the Masai grazing grounds. This grant was made on the following conditions:-

The land was to be rent free for seven years, during which period the Syndicate was bound to establish five farms of 5,000 acres each under the control of one resident British subject. During the next eighteen years the Syndicate pays a rent of £500 (five hundred pounds) per annum, equal to a yearly rent of about one-third of a penny per acre. During this period of eighteen years, the Syndicate has the right to purchase the freehold of the whole area of 500 square miles for £50,000, equal to a price of about three shillings per acre. It was admitted (Parliamentary Paper Africa No.8 1904) that the Syndicate obtained this grant with the intention of selling again at a profit.

In the "Transvaal Leader" of July 16th 1904 the following statement was published:-

"The shares in the East Africa Syndicate are held by South African financiers and particularly by men in the Chartered group. The South African Gold Trust, and the Consolidated Gold Field of South Africa have an explicit place on the share list, whilst South African personalities like the Duke of Abercorn, Earl Grey, Mr. Rochfort Maguire, Lord Denbigh, Lord Harris, the Honourable M. Gifford, the Honourable Robert White, Mr. Julius Mosenthal, Mr. A. Neumann, Mr. O. Beit, Mr. Jansen, Mr. G. Pauling, Mr. Leopold Hirsch and Mr. Percy Tarbutt also figure on the document.

With regard to Lord De la Warr, the second applicant for land, Lord Lansdowne made a grant in his case of 100,000 acres on condition that a sum of five thousand pounds (£5,000) should be spent on development within

the first five years of a lease for 99 years, the annual rent being at the rate of one half-penny per acre.

My application - like that of Mr. A. S. Flemer - was for a private farm of 32,000 acres on the fringe of the Masai grazing grounds. I was informed by the highest local authorities that I could have this farm, which was situated on the Enderit river. The Commissioner said that I could have it, subject to possible native rights. Mr. Hobley, a local expert in native affairs, stated that there was no objection on the score of native rights to my having the greater part of the area applied for. A long correspondence ensued in which the terms of the lease were settled, with special reference to the protection of native rights. An agreement was finally arrived at. A copy of this agreement was sent to me for my signature. I signed and returned it and at the same time paid my money to the Land Officer who paid it into the Treasury. This agreement, drawn by the Crown Advocate on behalf of the Government, had for its final clause the following :-

"The Commissioner shall, on the completion of the survey of the said land, execute and the Tenant shall accept and execute a counterpart of a lease of the said land, upon the terms and conditions aforesaid. Until such lease is executed, the said parties shall be bound by the covenants and provisions hereinbefore mentioned and agreed to be contained in such lease, as if the same were actually executed."

The terms of the agreement were that I should have a lease for 99 years of certain defined lands, thirty two thousand acres in extent on the Enderit river, on payment of a yearly rent of one half-penny per acre. I agreed to spend on development five thousand pounds (£5,000) within the first five years

of lease. On completion of this expenditure I was to have the right, to purchase the freehold of ten thousand acres at a price of eight pence per acre.

Safe in the assurance that our interests were protected I returned to South Africa in September 1903 to make arrangements for settlement in the Protectorate. Definitely informed by the Commissioner that I could have the land for which we had applied, Mr. Fiesner and myself devoted ourselves wholly to the work of advancing the interests of the Protectorate. We have sent out quite two hundred (200) settlers into the new country, of whom one hundred and eighteen (118) arrived at Mombasa between February 1st and March 31st 1904. Evidence on this point has been submitted to Lord Lansdowne.

In a despatch dated April 7th 1904 addressed to the Secretary of State, the Commissioner made the following statement:-

"It cannot be denied that Messrs Chamberlain and Fiesner have been the means of sending several eligible settlers here (Independent settlers, that is, not part of any scheme of colonization) and that they are partly responsible for the present immigration of Europeans, and can prove it" (Parliamentary Paper Africa No. 8 1904, page 28).

The success of our efforts to advance the interests of the Protectorate may be measured by the fact recorded on page 28, of the same Parliamentary Paper, that, in the Rift Valley alone every acre of ground had been applied for twice over. The great majority of the applications for land in the Rift Valley were made by South African colonists. Many of these applicants inspired by the universal distrust of H.M. Government caused by their attitude towards Mr. Fiesner, myself had since then abandoned their plans for transferring their interests

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... .., as I have said, of the assurance
... .. the Commissioner, we entered upon
... .. thus received. Finally,
I entered into with the Government for
lease of the lands on the This
bound me, even if it bound no one else. Under it,
I pledged and risked all my own wealth and all the efforts of
the rest of my life.

... .. the Secretary of State intervened and
said I could not have the land already granted to me
Commissioner.
But the Secretary of State, who then objected, had
himself just given five hundred square miles of
land to a syndicate of capitalists and titled
persons. The Commissioner stated that the contention was
a purely legal and financial that he resigned respon-
sibility for the to the transaction. Since the
resignation of Sir C. Eliot, it has been decided to remove
the deal altogether from the Rift Valley
... ..

... .. under the original agreement to have them
... .. of all in respect of
The original objection as set out in
... ..'s letter to me of August 27th, 1904 has
disappeared. The Secretary of State has, however,
insisted in his refusal to allow the original agreement to
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and energies to the Protectorate.

On the faith, as I have said, of the assurances given to us by the Commissioner, we entered upon the successful work thus recorded. Finally, as set out above, I entered into an agreement with the Government for the lease of the lands on the Enderit river. This agreement bound me, even if it bound no one else. Under it, I pledged and risked all I am worth and all the effort of the rest of my life.

Suddenly the Secretary of State intervened and said I was not to have the land already granted by the Commissioner. Why? Because it was a native reserve. The Secretary of State, who thus objected, had at given five hundred square miles within the same area to a syndicate of capitalists and titled persons. The Commissioner states that the contention was unfair and illogical that he resigned rather than be himself a party to the transaction. Since the intervention of Sir C. Eliot, it has been decided to remove the land altogether from the Rift Valley and this process of removal is stated to be already in operation. The land granted to me under the original agreement is now thus free of all servitudes in respect of native rights, the original objection to my grant, as set out in Lord Curzon's letter to me of August 27th 1904 has thus disappeared. The Secretary of State has, however, persisted in his refusal to allow the original agreement to be carried out in a faithful and honourable manner.

On August 27th 1904 Lord Curzon advised me, on behalf of H.M. Government, that the Commissioner had been instructed to confer with Mr. Flemer and myself to advise us on appropriate manner of meeting our claims for land grants without undue encroachment on tribal grazing grounds.

On 23rd September 1904 the Commissioner conferred with Mr. Flemer who was accompanied by Mr. Allen, his solicitor.

These gentlemen were, I understand, informed by the Commissioner on this occasion that the Foreign Office had stated that Mr. Flemer 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.

The Commissioner then proceeded to make terms with Mr. Flemer. He agreed to recommend to the Foreign Office, as "an appropriate manner," of setting Mr. Flemer's claims, that Mr. Flemer should be given 20,000 acres of his original selection with the right of purchasing the freehold of the whole at eight pounds an acre if, within the first five years of lease, he should spend £2,100 on development. Mr. Flemer accepted the arrangements; the Commissioner submitted to the Foreign Office with his recommendation; Lord Lansdowne recommended that he should lay down his own form of settlement in the guise of a law of the Madag and Peninsular.

Under the settlement thus imposed upon me I obtain less than two thirds of the original grant on condition of spending the same amount of £2,000 on the reduced area, as contrasted with £5,000 to be spent by Lord Dalmeny on his Lordship's grant of 100,000 acres.

There has been no discussion, no negotiation, no fair dealing for either Mr. Flemer or myself. I may accept or refuse the offer up to February 1st, 1905 within two days of the next meeting of Parliament. If I fail to accept within this period, I shall go frail on pain of incurring the expense and delay associated with litigation against a

powerful

powerful Government. I did not go to British East Africa to create litigation, but to settle there as a bona fide and permanent settler. After the last five years experience of the rule of H. M. Government in South Africa I am unable to face the anxiety and suspense of two or three years of litigation in order to obtain a home in British East Africa, nor am I possessed of sufficient resources to be able to go before the Privy Council, and also, in the event of success to fulfill my financial obligations under my agreement.

Under the compulsion of these conditions and circumstances, and in the conviction that the Secretary of State has abused the power placed in his hands as a Minister of the Crown by an act of exceptionally unjust and unreasonable tyranny, I accept the settlement imposed upon me.

I have for, (to wit)
Robert Chamberlain.

