

EAST AFR. PROT  
42229

C.O.  
42229  
REC'D  
14 SEP 15

Foreign Office

1915  
13 Sept

French Subjects at Mombasa  
Payment of that Tax & Concomitant fees  
Status of Congo's Islanders

Last previous Paper  
39163

Subject then generally on diplomatic questions  
raised to Special Committee from South America  
Report and replies on the 20th attitude in the  
case of protest being sent from French post

to G. Fielder

Send copy of Sft. n 37157,  
with copy of the in conf: dep.  
to the fr: asking him to  
furnish the info desired by  
the F.O. & send copy of our  
dep. to the F.O. D.F. ?

Copy sent Conf. Case  
This copy above sent 9/15/15

H. J. J.  
14/9/15

Next subsequent Paper  
39163

15/9/15  
Alouise Pr. 17.9.15

In any further communication  
on the subject, please quote

No. 116528/15.

and address  
The Under-Secretary of State,  
Foreign Office,  
London.



133

September 13th, 1915.

Sir:-

With reference to your letter, 38137/15 of the 20th ultimo, regarding the protest made by the French Consular Agent at Mombasa against the levy of hut tax and conservancy fees on French citizens and protected persons, I am directed by Secretary Sir E. Grey to make the following observations:

As Mr. Secretary Bonar Law is aware, His Majesty's Government at the time of the outbreak of war were entering upon a policy in regard to taxation in Zanzibar which they considered justifiable in view of the expiry of the German Treaty, the contention which they intended to uphold that the Hanseatic treaty had not revived, and the doubtful validity of certain provisions in the United States Treaty. His Majesty's Government were prepared to hold that the French treaty did not bear any such construction as the French

Consular

The Under Secretary of State,  
Colonial Office.

Consular Agent now attempts to place upon it, but they anticipated protests from the French as well as from the other Governments involved.

His Majesty's Government now being precluded by considerations of prudence from entering upon the legal arguments with the French Government which this policy necessitates, it becomes necessary to defend the levy of any such taxation rather upon the ground of usage and of the maintenance of the status quo during the war than upon the legal right of His Majesty's Government to levy new taxation.

From this point of view, the question of the hut tax appears simple. Sir E. Grey understands that it has been levied at Lamu and Mombasa within the ten mile strip since 1901 or 1903, and that it has been regularly paid by Comorians. If this supposition is correct - and if it is not correct I am to request information as to the exact facts of the case - Sir E. Grey will certainly be prepared to answer any protests which may be made by the French Government by the contention that a tax so long

levied

levied cannot be reconsidered during the war.

The question of conservancy fees is somewhat more difficult, though Sir E. Grey has, as Mr. Bonar Law is aware, already provisionally defended the levy of rates at Zanzibar on the ground that this levy was decided upon before the war. If, as appears from the records in this Department, the conservancy fees have been regularly levied at Mombasa since the year 1913 without specific protest, Sir E. Grey would be prepared to defend their imposition during the war on the ground of the maintenance of the status quo. Sir E. Grey would however be glad to learn definitely when these fees were first levied and whether any previous protest has been received from the French Consular Officers.

In any case, Sir E. Grey does not consider that any action is needed until a protest has been received from the French Government, who never seem to have taken so strict a view of their rights on the mainland as on the islands.

As regards the status of Comoro Islanders, Mr.

Secretary

Secretary Bonar Law is aware of the various discussions which have arisen round the claim sometimes raised by the French Representatives to regard as French proteges all descendants of Comorians irrespective of the length of time during which the family has resided in the Sultan's dominions. Though this question has never been settled with the French Government, the attitude of His Majesty's Government towards this claim is embodied in the Nationality and Naturalisation Decree, Zanzibar, which provides that the child born in the Sultan's dominions of an alien father born in those dominions is a subject of the Sultan. Sir E. Grey sees no reason to modify this attitude, but it is perhaps inadvisable to enter into any discussion on the point with the French Consular Agent at present.

I am,

Sir,

Your most obedient,

humble servant,

*Maxwell de M...*

F.O. 42229/1915-

20 EAP

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21 Sept 1915

DEAF

EAP

Confidential

for Mr. Steel-Maitland

MINUTE

Mr. Hooper 18/9/15.

Mr. Reed 20

Mr.

Mr.

Sr G. Fidler

Sr H. Junc

Sr J. Anderson

Mr. Steel-Maitland

Mr. Bonar Law

(EAP)

Your despatch No. 536  
of 8<sup>th</sup> July

transmit  
to you the acc copy  
of comes with the F. O  
on the subject of the  
levy of hat tax and  
convoys fees on  
Irish citizens and  
protected persons  
I shall request

To 70 26 Sept (13/189)  
70 13 Sept (14/189)

Copy to 20. 21 Sept

P.S.D.