

will be sent to the local authorities to take such steps as are practicable for the maintenance of freedom of commerce.

Lang

(Signed) H. J. READ

E. AFRICA  
ZANZIBAR  
W. AFRICA  
9694

CO  
9694  
REC'D  
MAR 30 1912

Date.  
1912  
19th March  
previous Paper.

Liquor Licensing Decree for Zanzibar

Enc. copy of despatch from Consul General enclosing draft. Asks if Decree as altered in red ink might be expected satisfactorily to fulfil its purpose.

Decree returned 30 May 3pm

subsequent Paper

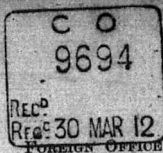
Ask: say that, as Mr. Harcourt is not acquainted with the local conditions in Zanzibar, he is unable to say whether the proposed decree is likely to fulfil its purpose satisfactorily, but that the accompanying Ord<sup>ce</sup> (under the E.A.P. Ord<sup>ce</sup>, + any W. African Ord<sup>ce</sup> which are available) will show the lines which have been followed in similar legislation in the proposed African under the administration of the Office to Mr. S. Gray, the consideration of + may be of use I in the Z. bar decree. at mee. H.J.R 3/14

In any further communication  
on this subject, please quote

No. 6744/12.

and address—

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



165

29th. March, 1912.

Sir:-

I am directed by Secretary Sir E. Grey to transmit to you herewith for the information of Mr. Secretary Harcourt copy of a despatch from His Majesty's Agent and Consul General at Zanzibar enclosing the draft of a liquor licencing decree which it is proposed to issue in the Protectorate.

*26, Jan. 25*

Certain modifications, which are shown in red ink, have been introduced in the draft and Sir E. Grey would be glad to learn whether Mr. Harcourt considers, from experience of such matters in other African Protectorates, that the Decree in its present form might be expected satisfactorily to fulfil its purpose.

I am,

Sir,

Your most obedient,

humble Servant,

*W. Langley*

Under Secretary of State,  
Colonial Office.

C O  
9694  
REC'D  
MAR 30 1912

Z A N Z 16744

January 25th, 1912.  
16 FEB 1912

Sir,

With reference to section 12 of my despatch No. 68 Confidential, of the 18th February last, I have the honour to transmit to you herewith a draft of a Liquor Licencing Decree which has been drawn up by the Legal Member of Council.

*Lt Decree*

*Shearman-Turner  
23. 7. 1911.*

Mr. Shearman-Turner has submitted his draft to Dr. Andrade, the Town Collector and Major Cartwright by whom licences are at present issued, Mr. Haythorne Reed, one of our magistrates and the First Minister and the proposals which I am now submitting practically embody all the suggestion which have been put forward by these various officials. He has also discussed them at some length with me and I now find myself in complete accord with him. I would however draw your

special

The Right Honourable,

Sir Edward Grey, Bart, M. P.,

cc., cc., cc.,

special attention to paragraph 18 (c) and (d).

(c) is entirely new and is intended to assist the Government in putting a stop to the sale of cheap and deleterious liquors.

The second part of (d) is also new.

With regard to the first part, it is new only in so far as for the first time it now appears in a decree. It has for some while past formed one of the conditions under which licences are issued, and no objection has ever been raised to it. But I rather question the policy of dragging it and its fellows out into the garish light of day. It is true that all the Powers with treaties here are internationally pledged to do everything they can to prevent natives obtaining intoxicating liquors, but I do not think that this would for a moment stop their local consuls from raising the cry that the paragraphs under discussion were a flagrant violation of the treaty rights. I would prefer to excise these paragraphs from the decree and insert them in the 'conditions'. In that obscurity they would probably evoke no more objection than has hitherto been caused by those stipulations which as I have explained, have

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to be agreed to by an intending licensee before he receives a licence.

I enclose also a short memorandum by Mr. Shearman-Turner dealing with certain points of his draft decree which he thinks may require elucidation.

I have the honour to be,

With the highest respect,

Sir,

Your most obedient

humble servant,

(In the temporary absence of Mr. Edward Clarke).

*(Signed) John H. Sinclair*

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6744  
16 FEB 1912

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Mr. Clarke,

In submitting as desired a draft new Liquor

Licensing Decree for transmission in the usual course to the Secretary of State for Foreign Affairs, I have the honour to request you to be good enough to forward therewith the following Memorandum which I venture to append thereon.

1. As you are aware I sent a rough draft to yourself and to all the officials who are, or may be in the future, concerned in any way in the administration of this Decree, viz: the First Minister, the Collector of Zanzibar, the Commandant of Police, and the Magistrate (Mr. Reed) for their comments and suggestions in accordance with your wish. The present draft is an attempt to benefit by the result and to embody most of their practicable suggestions though I venture personally in some cases to disagree with the insertion of some.

2. Section 3, sub-section (a).

The Commandant of Police would like to see the words "vessel or boat" inserted. I do not insert them for two reasons



reasons : (1) I am informed the two Government steamers now in use never have been licensed and that the Zanzibar Government never have issued licenses to ships - indeed there are no other ships wherein liquor is sold whereover the Government has sole jurisdiction so to speak; (2) I think if the point be pressed a "vessel or boat" could be held to come within the definition as it stands, especially as in the Indian Criminal Procedure Code, Section 4, "place" is defined as including "a house, building, tent and "vessel".

3. Section 3, sub-section (g).

The "3 per cent or more of alcohol" is the strength specified in various South African Enactments.

4. Section 4, sub-section (b).

is inserted to avoid or obviate the customary protests from the Foreign Consuls. I am not at all sure that I like this provision.

5. Section 4, sub-section (c).

is inserted to prevent the creation of any grievance in the Members' Clubs known as the English, Sports, and German Clubs whilst it will give us control which we have not now over some so-called Clubs, such as the Arab Club



Club and Arab Association and the various Goanese--so-called,  
Clubs or Associations.

6. Section 4, sub-section (d), (ii).

Eau de Cologne and Lavender Water were inserted here at the suggestion of the Commandant of Police and the Magistrate (Mr. Reed) who both have had experience in South Africa of the necessity of such particular legislation.

Sub-section (d), (iii).

This is taken from Queensland and British New Guinea Ordinances.

7. Section 4, sub-section (e).

Although some of my "correspondents" wish to see the intoxicating liquor known as "Tembo Kali" included in this Decree, you and I agreed it would be better to have a separate Decree dealing with native manufactured or drawn intoxicants.

8. Section 7, sub-section (a).

The charges given in my draft are so far as three classes are concerned those fixed by the Consolidation of

Laws Decree, Chapter VI, and consequently are those which licensees have been accustomed to pay without demur.

You yourself would prefer the charges now to be raised for the four classes respectively to Rs.1000, Rs.800, Rs.700, and Rs.600.

I venture with Captain Barton and Dr. Andrade to disagree with this suggestion partly because of what I have said above and partly because I believe it would merely cause irritation and almost certainly give rise to protests in respect of Treaty rights which might, and probably would, raise very awkward questions as to licenses altogether.

9. Section 7, sub-section(b)and(c).

The words relating to the Commandant of Police have been inserted at the desire of that Officer. I have no comment to make thereon.

10. Sections 9 & 10 (b), and 11 & 13.

The same applies to these Sections.

11. Section 14, sub-section (a).

This has given rise to much controversy, that is to say as to whether "Arabs" should come within this actual clause.

Prima facie I agree, if I may say so, with you and Mr. Reed that it would be most desirable to prevent the sale or giving of intoxicating liquor to Arabs. Very many Arabs, as I am credibly informed, would wish it because of the younger generations who are <sup>apt</sup> to waste their substance and indulge in drink contrary to the tenets of their religion.

However, to my mind, having regard to the Mahomedan religion and the position of the Arab, it would savour almost of bringing both into contempt as it were, ~~and~~ disastrous consequences, to specifically insert, with the concomitant publicity, the word "Arab" into the Decree.

I would, and have attempted to, provide for the situation by Section 19, 20 and 21 of my draft which deal with Prohibition Orders. The provisions are based on similar ones in Queensland and British New Guinea Ordinances which I believe work well and of which some Arabs I have, unofficially, talked to approve.

Captain Barton agrees with me entirely as to this and I venture to submit my suggestions fully meet the requirements

requirements of the circumstances. I have reason too to believe that any Arab genuinely anxious to prevent a son or brother from taking intoxicating liquor will not hesitate to apply to the Court as provided particularly as an Order would only refer to an individual and not the Arab community as a whole.

12. Section 16.

This Section is based upon Section 182 of 51 and 52 Vict. C.43, and was inserted by reason of a suggestion emanating from Mr. Reed (Magistrate)

13. Section 17.

This is based upon similar provisions contained in some Australian Ordinances and I consider would be most useful here.

14. Section 18, sub-sections (c) & (d).

The Commandant of Police objects to the insertion of "European" in this Section, but I have retained it in view of Treaty rights, and I regard the provision as it stands <sup>as</sup> most necessary. He would prefer to substitute "any member of the Zanzibar Police Force of or above the rank of Inspector". My objections (and yours) to this need

need, I think, hardly to <sup>be</sup> set out here. I scarcely anticipate protests from Foreign Consuls upon this Section.

15. Section 19, 20 and 21.

I have already fully commented above on these Sections.

Sd/. Percy Shearman-Turner.  
Legal Member of Council.

7th December, 1911.

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The U.S. of S.  
Foreign Office

MINUTE.

- Mr. Kinnaird 4/4
- Mr. Reay 4/1
- Sir G. Fiddes. 8
- Sir H. Just. 2
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

Sir,

I am in touch the receipt of your letter N° 6744/12 of the 29th of March & to request you to inform Sec. Sir E. Grey that, as he is not acquainted with the local conditions in Zanzibar, he requests that he is unable to say whether the liquor licensing decree which ~~is~~ is proposed to issue in that island ~~is~~ is likely to fulfil satisfactorily its purpose.

///

Can you supply  
encl. pl. 9/14