

EAST AFR. PROT  
SOMALILAND

C.O.  
3393

29 JAN 3

3393

Foreign Office

1913

28 Jan

Last previous Paper.

Right of Muscat Subjects  
to fly Boats & German flags

Sends Com. with Ind. off. on the subject. Proposes  
to approach German port. but before doing so requests  
info on the procedure adopted in E. Africa in order to  
ensure that provisions of Brussels Act in regard to  
grant of flags are not infringed.

Mr G. Fiddes

Copy of L<sup>r</sup> sent to the  
Secy of the Adm. + Comd<sup>r</sup> of S<sup>t</sup> Paul  
for report - + inf. the 7.0 that the  
has been done

H. J. R.

3/11

Blomfield

Ent 10/7/1913  
Copy for Comd<sup>r</sup> of S<sup>t</sup> Paul  
2. Am. 18 March 1913  
15 May 1913

11.151. W1.29.807-54  
11.100. 11.12. A.B.R.W

Next subsequent Paper.

62  
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Sam 2

C. O. 31  
3393  
Recd 29 JAN 13

In any further communication  
on this subject, please quote  
No. 3153/13.  
and address  
The Under-Secretary of State,  
Foreign Office,  
London.

FOREIGN OFFICE  
January 28 1913.

Sir:-

I am directed by Secretary Sir E. Grey to transmit to you herewith for the information of Mr. Secretary Harcourt copy of correspondence with the India Office respecting the question of the grant of British and German flags to chiefs on the East Coast of Africa.

It will be seen that in the case of Sued Mahomed, dealt with in the India Office letter of the 27th ultimo, the grant of the German flag appears to have been made without due regard to the provisions of Article 34 of the Brussels Act. It is important that Suris and other subjects of the Sultan of Muscat should not be allowed to receive flags to which they are not properly entitled, and it is therefore proposed to bring the present case to the notice of the German Government. Before doing so however Sir E. Grey would be glad if he could be furnished with information

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The Under Secretary of State,  
Colonial Office.

as to the procedure adopted in the British Protectorate  
on the East Coast of Africa in order to ensure that the  
provisions of the Brussels Act in regard to the grant  
of flags are not infringed.

I am,

Sir,

Your most obedient,

humble Servant,

W. Langley

[This Document is the Property of His Britannic Majesty's Government]

C. O.  
3393  
[December 28.]  
SECTION 1  
29 JAN 13

ARMS TRAFFIC.

CONFIDENTIAL.

[55449]

No. 1.

*India Office to Foreign Office—(Received December 28.)*

THE Under-Secretary of State for India presents his compliments to the Under-Secretary of State for Foreign Affairs, and forwards herewith, for the observations of the Secretary of State, copy of enclosures in a letter from the Foreign Secretary to the Government of India, dated the 14th November, 1912, relative to right of Muscat subjects to fly the British and German flags.

*India Office, December 27, 1912.*

Enclosure 1 in No. 1.

*Lieutenant-Colonel Sir P. Cox to Government of India.*

*Bushire, September 20, 1912.*

I HAVE the honour to refer for the consideration of higher authority, certain aspects of the grant by His Majesty's representatives in East African ports of the right to fly the British flag to subjects of the Sultan of Muscat wholly or partly domiciled in our protectorates.

2. In June last the Political Agent, Muscat, asked for instructions in connection with a case of which the following are the brief salient points:—

One Mussallam-bin-Juma'a son of the late Juma-bin-Salim-al-Ja'adavi, a Muscat subject of Sur, presented himself before the Political Agent. He stated that he was born in Mombassa; he had no papers of British nationality but claimed to be a British protected person, and, producing British articles for his dhow "Jahad-al-Karim" now lying at Muscat or Sur, said that he had sold her and wanted fresh articles for another dhow which he had purchased instead.

Mussallam-bin-Juma has three brothers living wholly or partly in Sur: two of them own dhows sailing under the Muscat flag; the third, Khamis-bin-Juma'a, was born at Lamu, spends part of his time there and owns a dhow registered at that port under the British flag.

3. The species to which Mussallam-bin-Juma'a belongs is just that which came into so much evidence in connection with the French flag arbitration, and I therefore (in my letter of 4th August) instructed the Political Agent to consult the Sultan fully in the first instance, so that if he had any objections to put forward they might be considered before further action was taken.

I attach a copy of his reply and accompaniments. The Government of India, will, I know, agree with me that we need to be punctiliously circumspect in all matters connected with the grant of flags to persons of Muscat origin, both in order to avoid misunderstanding with the Sultan and also to make sure that we are not caught tripping by the French under the spirit of The Hague award. We need to be specially careful in the case of Suris like Mussallam-bin-Juma'a, who divide their favours, connubial and commercial, between their port of origin and their port of adoption. Accordingly, in the matter of the grant of the British flag, I support the recommendation of the Political Agent that in cases such as that under reference a "no objection" certificate should first be obtained by the protectorate authorities from his Highness the Sultan of Muscat through the Political Agent.

4. As regards the case of the Suri, Syud Mohammed-bin-Alvi, who has taken a German flag at Tanga, it is extremely unlikely that his "resolve" to settle in Tanga permanently is anything more than colourable, and in my opinion the Sultan's disturbance of mind at the prospect of this renewed defection of his Suri subjects is well justified.

As Syud Mohammed has his relations and real domicile at Sur, he can always be got at by his Highness and it is therefore not urgent that the latter should act at once; but I have the honour to enquire whether, after we have done the necessary to

[2739 cc-1]

B

ensure correctness of our own procedure in similar cases, the Sultan cannot be advised to confiscate the flag and papers and hand them to us for return to the German authority which issued them; and if not, what other means he should take to assert his position.

Enclosure 2 in No. 1.

Major Knox to Lieutenant Colonel Sir P. Cox.

Muscat, September 8, 1912.

In continuation of correspondence, ending with your letter dated the 4th August, 1912, I have the honour to forward herewith, for your information and for favour of communication, should you think it advisable, to the authorities of the East Africa Protectorate at Mombassa, a copy of a certificate dated the 27th August, 1912, and issued by me in favour of Mussallam-bin-Juma'a, whose case was reported in my Confidential letter dated the 23rd June, 1912.

2. Both His Highness and myself were much occupied in the close of August and I found it impossible to go myself to His Highness with Mussallam-bin-Juma'a and discuss his case. Indeed, I received a plain intimation from His Highness that he would prefer it to be discussed with the dragoman in the course of other routine business. I quote verbatim from my dragoman's note, reporting the result of the interview:

"The Mussallam-bin-Juma'a of Mombassa, His Highness says that he cannot say anything as to whether you should give him a "qual" or not, as the man is obviously a British protected person. His Highness said he himself cannot give him one, unless you wrote to say that you do not recognise Mussallam as a British subject.

"His Highness emphatically remarked that he has nothing to do with the matter; thus I believe he has no objection to your giving him a paper.—S. H."

Dated August 27, 1912.

3. This clear declaration of His Highness's views on the case appeared to me entirely to justify me in thinking that I had complied with your directions conveyed in Confidential letter dated the 7th July, 1912, to my address.

4. A similar case is that of Khamis-bin-Juma'a, the brother of Mussallam already dealt with. I forward herewith copies of his papers. All that Khamis wanted was a pass to cover some old weapons required for self-protection in the Shatt-el-Arab. This was granted to him.

5. The importance of these cases is however brought prominently forward by a third case which I have now the honour to bring to your notice. This is a case of an Arab syud undoubtedly of Muscat nationality originally, to whom papers have been granted by the German authorities in Tanga, East Africa. The papers are in German and I have had them copied as well as possible and forward them herewith to you for information and such action as you may think desirable.

6. The man's case was first regularly brought to my notice by His Highness through my dragoman on the 27th ultimo, though His Highness had some time previously mentioned to me a rumour that a German flag and papers had been brought to Sur.

7. His Highness stated to my dragoman that he could take the flag and papers from the man whom he had called for that afternoon but wished to know my opinion on the subject and especially what he should do with the flag when he had seized it. To this message, I returned the reply that I thought there was no necessity for His Highness to seize the flag or papers but that I would be happy to refer the case for directions to higher authority. If His Highness would direct the man to bring flag and papers here, we could save His Highness some trouble by taking copies or sketches of all important matters. I would however be obliged if His Highness would furnish me with all evidence showing reason for the assumption that the man was a Muscat subject, especially place of birth, approximate age, parentage, tribe, whether he owned property in Muscat territory or not. I further suggested that it would be as well to ascertain from the man himself the reasons on the strength of which he was granted German protection. Did he own property in Tanga? How long has he been settled there? Does he propose to live in Tanga, or in Sur, or partly in Tanga and partly in Sur?

8. After a talk with the man, His Highness sent him to me for enquiries, and I ascertained that the man was named Syud Muhammad-bin-Alvi. He was born in Sur, and is aged about 50 years. He owns a house in Sur jointly with his brother Mousim and a sister, who both live in Sur. They inherited this house from their father, Alvi-bin-Mohamud. Muhammad has been going to Tanga for the last fifteen years on annual voyages in his own dhow, named "Fateh-al-Khair." He spends a few months in Tanga and returns to Sur each year, but he has now resolved to settle in Tanga permanently.

9. His Highness tells me that the man took the German flag for fear of the Italians, and talks of returning it next year. But His Highness seems disturbed at the prospect of the Germans acquiring any interests in Sur, which is not unnatural after his painful experiences with the French prior to The Hague decision. I have now the honour to submit the case for the favour of instructions as to what advice I should tender to His Highness, but it seems to me that, if there is any idea of protesting against the German action, it is important that we should look carefully into the question of the action of British authorities in the neighbouring East African Protectorates for fear of being accused of doing the very thing which we are protesting against. I would suggest for your consideration whether a simple way out of the difficulty would not be for the authorities of the East African Protectorate, where there was any ground at all for suspicion that an applicant for registration as the owner of a British ship was connected with Muscat, to refer the case to the political agent in Muscat that a "no objection" certificate might be obtained from His Highness the Sultan.

Enclosure 3 in No. 1.

Certificate.

POLITICAL AGENCY AND CONSULATE, MUSCAT.

CERTIFICATE that Mussallam-bin-Juma'a is proceeding from Muscat to Basra via Lingah, Bushire, and Koweit in the dhow "Badri" recently acquired by him.

Mussallam-bin-Juma'a has been registered under the laws of British East Africa Protectorate as a British protected person and granted authority under registration license No. 177, dated the 26th March, 1912, to fly the British East Africa Protectorate flag on his galleon "Jahad-el-Karim" recently sold by him, and he will after loading dates at Basra proceed via Aden to Mombassa, there to obtain, as speedily as possible from the East African Protectorate authorities, authorisation to fly the British flag on his new dhow the "Badri."

In the meantime he has been provisionally authorised by me to fly the British flag pending arrival at Mombassa. Authorisation to hold good only for voyage, as already stated above.

S. G. KNOX, Major.

Muscat, August 27, 1912.

Enclosure 4 in No. 1.

EAST AFRICA PROTECTORATE.

Authority to carry the East Africa Protectorate Ensign issued at the Port of Lamu

IT having been shown to my satisfaction that Khamis-bin-Juma'a, the owner of the native vessel "Bandaraman," is a British protected person, and that he has landed (sufficient) property within British jurisdiction to guarantee the payment of fines which may be levied on him, and also that the said owner and master are of good character and have never been found guilty of any act of slave or illicit arms trade, I therefore grant this authority to carry the East Africa Protectorate ensign for the year ending the 30th September, 1912.

[2739 cc-1]

Registration Licence.

Port letter and No.: L. 20.  
 Name of vessel: "Saadmaraman," class Betela, No. of masts.  
 Length from outside of upper plank, at stem to outside of upper plank at stern: 97 feet, keel 48 feet.  
 Main breadth, outside of plank: 15 ft. 4 in.  
 Depth from gunwale to top of keel: 8 feet.  
 Tonnage: 56—24.  
 Name of owner: Khamis bin Juma'a.  
 Residence: Lamu.  
 Date of issue: March 21, 1912.  
 Date of expiry: September 30, 1912.

Fee, 17 rupees paid.

(Signature illegible), Port Officer.

P. E. CARDINHO, Registrar.

No. 110.

PROVISIONAL Certificate.

| Name of Vessel, with description of Rig and Build.   | Nationality. | Port of Register. | Date of Licence. | Name of Owner. | Name of Master. | Number of Crew. | Port Letter and Number. |
|--|--------------|-------------------|------------------|----------------|-----------------|-----------------|-------------------------|
| Name: "Saadmaraman"<br>Class and number of masts: Betela.<br>Length: 97 feet.<br>Breadth: 15 ft. 4 in.<br>Girth: 48 feet.<br>Tonnage: 56—24. | E. A. P.     | Lamu              | Apr. 4, 1911     | Khamis Juma'a  | Seif Salim      | Fourteen in all | L. 20.                  |

Issued at Zanzibar, this 13th day of February, 1912.

Fee received 3 rupees.

F. S. BARDO.

Note.—This provisional licence is issued under regulation 37 of the "Regulations issued under the Zanzibar Ports Decree, 1911, Section III—Native Vessels and Fishing Boats" to enable the within-mentioned vessel "Saadmaraman" to reach the port of Lamu via Tanga and Mombasa, her original port of registry, and continues in force only until the said vessel shall have reached said port.

Certificate of Clearance Outwards with Cargo.

PORT OF LAMU.

These are to certify to all whom it doth concern that the British dhow Sader Rehman No. 20 of Tona burthen, whereof Seif bin Salim is master, has been duly cleared at this office for Muscat with a cargo consisting of 684 scores Borities.

Cargo remaining on board and in transit—

2 kamias dates.  
 8 bags rice.  
 4 tins ghee.  
 2 tins tallow.  
 1 bag lime.

(Seal of East Africa Protectorate.)

Lamu Customs, March 20, 1912.

Given under my hand at the aforesaid port, this 26th day of March, 1912.

N. E. PEREIRA,  
 Superintendent of Customs.

EAST AFRICA PROTECTORATE.

Medical Department, March 26, 1912.

Free Bill of Health.

The town and port of Lamu are free from infectious diseases.

JOHN L. GILKS,  
 Medical Officer, Lamu.

(German Ensign.)

Register Nr.

Bezirksamt 3. Nr.

Erlaubnisschein zur Führung der Deutschen Flagge.

Buchstabe: Nr. 46.  
 Name des Fahrzeuges: Fat-el-khair.  
 Gattung des Fahrzeuges: Dhau.  
 Name des Eigentümers: Sherif Mahomed.  
 Wohnort des Eigentümers: Ngamiani.  
 Raumegehalt des Fahrzeuges: 10 c.b.m.—30 Passagiere.  
 Datum der Eintragung: 12. April, 1912.

Tanga, den 12. April, 1912.

Kaiserliches Bezirks-Amt,  
 F. V. MAEFFERT.

(Seal.)

[On reverse.]

10 Rupie.  
 Zehn Rupie gezohor.  
 Gultig bis 12. April, 1913.

Kaiserliche Bezirkskasse.

Tanga, 12 April, 1912.

MAEFFERT.

(Seal.)

(German Ensign.)

Musterrolle der Mannschaft des einheimischen

Schiffes.

Name: Fat-el-khair.  
 Raumegehalt: 10 c.b.m.  
 Anzahl der Masten: 1.  
 Heimathshafen: Buchstaben und Register Nr. T. 46.  
 Tanga.

Der nachbenannte Schiffer einerseits und die unter Nr. bis nachbenannten Schiffsleute andererseits, deren Anzahl nicht ausser Verhältnis zur Grösse und Fassung des Schiffes steht, sind vor der unterzeichneten Zollbehörde erschienen und haben erklärt, dass diese Leute ein freies Vertragsverhältnis zum Dienst auf obgenanntem Schiffe unter den bei ihren Namen angegebenen Bestimmungen eingegangen sind. Es ist darauf die gegenwärtige Musterrolle ausgestellt worden, welche bei jeder neuen Ausreise und spätestens nach Ablauf eines Jahres zu erneuern ist.

Tanga, den 20. April, 1912.

Kaiserliches Haupt Zoll-Amt.

(Seal.)

i. a.

M. PATEL.

Kaiserliches Gouvernement von Deutsch Ost-Afrika, Unterschrift.  
 (Ensign.)

Name des Schiffers: Said Alvi, Arab Mann, 35 Jahre.  
 Bedingungen, unter welchen die Schiffsleute angenommen sind:



Vergleich der Schiffleute.

| Laufende Nummer. | Name.              | Bestimmung der Person und Angabe, ob diese unter Schutzmarke ausgehandigt ist. | Besondere Bemerkungen. |
|------------------|--------------------|--|------------------------|
| 1                | Selim bin Abdala   | Arab Mann, 40 Jahre.   |                        |
| 2                | Mohammed bin Selim | " " 30 "   |                        |
| 3                | Abdala bin Said    | " " 35 "   |                        |
| 4                | Selim bin Matar    | " " 20 "   |                        |
| 5                | Matar bin Selim    | " " 44 "   |                        |
| 6                | Ahmed bin Selim    | " " 23 "   |                        |
| 7                | Halim bin Selim    | " " 19 "   |                        |
| 8                | Imir bin Bazal     | " " 21 "   |                        |
| 9                | Abisch bin Mahamk  | " " 38 "   |                        |
| 10               | Hamis bin Selim    | " " 18 "   |                        |
| 11               | Hamis bin Nays     | " " 30 "   |                        |
| 12               | Abdal bin Mohammed | " " 15 "   |                        |

KONTROLLE in den Anlaufshafen.

| Anlaufshafen.              | Visa der Behörde. | Besondere Bemerkungen.<br>(Insbesondere, ob sich Passagiere an Bord befanden.) |
|----------------------------|-------------------|--|
| Tanga, den 20. April. 1912 | Mbhd. ..          | Nach Vasin mit 113 Schiffleuten und Passagieren.                               |
| Shimoui .. ..              | Muscat .. ..      | (Sd.) C. C. De Souza. C.M.   |

56449/12

FOURTH OFFICE

January

1913

3595

29 JAN 13

Sir:-

With reference to your letter of December 27th ultimo enclosing correspondence from Sir P. Cox to the Government of India relative to the right of uscat subjects to fly the British and German flags, I am directed by Secretary Sir H. Grey to request you to inform the Marquess of Crewe that although, so far as concerns the case of the above flying the German flag, it hardly appears, on the information supplied, that the grant of the flag was in accordance with the provisions of the Brussels Act, it would in his opinion be rather too strong a measure to advise the Sultan of Muscat to confiscate the flag and papers without any previous notice being given to the German Government.

Sir H. Grey would be glad to know what answer was given by the Government of India to Sir P. Cox.

I am,

Sir,

Your most obedient,

humble servant,

The Under Secretary of State,  
India Office.



C. O.  
3393  
REC'D  
20 JAN 13

The Under Secretary of State for India presents his compliments to the Under Secretary of State for Foreign Affairs, and forwards herewith, for the information of the Secretary of State, copy of the undermentioned telegrams regarding the arms traffic at Muscat:-

To Viceroy, 16th January 1913.

From Viceroy, 18th January 1913.

India Office.

January 20th, 1913.

C.O.  
3593Recd  
29 JAN 13

From Secretary of State to Viceroy, Foreign Department,  
16th January 1913.

**P**—German flags. Please refer to paragraph 4 of letter of 30th September last from Resident, Bushire. Action proposed therein is considered by Foreign Office to be too strong in absence of previous notification to Germany. Please let me know by telegraph whether any action has been taken, and if so, what?

From Viceroy, 18th January 1913.

**P**—German flags. In reply to your telegram of 16th instant, we have till now taken no action. The measures proposed by the Resident, Bushire, in the fourth paragraph of his letter of 30th September 1912 are, we agree, not desirable so far as Syed Muhammad is concerned. Our opinion is that the attention of the German Government might be drawn to the case with reference to Brussels Convention, 1892, Article 32, and that suggestion might be made that in uncertain cases in which it is possible that the applicants are subjects of Sultan of Maskat, the Political Agent at Maskat should, in first instance be referred to by the German authorities. The procedure suggested by the Political Agent at Maskat in paragraph 8 of his letter of 8th September 1912, which was enclosed, is recommended by us to meet the other cases to which the Resident referred.

F.O. 3393/1913

C. D.  
FEB 5  
D

E.A.P.  
Somers

msd 8858 Sumg  
16066 5 ad

7 February

Sir,

I have the honour  
to transmit to you  
the accompanying copy  
of a letter from the  
Foreign Office, with its  
enclosures, relating  
to the question of the  
grant of British and  
German flags to  
dhows on the East  
Coast of Africa, and  
to request that you

2 DRAFTS

E.A.P. No. 107  
Sir Beaufield  
Somaliland No. 9  
Comm Hyatt

MINUTE:

- Mr. Harper 4 2/2
- Mr. Astorley 4 6
- Sir G. Piddou.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

70  
28 Jan  
(all enclosed) 70)

diff to 90 overleaf

~~208~~  
~~208~~

27

Draft

6 Febry 1913

The U.S. of A.  
Foreign Office

Sir,

I am directed by Mr. Secretary Harcourt to  
ackn. the receipt of your  
letter No. 3153/1913, of the  
28<sup>th</sup> of January, and to  
request you to inform  
Secretary Sir Edward Grey  
that ~~the~~ <sup>an</sup> opinion has  
been formed the Officers  
Administering the Governments  
of the East Africa Protectorate  
Protectorate have been  
asked to furnish reports

JWH. 4 Febry.

W. H. H. 4/5