

EAST AFR. PROT.
ZANZIBAR

C.O.
16752

Recd
Proc 4 JUN 10

10752

Foreign

1910

June

General Paper

Manuscript properties
of Sultan of Zanzibar

Wants map from Zanzibar, showing coast & interior. Has appears to be an appendix of an atlas for the islands or main portion of islands belonging to Sultan in his private capacity. Outlines for sketch in regarding the sketch recommendations in regard to details.

W. P. Riley
W. Reed

See
C.O.
16935

Mar 3

June 8

July 11

7/11



FOREIGN OFFICE

C O
16752

June 3

1910
JUL 10

10/10/10)

Sir:-

5/10/12

With reference to my letter 13260 of the 25th April last respecting the mainland properties of the Sultan of Zanzibar I am directed by Secretary Sir E. Grey to transmit to you herewith for the information of the Secretary of State the colonial copy of a Despatch which has been received from His Majesty's Agent and Consul General at Zanzibar upon this subject.

Clarke
27 April 11

Sir E. Grey would point out that there seems to be no difference of opinion between Sir P. Girouard and Mr. Clarke as regards the main question whether only the lands belonging to His Highness in his private capacity should be recognized as his.

It is clear that the details of this question must be settled locally but an effort in this direction appears to have been made by the joint examina-

tion

Under Secretary of State,
Colonial Office.

examination of the claims by Mr. Hollis and Mr. Lyne
 who moreover arrived at an agreement. The present
 attitude of the Governor in refusing to adopt Mr.
 Hollis's recommendations or to admit any of the
 claims which have been admitted without question for
 twenty-two years seems to Sir E. Grey, as at present
 advised, unreasonable and he would be glad to learn
 whether Lord Drews concurs in this view and whether
 His Lordship is disposed to instruct His Excellency to
 reconsider the position.

I am,

Sir,

Your most obedient,

humble Servant,

W. Langley

REC'D
JUN 4 JUN 10

April 14th, 1910.

1707
4 MAY 1910

with reference to your despatch No. 147 of June 26th
 last I have the honour to thank it to you herewith for
 your information copies of correspondence which has recently
 passed between the Government of British West Africa and
 myself respecting the properties on the railroad ceded
 to the British Government.

I am entirely at a loss to understand the attitude now
 taken by the latter as to Acc. 10.03, as I have always
 understood the position at issue between the administration
 of British West Africa and the Colonial Government to be,
 what matter the properties actually belong to
 the latter, to what extent.

It is quite true, as stated by Mr. Richards, that
 the agreement of 1905 provides that His Majesty's Government

Yours
S. H. H.

My dear Sir,

Yours faithfully,

shall have control over public lands, forts and buildings,
and further that all customs duties, taxes and dues shall
be accounted for to and shall be expended by that Government.

It is further to be noted that the lands we now claim were not
Sultan's property, in the public but in his private
capacity; and in the statement which has been submitted
to the East Africa Administration we have been careful to
draw a distinction between those which the various Sultans
acquired more particularly in their public character and
those which they obtained by purchase, unrequited gift
or debt or by the occupation of slaves. I may remark that
the revenues from the various estates we claim in East
Africa had been collected by the British or
Sultan himself or by their Government ever since 1890,
the date of the original agreement with the Sultan of
Zanzibar, and we have ever since that time been in
possession of them and it appears to me absolutely
inconceivable that, after a period of nearly two years during
which our claim to these estates has been unintermittedly
maintained first by the Imperial British East Africa Company
and afterwards by His Majesty's Government, it should now
be denied altogether.

It is further to be noted that up to 1903 the revenues

of these mainland properties, as also those of certain plantations and town-lets here, had always been collected by the Sultans themselves. Between the end of 1902 and Seyyid Mahmud's death in 1905, the reigning Sultan being then a minor, they were collected by the Government on his behalf. In the latter year his present illness, and of age and an arrangement was entered into, which he surrendered all his claims in the provinces in question in consideration of an annual addition of three thousand and two hundred pounds to his civil list and the revenues derived from all these properties have since been collected by the Zanzibar Government.

I should further add that the agreement between the then Sultan and the Imperial British East Africa Company would appear to have been identical in respect of landed property with that concluded by him with the German East Africa Association from which the Sultan's private lands were expressly excluded. These lands were subsequently sold by Seyyid Mahmud in 1906 to a German for something like one hundred thousand rupees, so that if Sir Percy

Cirquard's contention is maintained the Zanzibar Government

will receive worse treatment at the hands of His Majesty's Government than it did at those of the Ceylon Government.

But I must, as I have already indicated in the question, state that it is the exact extent of the lands we have a right to, but whether we have a right to any at all, then that portion of Article II of the concession given by the British Government to the British East Africa Company in 1888 which refers to the buildings, plantations and properties to be acquired by His Majesty's Government in consequence of the

I should like to say that it is only owing to the unfortunate omission to have such a schedule drawn up as that indicated in the Article in question that the East Africa Administration is, in my opinion, able to make this attempt to deprive us of our undoubted right.

I have the honour to be,

with the highest respect,

Sir,

Your most obedient

humble servant,

Edward Clark

C.O.
 18752
 Recd JUN 10
 17070
 4 MAY 1910

Inclosure 1 in Mr. Clarke's No. 87 of April 1908.

Mr. Clarke to the Governor

Honorable,

London, Wm., 1910.

Sir:-

With reference to your letter No. 100 of the 11th
 September I have the honour to inform you that
 I have not received the report of the Director of Agriculture
 there here on the mainland properties belonging to this
 Government nor claims to which he was recently sent to
 British East Africa to investigate.

I understand that this report is practically identical
 with that which is being sent in to your office by your
 Secretary for Native Affairs.

This is indeed the case and your Excellency's
 own office is prepared to accept Mr. Hollis' recommendations.
 I can leave to you that I am mine an equally independent
 in the aspect of the Secretary of State for Foreign Affairs,
 to accept Mr. Clarke's recommendations.

There is however one point to which I rather draw

or in regard to which I ought perhaps to say that I should
 like to hear Your Excellency's views before accepting those
 of Mr. [redacted] and that is the meaning of the sentence in the
 agreement between Great Britain and Russia of the 18th
 November 1875 which gives the "control" over the public
 lands, ports and buildings "to His Majesty's Government".
 This cannot possibly mean an absolute surrender of public
 lands and ports etc, and the question therefore naturally
 arises whether His Majesty's Government have still any
 right over such public lands etc if so what these
 rights are:-

I should be glad to be favoured with your Excellency's
 views on this point as also to learn whether you have any
 Mr. Wallis' recommendations.

I have etc.,

Henry Clarke

179
C/O
6752
REC'D
JUN 10

Inclosure 2 in Mr. Clarke's No. 37 of April 14th, 1910.

The Governor to Mr. Clarke.

17070
14 MAY 1910

communicating on
subject please
S.P. No. 1111/1909.

Government House
Nairobi,
British East Africa.
March 21st, 1910.

Sir-

I have the honour to acknowledge the receipt of your despatch No. 23 of the 2nd instant respecting the mainland properties claimed by the Zanibar Government.

Cont.
11th.

2. I regret that I am unable to endorse the recommendations made by Mr. Hollis and Mr. Lyne in their entirety as I am not satisfied that any of the properties referred to belonged to His Highness the Sultan in his private capacity and, if they did not, I am of opinion that they passed to this Government with other public land in 1895.

3. My views in this respect are fully explained in a despatch which I had addressed to the Secretary of State for the Colonies prior to the receipt of your letter.

I attach a copy for your information.

I have etc.,

J. P. Girouard
Governor.

Enclosure 4 in Mr. Clarke's No. 87 of April 14th, 1910.

620
16752

REC'D
MAY 4 1910

MAY 1 1910

1707
MAY 1910

Sir:-

I have the honour to acknowledge the receipt of your
excellency's despatch of the 21st inst. regarding the
proposals submitted to British High Commissioner Sir
[Name] [Name] [Name]

I enclose for your information a copy of the report
which I have addressed on the subject to His Majesty's
Secretary of State for Foreign Affairs.

I am, Sir, very respectfully,

Your Excellency's obedient servant,

[Signature]

[Name]