

EAST AFR. PROT.

17615

No. 17615

24 MAY 05

No.

202

1905

May

previous Paper

50050

(Subject)

German East African Co.'s claim to property in Water

It is correct as to the opinion that the Co. should be required to prove their claim in a court of law

(Minutes)

Copy of despatch, one in reply to the 70. with ref to 16630, saying that the paper enclosed in this letter has been sent to the Commission for report and ask them to let us have a copy of the same in the despatch when they are printed

at once

H. J. R.

Re: Read

27/5

The copy of 70. returned our letter of 24/5 today. 70 cannot deal with this matter apart from the general question in 16620 and as to the matter when a reply may be expected as to that up to now there has been hardly time for the mails to go from East Africa, without allowing for consideration

to German Co. 2. 1. 05

previous Paper

81

2 July 1944 to

Stewart

Kanaka

2000 July
Kagokawa

When my answer is expected to arrive

announcements

my departure was

23/2

25 May

my unit

Osaka

26/1

19, 1

Bring up again a 3 weeks time
to explain priority of the F.O.
that there has not been time to
issue a memo + return
to F.O. papers

at once

23/11

21/7

17

17615

Commissioner's Office No. 05

Kombawa.

448

May 2nd 1905.

Sir,

I have had the honour to receive the Marquis of Lansdowne's despatches Nos 253 of October 5th 1904 and 108 of 2nd March, calling for a report on the general circumstances a claim, Mr. M. Tost's claim to the ownership of a tract of land in it, and on the grounds of Sir C. Eliot's refusal to recognize the right of the German East Africa Company to a piece of territory about twenty five miles in extent in which was included the plot cultivated by Mr. Tost.

I recall that this matter was first brought to my attention by Mr. Tost's notice in 1903 when the Acting Sub-Commissioner of Lands, finding that Mr. Tost was occupying certain lands in this province, asked him for information as to how he acquired them. I have the honour to transmit herewith Mr. Tost's

reply

Principal Secretary of State,
for the Colonies,
Downing Street,
London.

berly together with Mr. Eriksson's covering letter. Mr. Eriksson informs me that when advising the Late Commissioner on the subject he was under the impression that Tosti's land was situated within the Sultanate of Zanzibar. The whole point then before him was whether Tosti had any title; and it would appear that the German East Africa Company had relinquished their interests if any, that Tosti was only at best a tenant at will of the Company, and that he relied mainly on the ground of undisturbed possession for twelve years. The question whether the German East Africa Company had any rights to let or own any land in Witu or elsewhere was not brought forward until recently, and I do not think that Sir C. Elliot knew anything of their claim beyond that it was mentioned in the enclosure in Mr. Tosti's letter to Mr. Eriksson as is referred to. I can find no record in the archives of the correspondence which Count Bernstorff states in his despatch of September 22nd 1904 took place between Sir C. Elliot and the German Vice-Consul on this subject. I have the honor to transmit herewith a translation by Messrs. Barth and Hollie on the general circumstances of the case, together with a translation of an extract from an American periodical, a map, and a volume of laws of each of

The Grassie Sultan of Katsina was principal adviser of the late Sultan Ahmed. I concur in Messrs. Smith and Hollis's recommendations and am of opinion that Elamans Bedward's claim to the land which was later acquired by the German East Africa Company is open to doubt, and that the Company should be required to prove their claim in a Court of law.

I have the honour to be,

Sir,

Your most obedient,

Yours servant,

J. Stewart

Commons
1765

159

DRAFT

Foreign Office

31 May 1765

Lord

Ms. A. 9. 2. 2. 4

Sir

I am directed by Mr.

Secretary Lyttelton to acknowledge

MINUTE.

Mr. Scoffham 29/5

Mr. Lead 29/5

Mr. Anthonis.

Mr. Cox.

Mr. Lucas.

Mr. Graham.

Sir M. O'Mahoney

The Duke of Marlborough

Mr. Lyttelton.

the receipt of your letter of the 16th of May, and to inform you that a copy of the letter with its enclosure has been sent to the Com^{rs} of the Prof^{ts} for report.

I am directed to transmit to you, for the information of the

Marquess of [Sandown] a copy of a despatch, with enclosure in original, which has been received from the Com^{rs} of the Prof^{ts}.

I am directed to request that a copy of the enclosure to the despatch may be sent to this department when published.

Stent - 262 - 2 May (1765)
See a copy

with copies
to your letter
of Oct 16th 1764
1765

on the subject of W. E. Toole's
claim to the ownership of
a tract of land in Utah,
which is included in the
territory claimed by the
Seaman East Africa
Co?

2 The papers enclosed
in your letter of the 16th
of May relating to the
direct question of the
alleged rights
of the Seaman
East Africa Co? to
property in Utah have
been referred to the
Board of the
Register as Dr. Stewart.

3 I am to ask that
a copy of the original
Dr. Stewart's present maps
may be sent to the
Dept when they have been
printed