

1924

KENYA
ZANZIBAR

47

C.O.
17180
10 APR 24

DATE

9th April, 1924

FOR CIRCULATION :-

Mr. ~~Captain~~ *John Phipps*

Mr. ~~Captain~~

Mr.

Asst. U.S. of S.

Mr. H. Read

Perm. U.S. of S.

Part. U.S. of S.

Secretary of State.

Post Office Order, 1922

Sends copy note from French Ambassador regarding a grant of an extension of - and all other...

Previous Paper

54851/133

B of Trade 54851/133
6604/21 Zanzibar
1925/12.11 (1924)
1925/12.11 (1924)

MINUTES

1. Balthasar's memo on 3632 (Flagged green) gives the history of the French rights up to 1919. There can be no doubt that the port dues levied under the Ordinance are for the maintenance of the port & lights necessary to navigation. I write to F.O. and concur in the answer they propose to send to the French Ambassador, and say they are correct in presuming as they do as to the dues.

[This has been delayed as I have tried to get a copy of the invention of S. Remain from the Library but their copy appears to be out.] (copy has been written) F.W.W. 17.4.24

Subsequent Paper

46
20954

Please see separate notes within. Reply as proposed, including

Met - 26 APR 1924
copy come to the file
20/5/24

Note on French protest against Kenya
Port Order. 1922.

48

1. The Order is in G.O./11305/22 (flagged).
Section 14 gives power to levy port dues on
2. The French complaint is against the
Rules published in Gazette of 23rd
May, 1923 (G.O./32659/23 flagged).
These rules specify in detail the
dues to be levied under the
Order.

The 1924 Est. provide for revenue
as under:-

Light dues	£ 1400
Pilotage	£ 5300
Port dues	£ 6000
Total	£ 12,700

Estimated expenditure on the Port and
harbour Docks for 1924 -

£ 15,959. Practically all, if not
all, of the work of these Docks may
properly be regarded as services
rendered to navigation. we are therefore
well on the safe side.

3. The general question of the effect
on French Treaty rights of the Berlin
Act of 1880 and the Saint Germain
Convention

C. O.
17180
10 APR 24

In any further communication on
subject, please quote
No. A 1979/1870/50.
address,
not to any person by name.

FOREIGN OFFICE
S.W. 1.

The Under-Secretary of State,
Foreign Office,
London, S.W. 1

April 24, 1924.

Sir,

3c

I am directed by Mr. ... by Mr. Donald to
transmit to you here a copy of a note from the
Ambassador protesting against the enforcement of the Kenya
"Port Office Ordinance, 1911" at Mombasa and other ports of
the coastal strip of the dominions of the Sultan of Zanzibar.
In his note to the French Ambassador of August 1, 1911,
1911, a copy of which was enclosed in the letter from this
department of a date of the same date, Lord Curzon
stated that His Majesty's Government had decided to increase
the Zanzibar port duties by ... convention
revising the General Act of Berlin, ... and the
General Act and Berlin Act of 1865, ...
signed at St. Germain-Laye, September 26, 1919, and
in his note to the French Ambassador of August 1, 1911
(see the letter from your department of the same date of August 1,
1911), he drew attention to the provisions set forth in
Article 1 of the Convention of 1919. The States concerned
"reserve to themselves the right to take such action as they
"deem fit and to apply the Convention to their territories"
"applied in their territories" and he stated that the
the French Ambassador, in his note of the same date, the
Government are justified in concluding that the Convention
acquiesced in their view that the limitation imposed in
this,

*10/10/24
Lambert*

The Under-Secretary of State,
Colonial Office.

this respect by the Franco-Muscat Treaty of 1844 were abolished by the Revising Convention.

3. Subject to the concurrence of the Secretary of State for the Colonies it is proposed to reply to the Count de Saint-Aulaire in the above sense, and if, as it is presumed, such is the case, to add that the dues in question can be justified as payment "for services rendered to navigation itself" in accordance with Article 6 of the Revising Convention.

I am,

Sir,

Your obedient Servant,

G. Murray

Le Gouvernement de la Colonie et du Protectorat du Kenya a récemment mis en application à Mombasa et dans les autres ports de la zone côtière des Etats du Sultan de Zanzibar les dispositions de la "Port Office Ordinance, 1922", qui ont été publiées dans le numéro de la Gazette officielle de ce Gouvernement en date du 23 mai dernier. Aux termes de ces dispositions des droits de port, de quai et de pilotage sont maintenant appliqués aux navires de commerce qui visitent le port de Mombasa et les autres ports de la zone côtière des Etats du Sultan de Zanzibar.

L'ambassadeur de France a été chargé d'attirer l'attention de son Excellence le Principal Secrétaire d'Etat de Sa Majesté pour les Affaires étrangères sur le fait que le Gouvernement français juge cette ordonnance contraire à l'article 10 du traité franco-mascatais de 1891.

Le Gouverneur de Saint-Denis se permet de saisir votre Excellence pour renouveler à son Excellence ses assurances de haute estime et de haute confiance.

Ambassade de France à Zanzibar.

Albert Gata Hovea.

22 Mars 1944.

17180/22

Kunya
Zanzibar

52
21
28 April 1924

25
24558/25

Sir
I am re. to ask the recd. of
your letter A 1979/1979/60
of the 9th of April regarding
the French boat
the protest against the extension
of the Kunya Port Ordinances
1922 at Mombasa and
other parts of the coastal
strip of the dominions of the
Sultan of Zanzibar. (2. Jan)
I request you to inform Mr.
Sgt. Ramsay MacDonald
(Mr. Thomas)
that the concerns in the
reply which it is proposed
to make to the French
Ambassador in the matter

DRAFT.

The Under Secy.
F.O.

Amrad
20902
31/3/25
copy to Sir leaf

MINUTE.

- Mr. Whiteaker 226
- Mr. Phipps 24/4
- Mr.
- Sir C. Davis.
- Sir G. Grindle.
- Sir H. Read.
- Sir J. Masterton Smith.
- Mr. Ormsby-Gore.
- Duke of Devonshire.

Pat Order 1922
11206
Gazette 923-1 May
32659/23

2. ~~Mr Ramsay Mac Donald~~ ~~is correct in~~
He agrees that the French Govt. may be informed
~~the assumption~~ that the
beid under the order.

~~implications~~ can be justified as
payment "for services rendered to
navigation itself" in accordance
with Article 6 of the ~~Paris~~
Convention of Saint Germain in-1919.

~~-----~~

3. ~~I am to enclose for~~
copy of the ¹⁸⁸⁹ Port Ordinance ⁽¹⁹²²⁾ of the
23rd of May last which
contains the rules made under the
Ordinance, are enclosed for ^{Mr. Ramsay Mac Donald's} ~~reference~~

I am

(Signed) G. GRINDLE

2. ~~Mr Ramsay Mac Donald is correct in~~
He agrees that the French Govt. may be informed
~~the assumption~~ that the
beid under the order.

~~implications~~ can be justified as
payment "for services rendered to
navigation itself" in accordance
with Article 6 of the ~~Paris~~
Convention of Saint Germain-en-Laye.

~~Letter to~~

3. ~~I am to enclose for~~

^{Kings} copies of the Port Ordinances ^{8/1922} of the
Sydney 23rd of May last which
contains the rules made under the
Ordinances, are enclosed for ^{Mr. Ramsay Mac Donald's} information.

I am

(Signed) G. GRINDLE