

EAST AFR. PROT.

41790

No. 41790

14 NOV 08

No. 107

(Subject.)

1908

Municipality for Mombasa

Last previous Report.

Takes question of establishment of a Council managed by Comms of Lands, Treasurers & Comms. Advocates. Asks whether it will be possible to revert to the original proposal & to purchase outright the rights of the holders of leases on the Coast Strip.

(Minutes.)

Mr. Beal
It being desirable to have a municipal
body at Mombasa to control the
Water Supply &c. But it seems
that it is now doing the work
the treaties which give foreigners
prevent us taxing foreigners as
charged. At present it is done
foreigners, with heavy exceptions,
do pay the high rates of present
taxes, but it is feared it will
recede that if the rates were
raised now to make the company
self-supporting the foreigners
would decline to pay any rates
at all. The Govt suggests annexation

1908
19453
10/30/08

of the coast strip, but creating
and this of Mr. Clarke (minutes
21721/07) is right in thinking
that it would also have to bring
all the treaties giving special
passes privileges to foreigners
toward end, would be for us
the most satisfactory procedure

But the F.O. object that this
could not interfere the position
in Tangier & Ponta; and they
are accordingly in a business
way indicating to include
new treaties by which
the foreign power concerned
are to give up their privileges
both in Tangier & on the main-
land.

These negotiations are
latter, when we last heard,
at a standstill owing to France
raising questions as to the
lands of Gharbatonda.

In the meantime Morocco
goes without its manifestly,
in consequence without an adequate
which apply

Handwritten notes in the margin, including the word "Territories" and other illegible scribbles.

The Treasurer suggests that the
Powers should be approached to
allow their subjects being compelled
to pay mining duties only, without
receiving their other families. This
is objectionable making 2 titles
of archery, but we had better
put it before F.O.

Write to F.O. sending copy
of this & emphasize the importance
of our being able to rate the
foreigners, and ask whether
if there is no prospect of an early
conclusion of the Treaties, the
difficulty cannot be got over either
by evacuation or by the Treasurer
proposing.

Ask them also the following
questions which arise on these
papers

1. Whether there is any ground
for the assumption of the Moroccan
Water Committee (last vol.)
that the treaties granting
privileges to foreigners become
inoperative in 1911

(2) Whether foreigners at Harare
double outside the Cape
have any right to refuse payment
of rates or taxes, as it seems
to be the
the Crown Advocate's
winding up, or whether the
privileges would be cancelled by
annexation or by the forfeiture
treaties.

(3) Whether a British subject
in the Cape that can apply
to the Treaty of 1886 (as
-ted by the Crown Advocate)
and refuse to pay rates or taxes
of foreigners is not compell-
to do so.

W. J. R.

at Harare

So proceed?

W. J. R.

25/11

W. J. R. 28
at Harare

41750

Governor's Office,
Nairobi, 14.10.08
October 9th 1908.

EAST AFRICA PROTECTORATE.
Confidential (107).
(Incl. 1.)

Colonial Secretary
27th 1908.
Following
11th 1908.
Forwarded by
Gang.
Action of the
Committee.

My Lord,

I have on previous occasions alluded to the question of a Municipality for Mombasa. The town is a large and important sea port, where are concentrated the trade interests of both Protectorates, and of the countries fed by the Uganda Railway and Lake Steamer service, it has a large and wealthy population and is increasing in size and importance with the natural development of trade in this part of Africa.

2. It is in every way now ready for its affairs to be managed by a Municipal Committee, and it is seriously hampered in its progress from our inability to form a Municipality, which we are unable to do owing to the foreign treaties and the difficulties these would place in our way in raising the necessary taxation.

3. I attach minutes written on the subject by Colonel Montgomery, the Treasurer, and the Crown Advocate, and a resolution passed by the Committee sitting to enquire into the question of the Mombasa

Principal Secretary of State
for the Colonies,
Downing Street,
LONDON, S.W.

water supply. The interest taken in the matter locally at Mombasa is great, and all, British subjects and foreigners alike, would wish to see a properly constituted Municipality established. But this cannot be done as long as the present restrictions remain. A taxation would be unworkable that would depend, not on law, but on the good will of those subjected to its incidence.

4. It occurs to me that there may possibly be reasons why it may not be deemed advisable to approach the Powers concerned for the necessary authority to tax their subjects whilst the larger question of the Treaties remains in abeyance. This point might, however, perhaps be considered if it is not found possible to adopt the course I now venture to propose.

5. It is evident from Your Lordship's despatch, ~~7.0.~~ confidential, of the 5th June last that we cannot look for the abolition of the extra territorial rights at present enjoyed by the various countries, especially France and Germany, in the Sultan's dominions, for some, possibly considerable, time to come.

6. Under these circumstances I would ask whether it would not be possible to revert to the original proposal to purchase outright the rights of the Sultan of Zanzibar in the lowest step. Germany bought out His Highness's right in German East Africa at once and thereby saved herself the difficulties we are now experiencing.

7. Such an arrangement will have to be come to sooner or later, and I would submit that we have nothing now to gain by delay.

8. In this connection I would invite Your Lordship's attention

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attention to paragraph 2 of my despatch, Confidential,
of 23rd of May 1907.

0. The marked change which has occurred in the
position consequent on the action we have taken to
abolish slavery would seem to remove the principal
objection that has hitherto stood in the way of the
annexation of the Coast strip.

I have the honour to be,

With the highest respect,

My Lord,

Your Lordship's most obedient,

humble servant,

W. H. Murray

Despatch No. 174 of *Oct. 26, 1908*C O
41790

14 NOV 08

MINUTES

MANAGEMENT OF MOMBASA TOWNSHIP.

The system so far as I understand it is this.

The sanitation, lighting, &c. are carried out under the orders of the Provincial Commissioner. Public Works are carried out under the Department of Public Works as funds are available.

There is no township or Municipal Committee.

Rates are levied, but are paid voluntarily because we have at present no authority to impose them. The balance of the money required to carry out the sanitation, &c. is found by the Government.

No attempt has been made to establish a Municipal Committee or to apply the Townships Ordinance, because under existing treaties with foreign powers we are unable to tax foreigners and as a fact the foreigners are both numerous and wealthy.

I venture to think the question should be reconsidered in all its bearings, and I place my views on record in order that, if His Excellency thinks right, the papers may be laid before the Executive Council.

One result of the existing system is that those who can be legally taxed are hardly taxed at all, and the Protectorate funds have to make up the deficiency.

This does not seem to me to be right.

I think we ought to introduce ^{the} township Ordinance in Mombasa without delay, and make the Municipal Ordinance apply when it is passed. My suggestion is that the whole island be included within municipal limits, that rates and taxes be assessed at

fair

(2)

fair rates on every one, that these be levied from British subjects, and it be left optional with foreigners to pay them or not as heretofore. The deficiency that cannot be levied from foreigners could if necessary be made up by a grant from Protectorate funds.

But I am inclined to believe that many of the foreigners will be quite willing to pay the full rates, especially if by doing so they can obtain representation on the Committee.

This brings me to the second reason why I urge the formation of a Committee.

Mombasa is the most important town in the Protectorate, and contains many gentlemen of substance who I am sure would gladly give their time to a Municipality. It would be a great gain to obtain the assistance of such persons, and to interest them in local affairs.

We are extraordinarily fortunate in having so energetic and tactical a gentleman as Mr. Sanderson to supervise the sanitation of the township; but he works under great difficulties, and I have no doubt he would himself welcome the change that I propose. He would be eminently fitted to be the Secretary of the new Committee.

The Committee will have to be a large one if all classes are to be represented, and there must of course be an official majority to begin with.

The official members might be the following:-

The Provincial Commissioner - Chairman
 The District Commissioner
 The Medical Officer of Health
 The Executive Engineer, Public Works Department
 The Chief of Customs
 One Representative of the Uganda Railway
 The District Surveyor
 One officer of the Treasury Department.

and at least seven non-officials. The latter should include

one

(5)

one Arab and one Indian gentleman. It is a question for consideration whether the foreigners should be represented. The Germans are a strong community, and there are also wealthy firms of French and Italians.

At any rate it will be obvious that if all interests are to be represented we must have at least seven non-official members.

I have every reason for believing that the bringing of the island under the Township Ordinance will be of great benefit to Mombasa, and I urge that my proposals be considered.

Sd/- J. Montgomery,
COMMISSIONER OF LANDS.

27 : 5 : 08.

MINUTE.

It is, of course, very desirable to establish a Municipality in Mombasa and to levy rates on all the inhabitants of the island.

2. I believe that under existing conditions it is not possible to tax the subjects of any of the signatory Powers to the Treaty with the Sultan of Zanzibar.

3. The question of the abolition of the extra-territorial rights possessed by the Powers is, I believe, under consideration by the Foreign Office, but we do not know how soon a decision will be arrived at.

4. In the meantime it would seem a pity to let the question of the Municipality drop.

5. I do not think any of the Powers would object to rates being levied on their subjects for bona fide municipal purposes, nor do I think that the better class of our foreign residents would object to paying such rates.

6. I would, therefore, suggest that the Colonial Office be asked to approach the Powers concerned, through the proper channel, on the question of municipal rates only.

7. I do not consider that any system of taxation which would be compulsory for one portion of the population and voluntary for the other portion would ever work satisfactorily.

8. I presume the Portuguese subjects form by far the most numerous community of our non-British population and that Germans, Americans, French and Italians would also have to be dealt with.

(2)

9. The question should be dealt with at once and I would suggest a special Commission being formed to draw up a report for His Excellency's consideration. This Commission should include at least one Arab and one German and one Portuguese subject. It is possible that the Commission about to be appointed by His Excellency to discuss and make recommendations on a proposed water supply for the Island will suggest the work being undertaken as a municipal one. It might, therefore, commend itself to His Excellency to utilize the Water Enquiry Commission as the nucleus of a Committee to deal with the whole municipal question.

Sd/- C. C. BOWRING.

Treasurer.

June 11th 1906.

MINUTE.

1. This is a question which will have to be very carefully considered before being put into force or else we will have a repetition here of what is happening in Malabar. At present we are collecting a good deal of revenue not only from Natives (hut tax) Indians, &c. but also from the foreigners without any bother. Personally I don't think the time has come yet to make Bombay a Municipality till all the old treaties have been abolished, my reason for saying so is that in the case of the foreigners I was informed that they pay between 4 and 5% rates, they do it willingly; now, if this became a Municipality the rates would be increased at any rate to about 10%, the foreigner would then turn round and say I have paid my 5% willingly but as you are putting up the rates I won't pay anything and we cannot force payment. Now, if this happens to the foreigner what is the position of the Britisher; under the Treaty right 1800 British subjects are to enjoy all the privileges of the most favoured nation, naturally he would turn round and refuse to pay any rates also, so we would be worse off under a Municipal Council than we are at present. I believe that a British Firm did exercise that power once in the case of a German Firm. The German Firm refused to stamp a Merchile document and the British Firm were in the habit of doing it; so the British Firm turned round and claimed exemption also.

2. As regards paragraph 2 of the Hon'ble the Treasurer's Minute. It is quite true we can't make foreign subjects

(2)

pay taxes but as they pay a certain amount willingly, would it not be better to leave it as it is?

3. The extra-territorial rights (jurisdiction) have all been given up but the old treaties have not. And I believe all the Powers are willing to give the treaties up but Portugal is hanging the matter up as they have not had a parliament for over two years. I would advise His Excellency sending home to the Colonial Office and asking if it was possible to diplomatically approach Portugal at once.

4. Personally I would not stir up the question in the meanwhile or else we will as I have already said fall into the same trap as Nairobi has done, by that I mean that we would not collect rates from foreigners, and in any event the foreigners would probably object and then it would fall upon the natives to contribute the whole money to be recovered for the rates because under the present ruling of the Colonial Office Government Officials would be exempt of which there are 28 counting wives and daughters and probably also Indians as they would claim to be British subjects.

5. The Powers probably would not object to rates being levied on their subject, but the subjects probably would if they had to pay higher rates and until the treaties are abolished we would have not power to enforce them.

6. I have dealt with this in my paragraph 7.

7. I agree with regards paragraph 7.

8. I am attaching a rough summary of the number of foreigners which I have obtained from Mr. Sanderson. I notice it does not include Indians unless under the

heading

heading of stone houses.

9. I think I have dealt with this in some of my former paragraphs.

My own opinion is let "well" alone, and till we can say to the foreigners you must pay the rates levied and that will only be when the existing treaties are modified, I think we ought to continue in the way we are doing, otherwise we are certain to come to grief. Mr. Sanderson has no difficulty in collecting rates. He manages to get a large sum in from the natives. We have had the experience of Nairobi and it would ^{be} ten times worse here. I think it would be advisable to get from the Foreign Office copies of the New Treaties which would enable me to draft new rules and have them ready directly the old treaty rights are abolished. I understand His Excellency has already seen a copy of the new treaty and I don't think the Foreign Office would object to let us have a copy "confidentially" if it was explained for what reason we wanted it.

Sd/- H.A. YOUNG.

Ag. Crown Advocate.

Number of Houses in Mombasa	4,000
do. of Mud Huts	... 3,000	
do. of Stone Houses	... <u>1,000</u>	

Total number of Foreigners Resident in Mombasa 482

Americans	3
Austrians	6
Danes	2
French	10
Goanese	400
Greeks	4
Italians	9
Germans	22
Poles	<u>1</u>

Estimated yearly rental of house Property belonging to Foreigners in Mombasa: Rs. 52,610

Austrians	560
French	3,660
Germans	3,720
Goanese	20,470
Greeks	<u>4,580</u>

Amount collected yearly as rates on House property belonging to Foreigners in Mombasa. 1,025.04

French	Rs. 66
Germans	" 108
Goanese	" 743.04
Greeks	<u>" 90</u>

Foreigners who refuse to pay Rates.

Imperial German Vice Consul	Rs. 4 p.m.	
	Rs. 48 p.m.	
E. Africa Trading Co. (Austrians)	Rs. 14 p.m.	
	<u>Rs. 18 p.m.</u>	Rs. 46 p.m.

Total

(2)

Total number of European, American & African Residents		226
Total number of Government Officials	...	68
do. do. of do. do. wives and daughters	...	20
do. do. of Foreigners	...	62
do. do. of Females (adults)...	...	42
do. do. of Children	...	18
Outside Government Officials 71 English, &c.		

RESOLUTION PASSED BY THE NOMBASA WATER

COMMITTEE AT THE MEETING HELD ON THE 24th AUGUST

1908 -

"This Committee having heard the evidence of Judge
"Hamilton would take this opportunity of bringing to the
"notice of His Excellency the Governor the fact that
"during the existence of the present Treaty between His
"Highness the Sultan and Foreign Powers, it will not be
"possible for the Governor of the East Africa Protector-
"ate to levy a water-tax on British or other Foreign
"subjects whose Governments are a party to the Treaty
"referred to.

"The Committee propose to continue their enquiries as
"they understand that, even provided no modification of
"the present Treaty is possible, the Treaty itself becomes
"inoperative in 1911".

Sd/- C. D. Fisher.

Secretary to the Committee.

800-4790 2 A.P.

C.D. 1/491

John D. ...

2 Dec 8 1911

New Kenya Bill of 1911

The U.S. of S.
Foreign Office.

SIR,
I am so glad to transmit to you, to be

my 10/10/11

had before Mr. Sec. Sir E. Grey, a copy
of a Resol. with enclosures, read from the
Gov. of the E.A.F. on the subject of the
establishment of a municipality at Mon-

10/11/11
10/30/11

10/30/11

*specifically
in order to provide
for the cost of a water
supply which is urgently
needed*

roba. Lord Grewe considers that it is very
desirable that a municipality should be
formed at Mombasa, but for this purpose it
is essential to remove the exemption from
rates enjoyed by the subjects of Foreign
Powers in the Coast Strip.

Lord Grewe understands that Sir E. Grey
is in negotiation with the Govts. concern-
ed with a view to the abolition of the
privileges enjoyed by their subjects. I
am to enquire whether, if there is no
prospect of an early conclusion of these
negotiations, the difficulty cannot be
overcome either by sanction of the Coast
Strip or by a separate agreement with the
Powers on the subject of municipal rates
only, *as suggested by the Treasurer*

Lord Grewe would also be glad of info.
on the following points:

- (1) whether there is any ground for the
assumption of the Mombasa Water Committee,
that the treaties, *under which*
~~granting special privileges~~
to foreigners becomes inoperative in 1911.
- (2) whether foreigners at Nairobi or else-
where outside the Coast Strip have any
right to refuse payment of rates or taxes,
as it is the result of the Acting

*Have exemption from
rates & taxes*

Copy for conf. 10/22/11

Crown Advocate they are doing; and if so whether these privileges would be equalled by annexation or by the new treaties which it is proposed to make.

(3) Whether a British subject in the Coast Strip can appeal to the Treaty of 1896, as suggested by the Acting Crown Advocate, and refuse to pay rates and taxes if foreigners are not compelled to do so.

(Signed) R. L. ANTROBUS