

EAST AFR. PROT
ZANZIBAR

22057

18 JUL 10

22057

Forward Copy

1910

16 June

Last previous Paper

20655

mainland properties of Sultan of Zanzibar

Leads for the coming from Hon. Agent at Zanzibar
Contract for clerks under emp. claims of
Zanzibar & suburbs case for E.A.P.

W. Fisher

Ref. & refer to our conf. despatch
of the 12th of July?

The last sentence of the 6th para,
raises an important question. If the Gov^{ts}
views is justified, we could decrease the
£17,000 a year of the expenditure
of the E.A.P. - that sum being the
sum which is now paid to the Zanzibar
Gov^t for the Sultan's mainland domains.
This however is a matter which can be
best discussed when Zanzibar has been
transferred to the Office.

H. J. R.

alone 19/10
20

Forward Copy 22 July

Next subsequent Paper.

for 25549

22057
18 11 10
GOVERNMENT HOUSE,

Nairobi,

June 16th 1910.

EAST AFRICA PROTECTORATE.

Confidential (83)

(Incl. 2.)

My Lord,

In continuation of my despatch No. 46 Confidential of the 13th ultimo respecting the mainland estates claimed by the Zanzibar Government I have the honour to transmit copies of a further letter from His Majesty's Diplomatic Agent and its enclosure.

2. Your Lordship will perceive that in addressing the Secretary of State for Foreign Affairs Mr. Clarke lays considerable stress on the delay in contesting the Zanzibar claims, which has taken place. This I regard as immaterial more particularly as we are not asking for any arrears of rent wrongfully received in respect of these properties.

3. The payment made by the German Government for alleged similar rights in German East Africa is in no way analogous. That Government had purchased its territory outright and naturally did not desire to leave any pretext for interference on the part of a neighbouring

British

THE RIGHT HONOURABLE,

THE EARL OF CREWE, K.G.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S.W.

Protectorate in regard to land lying within its boundaries. The present case is quite different.

4. Mr. Clarke asserts that our contention makes clause II of the 1888 Concession nugatory. As far as I can see it is the neglect of the Zanzibar Government to draw up and obtain our assent to a schedule of the properties claimed as laid down in that clause which has produced the effect complained of.

5. Whatever academic value may be assigned to Mr. Clarke's arguments I submit that our position in the matter is based on broader and I think Your Lordship will agree more reasonable principles.

6. Now that the Sultan himself derives no direct benefit from the revenues of these estates, he being in receipt of a civil list, the question is entirely between the two administrations and it certainly seems strange that one British Protectorate should claim to receive the rents of property situated within the territory of another. I would go further and say that it is absurd that this Protectorate should pay rent and interest to the Zanzibar Government for administering the poorest and least lucrative portion of these dominions, which are nominally the Sultan's but in reality for all practical purposes British.

7. I trust that these views will commend themselves to Your Lordship.

I have the honour to be,
Your Lordship's humble,
obedient servant,


GOVERNOR.

copy.

No. 60.

ZANZIBAR,

C O
22057
Recd
18 JUN 10

June 2nd 1910.

Sir,

I have the honour to acknowledge the receipt of Your Excellency's letter, M.P.1111/09, of the 15th ultimo, regarding the mainland properties claimed by the Zanzibar Government.

I transmit to you herewith a copy of a further despatch which I have addressed to His Majesty's Principal Secretary of State for Foreign Affairs on the subject.

I have &c., &c.,

Sd/- EDWARD CLARKE

HIS EXCELLENCY,

Brevet Colonel Sir Percy Girouard, K.G.M.G.,

&c., &c., &c.,

Nairobi.

Zanzibar,

May 30th 1910.

No. 155.

Sir,

With reference to my despatch No. 37 of the 14th April last respecting the properties on the mainland claimed by the Sultan of Zanzibar, I have the honour to transmit to you herewith a copy of a further despatch which I have received on the subject from the Governor of British East Africa.

Sir Percy Girouard entirely omits any allusion to the fact that our claims to these properties has been un-interruptedly admitted for a period of 22 years first by the Imperial British East Africa Company and subsequently by His Majesty's Government and that it actually not until Seyyid Ali has been on the throne some eight years that the East Africa Administration bethink themselves of denying it. If the contention now raised by them in the matter is sound it should have been put forward when Hamed bin Thwaini, under whom the agreement was made, died in 1886 or at least when his successor expired in 1902.

Sir Percy Girouard likewise passes under silence the analogy alluded to in my despatch above referred to between the agreement concluded by Hamed bin Thwaini with the German East Africa Association and that concluded by him with the Imperial British East Africa Company; as also the fact that if the right to these properties is now denied to us that portion of Article II of the concession of 1886 which refers to certain properties

THE RIGHT HONOURABLE,

SIR EDWARD GREY, BART, M.P.

&c., &c., &c.,

properties to be reserved for the Sultan's private use
^{as}
 cases to have any meaning at all.

As far as I can understand the East Africa Protect-
 -orate Administration consider that we are on the horns
 of this dilemma:

if these properties belonged to any of the Sultans who
 have reigned here since the agreement was drawn up in
 their private capacity they would either have been ~~transferred~~
 devised by them as they chose by will or in the absence
 of any such will would have followed the Mahomedan
 law of succession;
 on the other hand, if these properties did not belong
 to any of the said Sultans in their private capacity
 they cannot belong now to us.

Further I think Sir P. Girouard is trying to argue
 as if the difference between the public and private
 property of a Sultan here had always been as clearly
 recognized as that between the public and private
 property of a King of England. Now as a matter of fact
 such a clearly marked distinction has only been observed
 within quite recent days. Up to a very short time ago
 there was absolutely no distinction between these two
 classes of property: a palace, a gael, a fort, a shamba
 all belonged to the Sultan one as absolutely as another
 and he could equally well make a present of any one of
 them to anybody he pleased. By the term "private
 property" therefore it seems to me there was meant not
 his private property in the same sense that Balmoral
 belonged to the late Queen but rather property of a private
 nature, that is property such as a shamba as distinguished
 from property such as a fort.

I have &c., &c.,

Sd/-EDWARD CLARKE

ZANZIBAR,

June 2nd 1910.

Sir,

I have the honour to acknowledge the receipt of Your Excellency's letter, M.P.1111/08, of the 13th ultimo, regarding the mainland properties claimed by the Zanzibar Government.

I transmit to you herewith a copy of a further despatch which I have addressed to His Majesty's Principal Secretary of State for Foreign Affairs on the subject.

I have &c., &c.,

Sd/- EDWARD CLARKE

HIS EXCELLENCY,

Brevet Colonel Sir Percy Girouard, K.C.M.G.,

&c., &c., &c.,

Nairobi.

Gov
22057/10.

E.A.P.

S.C.



DRAFT.

E.A.P. Conf

Gov
Girouard

MINUTE 20/7

Mr. Noall 21/7

Mr. Read.

Mr. Fiddes.

Mr. Just.

Mr. Cox.

Sir C. Lucas.

Sir F. Hopwood.

Col. Seely.

Lord Crew.

2

Gov

22 July 10.

Sir,

I have the honour to
ack the receipt of your
Conf despatch N^o 63 of the 16th
of June on the subject of
the mainland estates
claimed by the Langkathar
Govt, & to refer you to my
Conf despatch of the 12th of July.

W. H. DREWEN