



59/10)



FOREIGN OFFICE

December 14th 1916

Sir:-

16905

With reference to your letter of the 23rd June I am directed by Secretary Sir E. Grey to state, for the information of Mr. Secretary Harcourt, that a telegram has been received from His Majesty's Agent and Consul General in Zanzibar, stating that at his request Judge Marison proceeded to Nairobi to discuss with Judge Barth the question of the mainland properties of the Sultan. Judge Marison, however, felt obliged to return at once to Zanzibar as Judge Barth had instructions to make no compromise on any point but adhere to the strict letter of the law in every case, and both judges were of opinion that at least two months would be occupied in dealing with the matter on those lines and examining the hundreds of witnesses whose evidence would be required to determine the ownership of the mainland properties.

Sir E. Grey trusts that Mr. Secretary Harcourt will

Under Secretary of State,  
Colonial Office.

4756/105



would like to insist on this course. He would suggest that  
but it is not clear that the instructions allowing them to  
settle by compromise the ownership of the smaller proper-  
ties they should then deal with the case of such of the  
larger properties as present least difficulty, leaving the  
remainder to the office of arbitration.

The evidence required for submission to the Arbitrator  
should be collected by minor officials appointed by each of

the various States. It is suggested that the Arbitrator  
should be prepared to act as a referee in the case of any  
dispute.

Sr,

Your most obedt. servt.

Humble Servant,



It would appear  
convenient, therefore,  
that the matter should  
be left to that Court  
to settle. It is  
to inquire whether  
this course will be  
met with Sir S. Grey's  
approval.

It is my duty to suggest,  
for the consideration of  
the Council, that the matter  
should be left to that  
Court to settle.

3. In any case,  
as regards arbitration,  
I am to observe that  
Captain Cadogan  
is not due to  
proceed to Legation  
until Monday,  
that it is desirable  
that he should lose  
no time in taking  
up his duties in  
the City, and that  
any business  
arising in the  
City should be  
left to the  
Court to settle.

that he could not  
be spared for  
institution work at  
Manassas

that he could not  
be spared from  
his duties at  
Mombasa