

of H. Zaphiro, Treaty Dept  
of the Southern Abyssinian  
Frontier

(Signed) in L. ANTROBUS

52  
DOMESTIC

EAST AFR. PROT.  
4165

C.O.  
4165  
5-00

of Individual

reign

1909

Feb.

Previous Paper

4118/09-9

Jurisdiction of Prot. Courts

over foreign subjects produced by abrogation  
of Treaty with Zanzibar of 1895.  
Subjects reply to be made to by for enquirers  
& asks whether Ci concu.

W. Risley

N. J. R.

5/2

Antrobus

Please annex copies of the Treaties referred to in  
this letter

N. J. R. 6/2

his ~~best~~  
W. Antrobus

Shows that supplements only, with the Treaty of 1895  
or 1895 and not with copies of the "arrangements  
& agreements" referred to at the top of p 2 of  
the F.O. letter. As the matter seems to be  
pressing, however, I send the paper on as you  
will very probably know whether the F.O.  
assumption as to Zanzibar (1) is correct.  
If it is, then I concur in their answer to  
Question (2), the treaty rights of foreign Powers  
which are saved by the Treaty of 1895, being  
so far as Courts are concerned non-existent

25A-612

File of Copy of Treaty

Subsequent Paper

41405

When the F.O. say "may be assumed" I  
think that they already mean that  
they consider that the point in question  
has been satisfactorily disposed of - if it does  
not seem necessary for us to look into the various  
arrangements & agreements, the  
interpretation of which is  
a F.O. matter

To Mr  
Hem.  
11/2

H. J. R

8/2

Ent. Cox

Yes, I think so.

? Reply accordingly to the  
Gov. and inform F.O. that  
Lord Cromer's legal advisers concur  
in Sir E. Grey's opinion.

M.A. Feb. 8.

Atome

JHR

11/2

In any further communication on this subject, please quote

No. 2060/09.

and address—

The Under-Secretary of State,  
Foreign Office,  
London.

53  
4105  
FOREIGN OFFICE 09

February 4th, 1909.

mediate.

Sir:-

I am directed by Secretary Sir E. Grey to acknowledge the receipt of your letter <sup>1418</sup><sub>08-09</sub> of the 15th ultimo respecting the effect upon the jurisdiction of the British East Africa Protectorate Courts over the subjects of Foreign Powers produced by the abrogation of the Treaty with Zanzibar of 1886.

It appears to Sir E. Grey that there are two main points to be considered in connection with this question:

(1) Whether the various Foreign Powers concerned have made to the British Courts a complete surrender of their extra-territorial jurisdiction on the mainland.

(2) Whether the Sultan of Zanzibar has agreed to the exercise of that jurisdiction - thus surrendered - by the British Courts.

The

Under Secretary of State,  
Colonial Office.

(2060/09)

The first point may be assumed to have been satisfactorily disposed of by the arrangements made with and the agreements concluded with the various other extra-territorial Powers.

As regards the second point I am to suggest, for the consideration of the Secretary of State for the Colonies, that the functions of the Protectorate Court depend, as far as His Highness the Sultan is concerned, not upon the Treaty of 1886 but upon the Agreement between Great Britain and Zanzibar of December 14th, 1895, respecting His Highness's possessions on the mainland, which states in the clearest terms that the administration both executive and judicial of those dominions shall be entrusted to officers appointed direct by His Majesty's Government.

I am to suggest that a reply in this sense might be returned to the enquiry of the Acting Governor of the British East Africa Protectorate.

I am, however, to add that Sir E. Grey would be glad to learn whether this matter has been considered

by

(2060/09)

by Lord Crewe's Legal Advisers, and whether they concur  
in Sir E. Grey's opinion.

I am,

Sir,

Your most obedient,

humble Servant,

*W. Langley*

19 Feb 09

*LM*

Sir,

I am &c. to ack. the recd. of your letter of the 14th Feb., no. 2060/09, on the subject of the jurisdiction of the E.E.A. Prot. Courts over the subjects of foreign powers, and to request that you will inform Sec. Sir E. Grey that his Lordship's legal advisers concur in the views expressed in that letter.

A reply will accordingly be made to the Governor's enquiry in the sense of your letter.

(Signed) R. L. ANTROBUS

DRAFT

The U.S. of S.  
Foreign Office.

MINUTE.

*WQC 1/2*  
*Mr. Putter 16 Feb 09*

- Mr. Just.
- Mr. Antrobus.
- Mr. Cox.
- Sir C. Lucas.
- Sir F. Hopwood.
- Col. Seely.
- The Earl of Creve.

2 lfts.

118

Gray

19 Feb 09

DRAFT

S.A.P.  
Conf.

MINUTE.

W.C. 16/1  
Mr. Butler  
Mr. Read 17  
Mr. Antrobus  
Mr. Cox

Sir G. Lucas.  
Sir F. Hopwood.  
Col. Seely.  
The Earl of Crewe.

2/1/09

148  
since 1945

Sir,  
I have the honor to acknowledge the receipt of your  
conf. of the 11th Dec. 1895 of the 11th Dec. on  
the subject of the jurisdiction of the  
Courts of the S.A.P. over subjects of  
foreign Powers residing in the mainland  
Dominion of the Sultan of Zanzibar.  
There are two main points to be con-  
sidered in connection with the question:  
(1) whether the various foreign Powers con-  
cerned have made to the British Courts a  
complete surrender of their extra-territori-  
tal rights on the mainland;  
(2) whether the Sultan of Zanzibar has  
agreed to the exercise of the jurisdiction  
to be surrendered by the British  
Courts.

The first point, in the opinion of  
the S. of S. for Foreign Affairs, may be as-  
sumed to be disposed of by the arrangements  
made with and the agreements concluded  
with the various other Powers.

As regards the second point, I am of opinion  
that the functions of the Prot. Courts  
depend, as far as His Highness the Sultan  
is concerned, not upon the Treaty of 1886  
but upon the agreement between Great Brit-  
ain and Zanzibar of Dec. 11th, 1895,  
respecting His Highness's possessions on  
the mainland, which states in the clearest

terms that the administration, both executive and judicial, of those commissions shall be entrusted to officers appointed by R. M. G.

*I have n*