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**Political No. 183 of 1874, Forwarding a Copy of Correspondence with the
Acting Political Agent at Zanzibar on the Subject of Consular Jurisdiction at
Zanzibar**

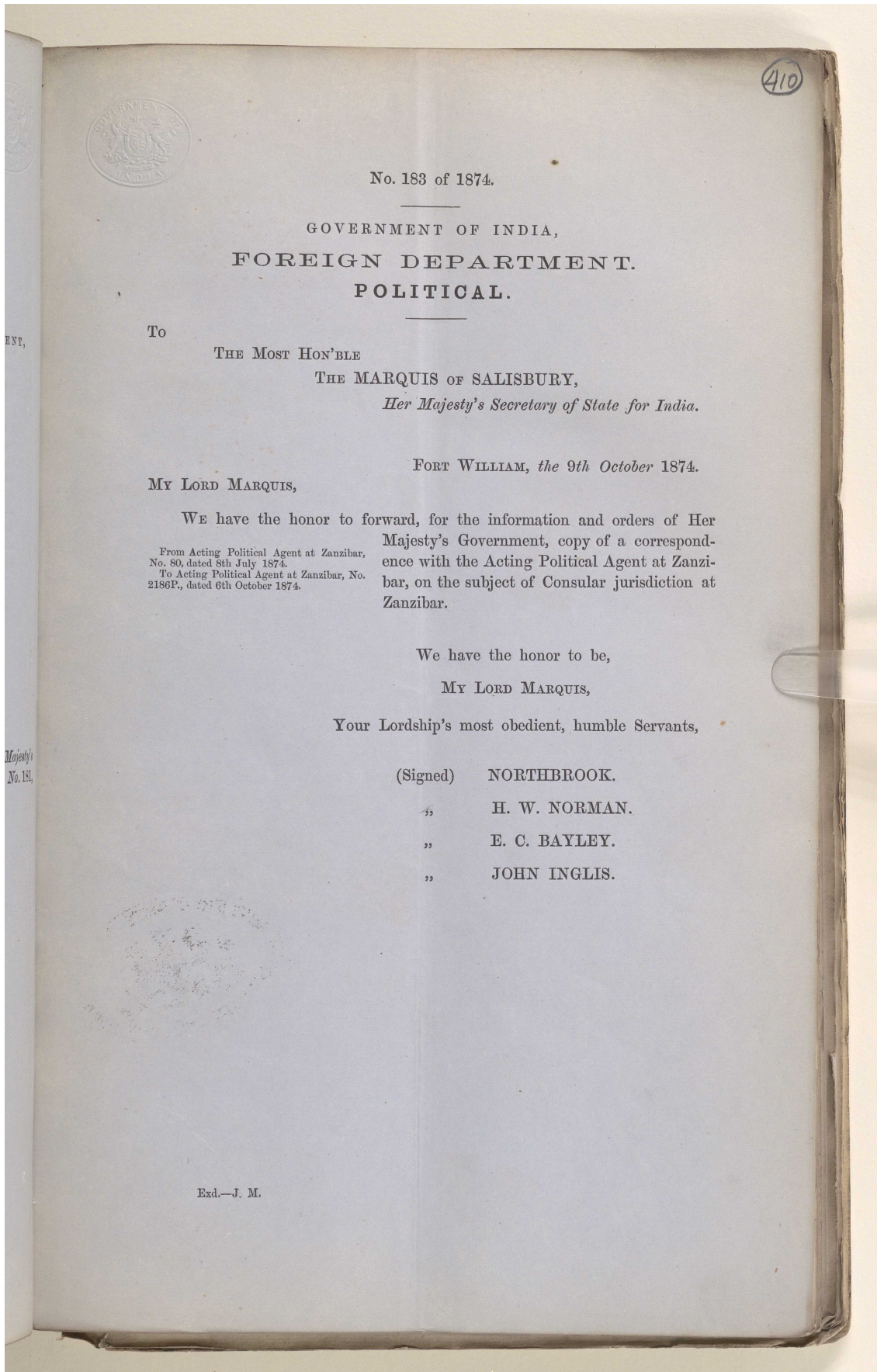
Holding Institution	British Library: India Office Records and Private Papers
Reference	IOR/L/PS/6/121, ff 410-415a
Date(s)	9 Oct 1874 (CE, Gregorian)
Written in	English in Latin
Extent and Format	1 item (7 folios)
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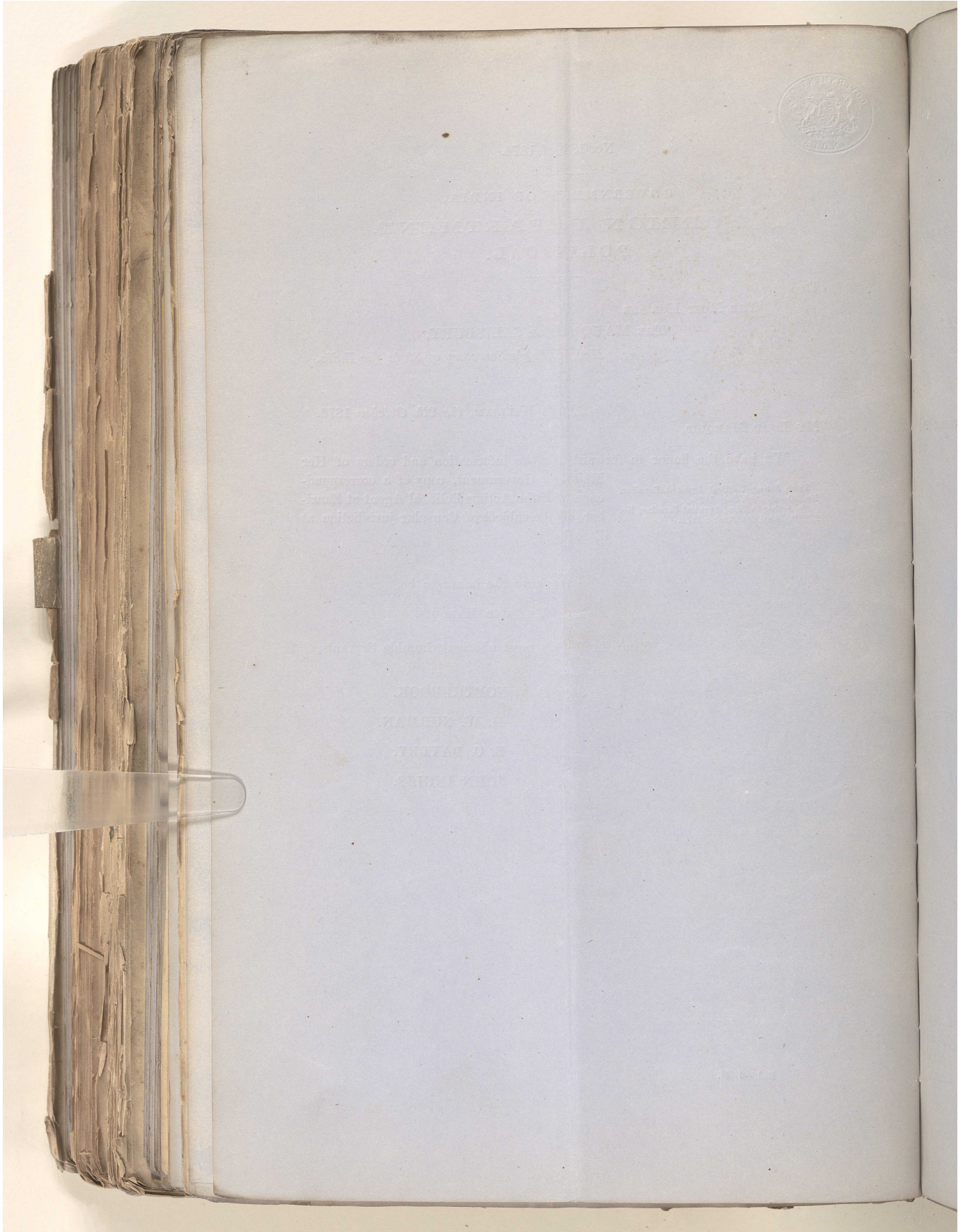
About this record

This item consists of copies of a Political Despatch from the Government of India Foreign Department to the Secretary of State for India, dated 9 October 1874, forwarding a copy of correspondence with the Acting Political Agent at Zanzibar on the subject of consular jurisdiction at Zanzibar.

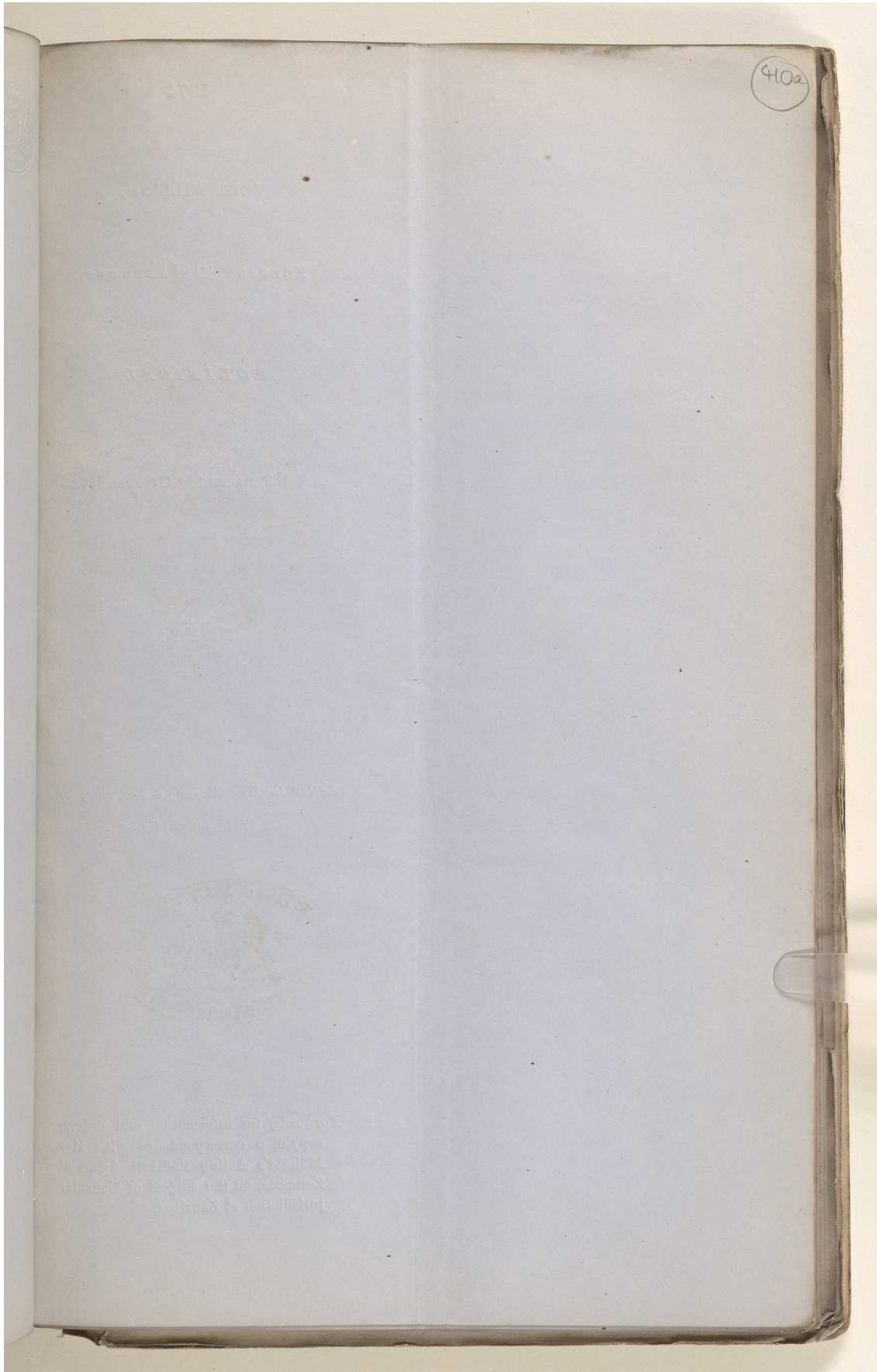
Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
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[410r] (1/20)



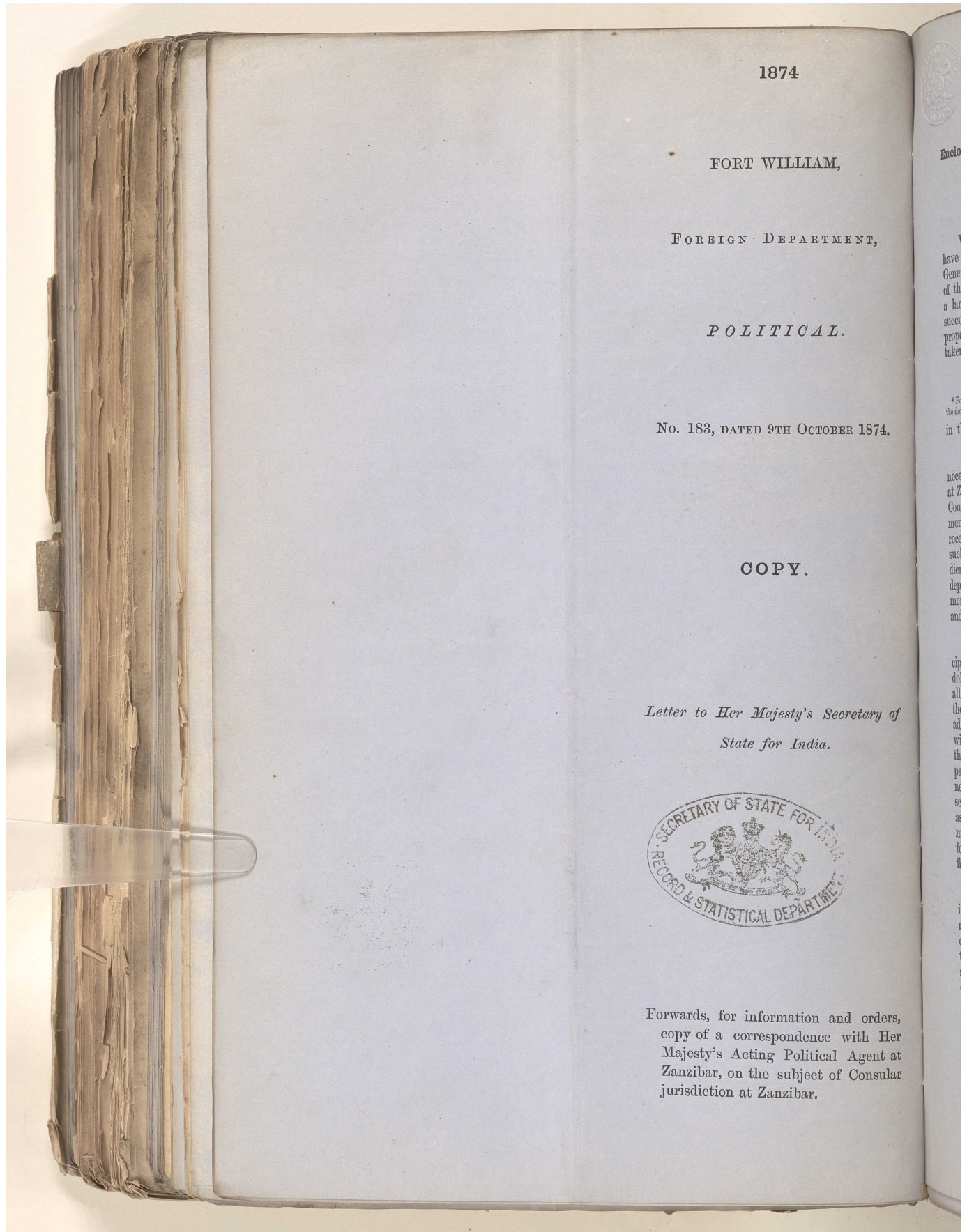
Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
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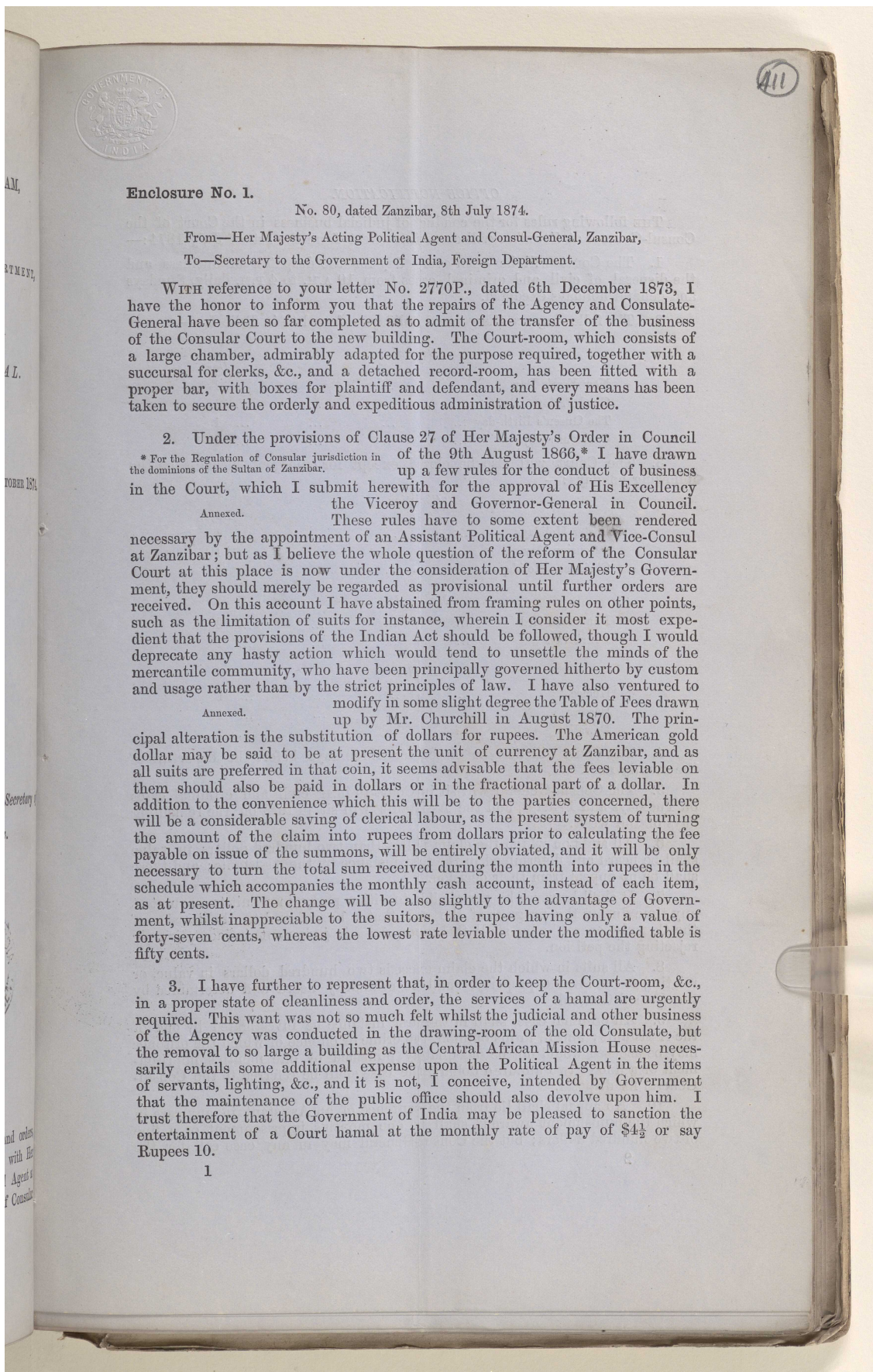
Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
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[410ar] (3/20)



Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[410av] (4/20)



Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[411r] (5/20)



Enclosure No. 1.

No. 80, dated Zanzibar, 8th July 1874.

From—Her Majesty's Acting Political Agent and Consul-General, Zanzibar,

To—Secretary to the Government of India, Foreign Department.

WITH reference to your letter No. 2770P., dated 6th December 1873, I have the honor to inform you that the repairs of the Agency and Consulate-General have been so far completed as to admit of the transfer of the business of the Consular Court to the new building. The Court-room, which consists of a large chamber, admirably adapted for the purpose required, together with a succursal for clerks, &c., and a detached record-room, has been fitted with a proper bar, with boxes for plaintiff and defendant, and every means has been taken to secure the orderly and expeditious administration of justice.

2. Under the provisions of Clause 27 of Her Majesty's Order in Council

* For the Regulation of Consular jurisdiction in of the 9th August 1866,* I have drawn the dominions of the Sultan of Zanzibar. up a few rules for the conduct of business

in the Court, which I submit herewith for the approval of His Excellency the Viceroy and Governor-General in Council.

Annexed.

These rules have to some extent been rendered necessary by the appointment of an Assistant Political Agent and Vice-Consul at Zanzibar; but as I believe the whole question of the reform of the Consular Court at this place is now under the consideration of Her Majesty's Government, they should merely be regarded as provisional until further orders are received. On this account I have abstained from framing rules on other points, such as the limitation of suits for instance, wherein I consider it most expedient that the provisions of the Indian Act should be followed, though I would deprecate any hasty action which would tend to unsettle the minds of the mercantile community, who have been principally governed hitherto by custom and usage rather than by the strict principles of law. I have also ventured to

Annexed.

modify in some slight degree the Table of Fees drawn up by Mr. Churchill in August 1870. The principal alteration is the substitution of dollars for rupees. The American gold dollar may be said to be at present the unit of currency at Zanzibar, and as all suits are preferred in that coin, it seems advisable that the fees leviable on them should also be paid in dollars or in the fractional part of a dollar. In addition to the convenience which this will be to the parties concerned, there will be a considerable saving of clerical labour, as the present system of turning the amount of the claim into rupees from dollars prior to calculating the fee payable on issue of the summons, will be entirely obviated, and it will be only necessary to turn the total sum received during the month into rupees in the schedule which accompanies the monthly cash account, instead of each item, as at present. The change will be also slightly to the advantage of Government, whilst inappreciable to the suitors, the rupee having only a value of forty-seven cents, whereas the lowest rate leviable under the modified table is fifty cents.

3. I have further to represent that, in order to keep the Court-room, &c., in a proper state of cleanliness and order, the services of a hamal are urgently required. This want was not so much felt whilst the judicial and other business of the Agency was conducted in the drawing-room of the old Consulate, but the removal to so large a building as the Central African Mission House necessarily entails some additional expense upon the Political Agent in the items of servants, lighting, &c., and it is not, I conceive, intended by Government that the maintenance of the public office should also devolve upon him. I trust therefore that the Government of India may be pleased to sanction the entertainment of a Court hamal at the monthly rate of pay of \$4½ or say Rupees 10.

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Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[411v] (6/20)



OFFICE NOTIFICATION.

THE following rules for the conduct of judicial business in the Court of the
Consul-General at Zanzibar will come into effect from the 1st of July 1874:—

1. The Court will be open every day for the despatch of business and
the disposal of civil and criminal cases from 10 A.M. to 4 P.M. daily, Sundays
and general holidays excepted.

2. The following are the general holidays referred to in Rule I. :—

<i>General.</i>				<i>Days.</i>
New Year's Day	...	...	...	1
Good Friday	...	...	...	1
The Queen's Birth-day	...	...	...	1
Christmas Day	...	...	...	1

3. The Court will also be closed, except for emergent business, on the
following holidays :—

<i>Christian.</i>				<i>Days.</i>
Easter Holidays	...	...	...	2
Ascension Day	...	...	...	1
Christmas Holidays	...	...	...	6

<i>Mahomedan.</i>				<i>Days.</i>
Ramadhan Eed	...	...	...	2
Bakri Eed	...	...	...	1

<i>Hindoo.</i>				<i>Days.</i>
Hoolee	...	...	...	1
Dassera	...	...	...	1
Dewallee	...	...	...	2

4. The Court will also be closed for three days before the departure of
the montly mail.

5. The Consul-General will sit in Court to hear civil and criminal cases
on Tuesdays and Fridays, and the Assistants will sit in turn on the remaining
days of the week.

6. All suits on which the claim is less than two hundred dollars in value
shall be heard and determined in the first instance by the Assistants; and there
shall be no appeal from their decision.

7. It shall however be permissible to either party in a suit to request at
any time during the progress of the case that it be referred to the decision of
the Consul-General, who shall thereupon use his judgment in accepting or
rejecting the petition.

8. All suits in which the claim exceeds two hundred dollars in value, or
relating to immovable property, shall be ordinarily heard and determined by
the Consul-General.

9. All criminal cases shall in the first instance be investigated by one of
the Assistants; and if, in his opinion, the crime or offence of which the prisoner
may be accused would not be adequately punished by one month's imprison-
ment or a fine of two hundred dollars, the case shall be referred to the Consul-
General for disposal.

10. No appeal shall lie from the sentence of an Assistant in any case in
which the punishment awarded shall be one month's imprisonment or a fine
of two hundred dollars; but the Consul-General may in any case call for the

Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar [412r] (7/20)

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proceedings, at any stage thereof, and may pass such order thereon as he may think fit.

11. All cases coming under the provisions of the Act 5, George IV., Chap. 113, or of Sections 357, 370, and 371 of the Indian Penal Code, shall be heard and determined by the Consul-General alone.

12. Before the 15th day of December in each year the jamaat, or principal members of each Indian caste or sect, shall deliver to the Consul-General a list of such persons belonging to their respective castes or sects as they may deem qualified to fill the office of Assessor in cases before the Court, and a table specifying the names of such persons in alphabetical order shall be affixed to the wall of the Court House, and shall commence to run from the 1st day of January in each year.

13. Such persons as aforesaid shall be selected to fill the office of Assessor according to a regular rota, to be settled by the Court.

14. No person having a direct or indirect interest in the case for trial, whereof the Court shall be the sole Judge, shall be permitted to sit as an Assessor.

(Sd.) W. F. PRIDEAUX, *Captain,*

The 10th June 1874. H. B. M.'s Acting Consul-General, Zanzibar.

Her Britannic Majesty's Consular Court at Zanzibar.

IN virtue of the power given me as Her Majesty's Consul-General at Zanzibar by the Order in Council for the regulation of Consular Jurisdiction in the dominions of the Sultan of Zanzibar, dated 9th August 1866, I, the undersigned, have established the following modification of the Table of Fees to be levied in civil and criminal cases brought before this Court for adjudication:—

	§ Cents.
1. For service of summons in any civil or criminal cases ...	0 50
2. For every suit involving a money claim, one dollar on amount of claim, on every \$100 or part of \$100 ...	1 per cent.
3. Where judicial relief or assistance is sought, but not for the recovery of money ...	5 0
4. For every service of summons on a witness in a civil or criminal case ...	0 50
5. Copy of Judgment ...	0 50
6. Application for review of Judgment ...	2 0
7. Memorandum of Appeal to the High Court of Bombay ...	5 0
8. Arbitration Bond ...	5 0
9. Warrant of execution ...	1 0
10. Bail bond or other instrument of obligation ...	0 50

BRITISH CONSULATE-GENERAL, }
ZANZIBAR, }
The 8th July 1874.

(Sd.) W. F. PRIDEAUX, *Captain,*
H. B. M.'s Actg. Poltl. Agent and
Consul-Genl., Zanzibar.

Enclosure No. 2.

No. 2186P., dated Fort William, 6th October 1874.

From—Secretary to the Government of India, Foreign Department,
To—Acting Political Agent at Zanzibar.

IN reply to your letter No. 80, dated 8th July 1874, respecting Consular jurisdiction at Zanzibar, and the employment of a Hamal on Rupees 10 per mensem for the Consular Court-house, I am directed to convey the following orders of the Government of India.

Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[412v] (8/20)

2. It is observed that you have drawn up rules for the conduct of business in the Consular Courts. These rules are said to be only provisional pending orders of Her Majesty's Government, who have the whole question of the reform of the Consular Court at Zanzibar under consideration. You have also revised the Table of Fees leviable in civil and criminal cases, the principal alteration being the substitution of dollars for rupees, which appears to be a profitable as well as convenient change.

3. The Government of India has no information of the appointment of your first and second Assistants to be Consuls or Vice-Consuls, or of any alteration in the Queen's Order in Council of 9th August 1866 for the regulation of Consular jurisdiction in the dominions of the Sultan of Zanzibar. Unless these appointments have been made, and the Order in Council altered, your Rules 5-10 appear to be *ultra vires*.

4. The Order in Council does not recognize any Consular Court but that of the Consul, and it does not empower the Consul to make rules for defining the civil and criminal jurisdiction of his Assistants in the manner proposed by you. Captain Elton and Mr. Holmwood were appointed first and second Assistants in this Office Notification No. 1274A.P. of 13th June 1873, but no Consular or judicial powers appear as yet to have been conferred on them. Under Foreign Office Notification No. 1275 of 13th June 1873, the Political Agent at Zanzibar has the jurisdiction of a Justice of the Peace and Magistrate of the first class, and under Notification No. 770, dated 1st April last, the jurisdiction in certain cases of a Deputy Commissioner under Section 36 of the Civil Procedure Code. Under Act XI. of 1872, the Government of India can confer these or any lesser powers on your Assistants; but in that case they would have to be guided by the Civil Procedure Code, and not by the Consular Rules. Should you wish it, limited judicial powers will be conferred on your first and second Assistants.

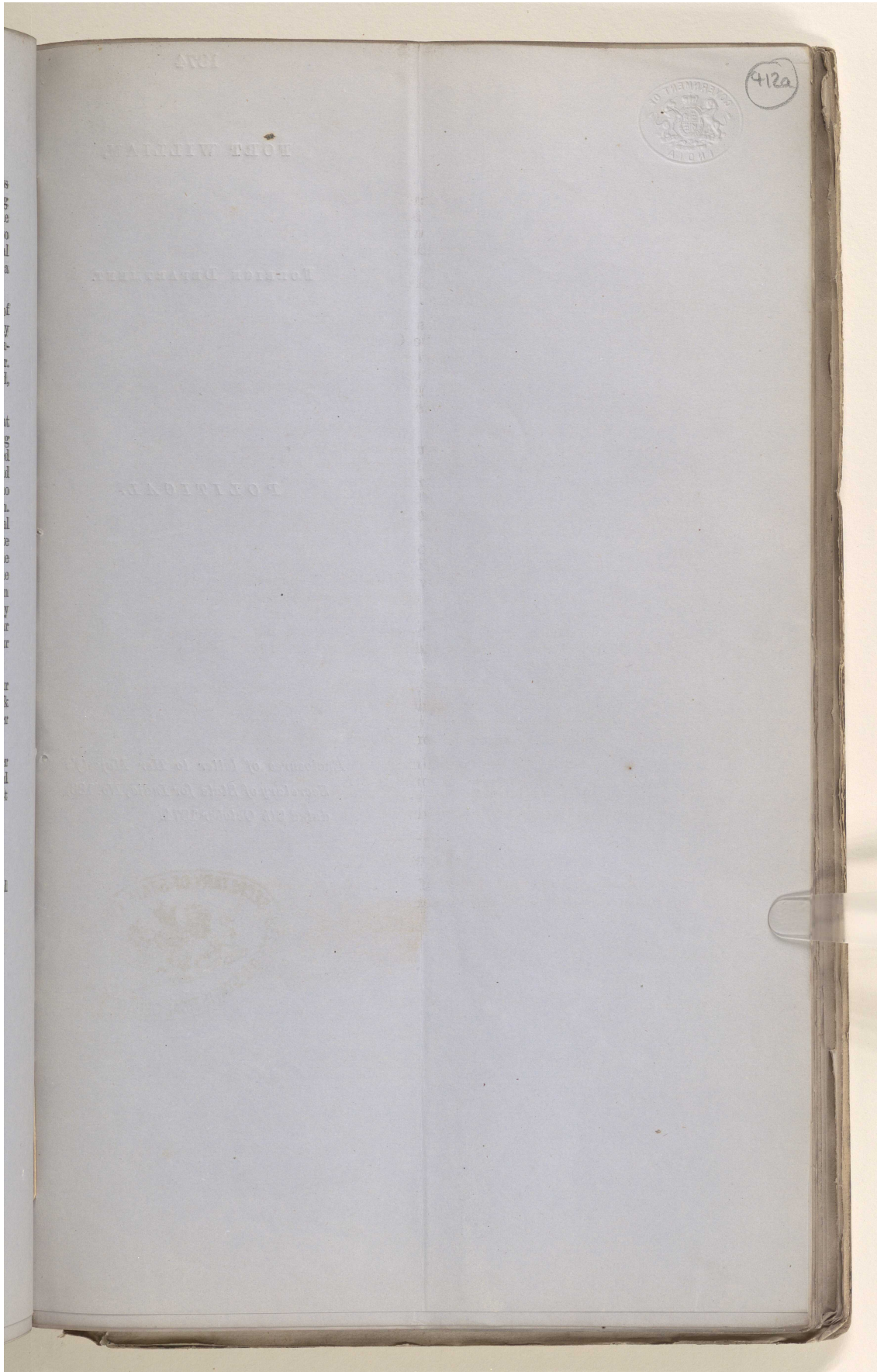
5. In the meantime you are advised not to act on the rules in your Consular capacity so far as they relate to the distribution of judicial work between yourself and your Assistants, until you receive instructions from Her Majesty's Government, to whom the correspondence will be referred.

6. Your proposal for the entertainment of a *Hamal* on Rupees 10 per mensem for your Court-house is sanctioned by His Excellency the Viceroy and Governor-General in Council, on the usual understanding that half the cost will be debited to Her Majesty's Government.

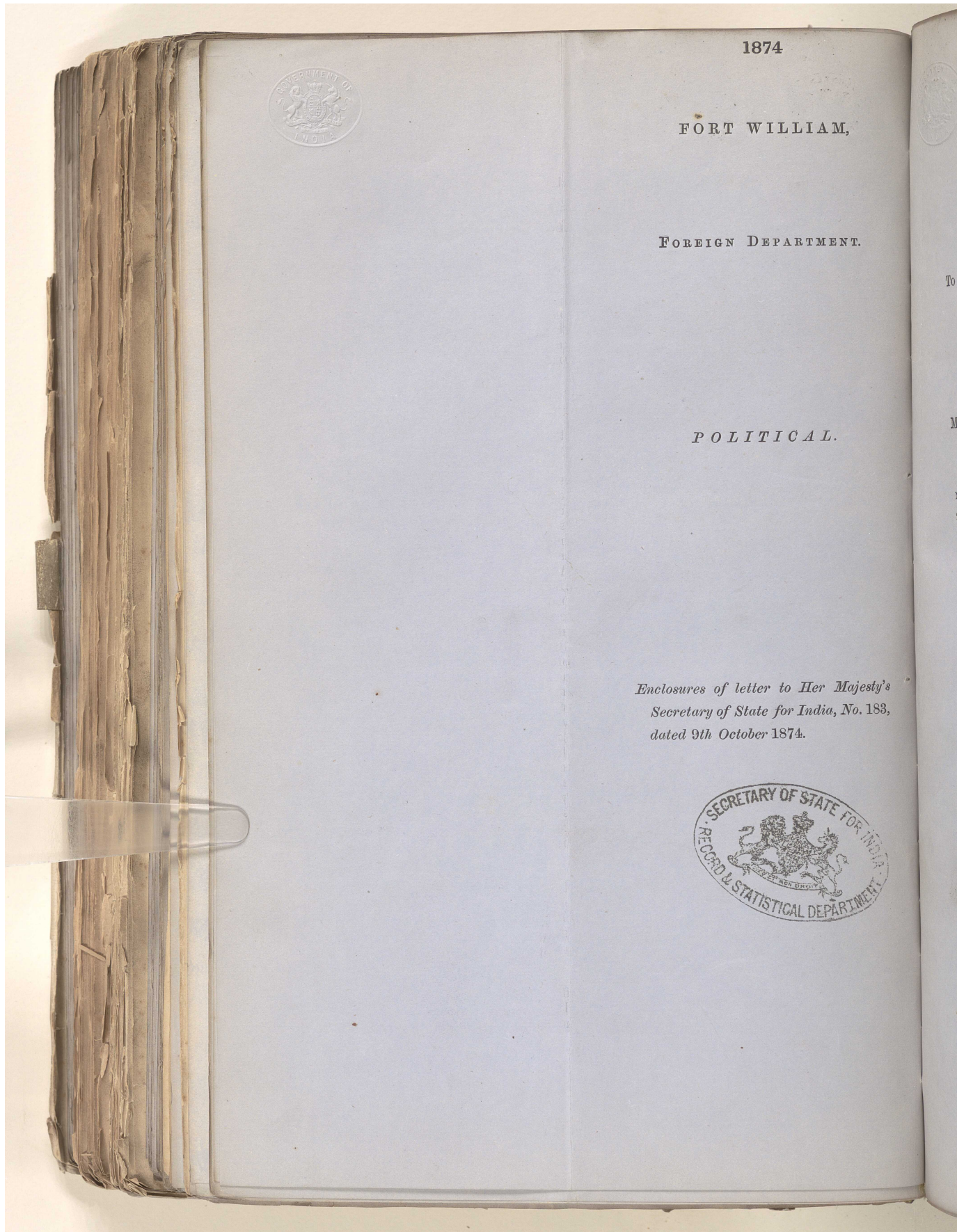
No. 2187P.

EXTRACT, paragraphs 1 and 6 of the above, forwarded to the Financial Department for information and further orders.

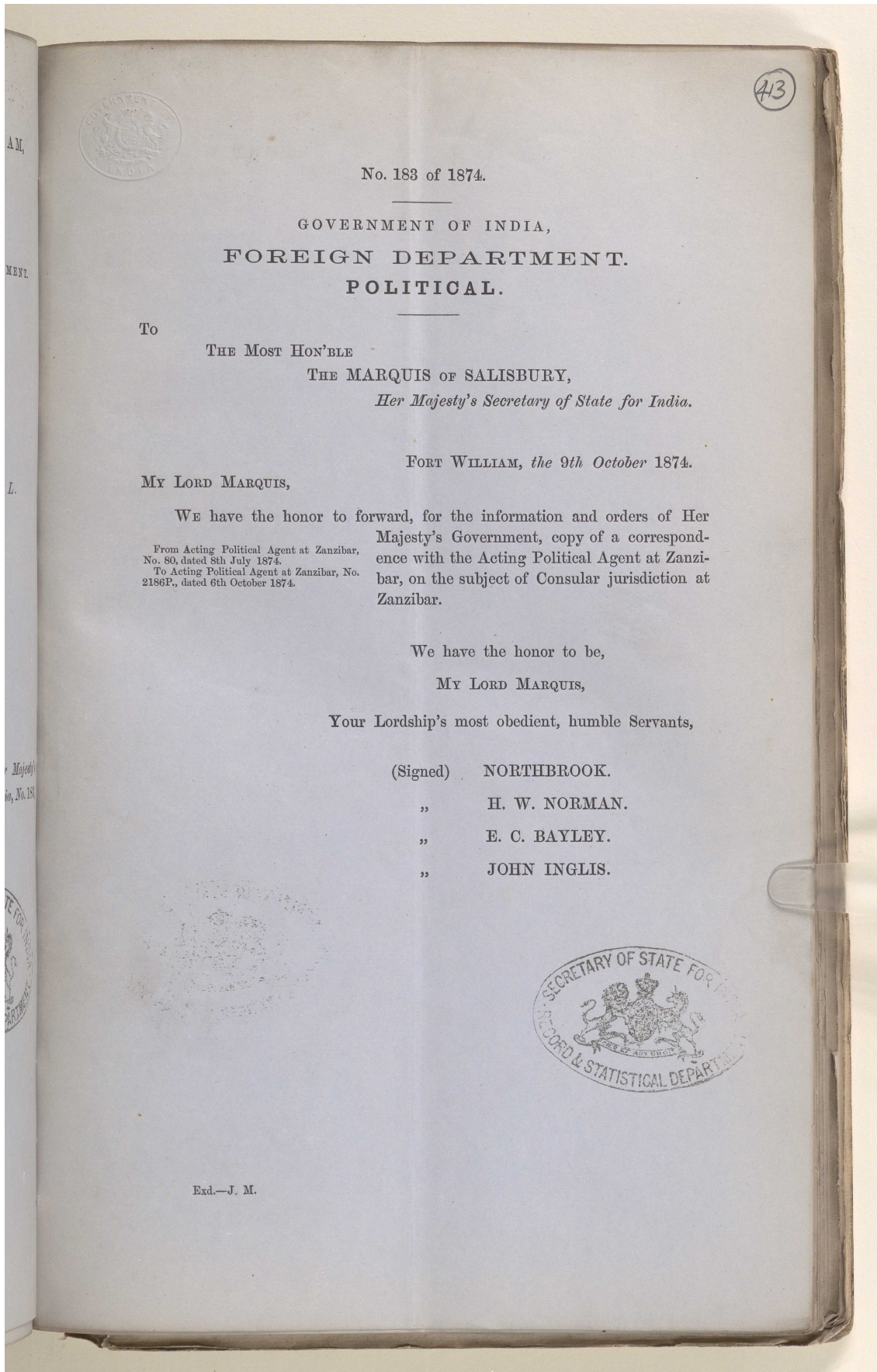
Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
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[412ar] (9/20)



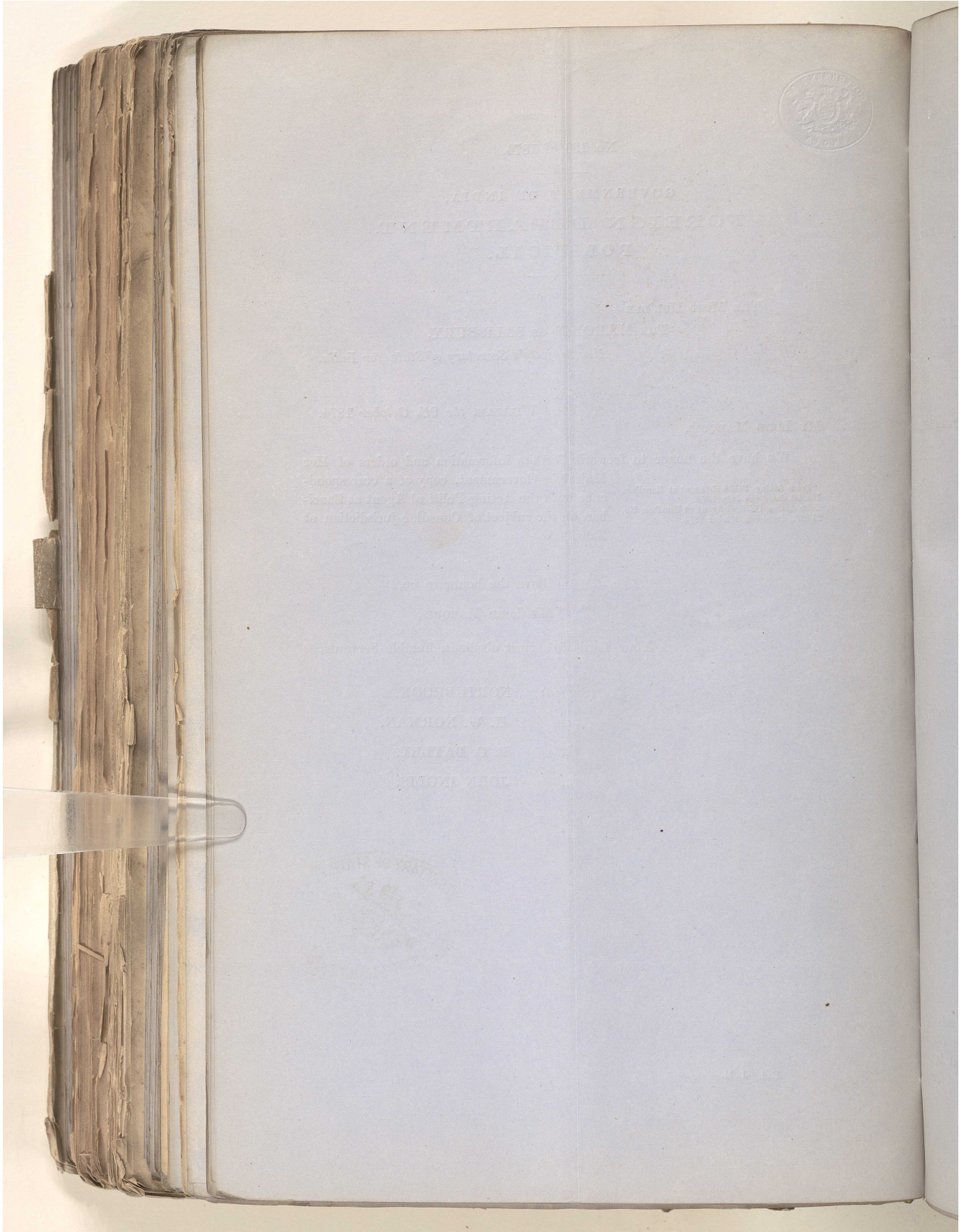
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[412av] (10/20)



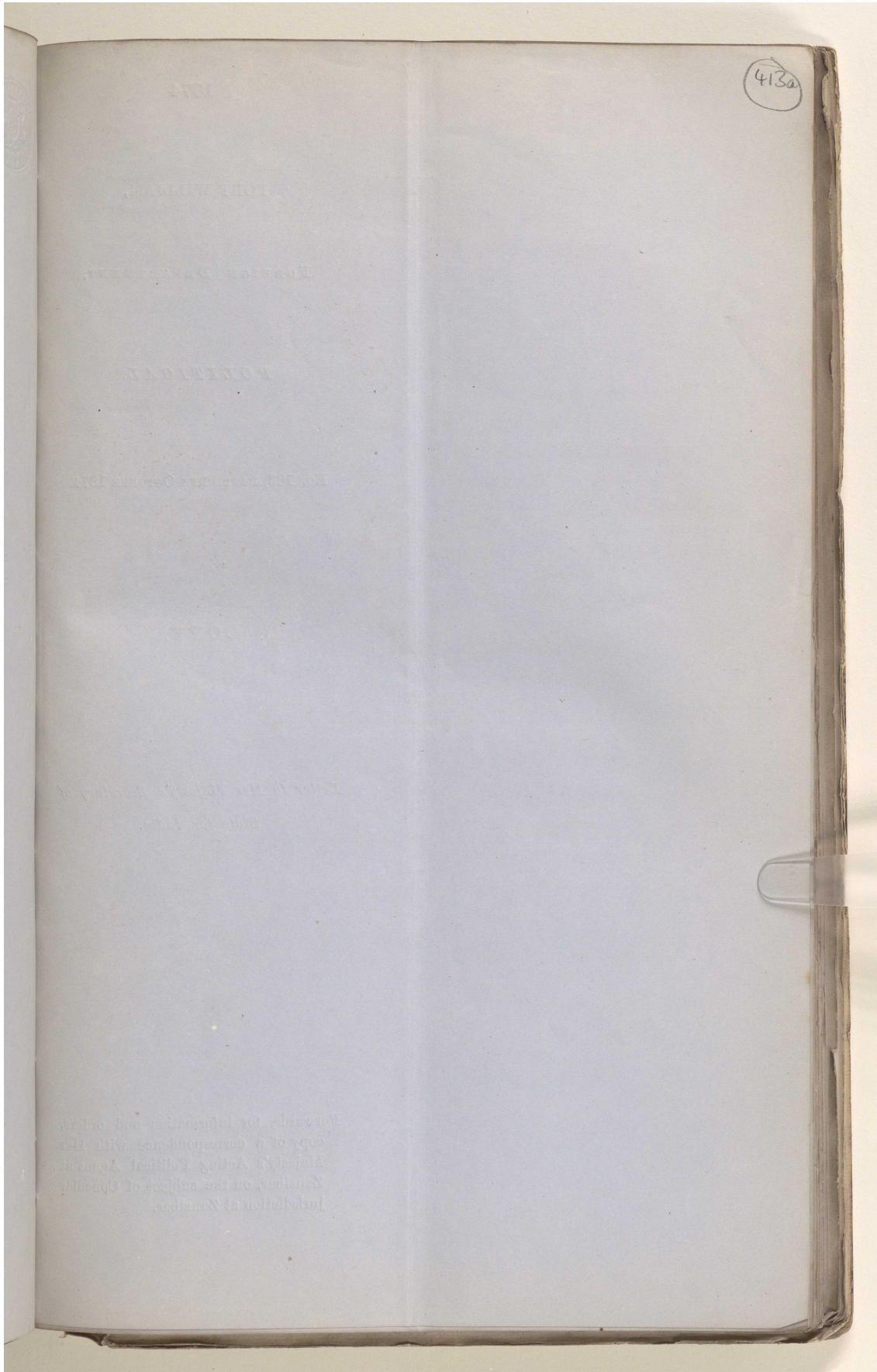
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[413r] (11/20)



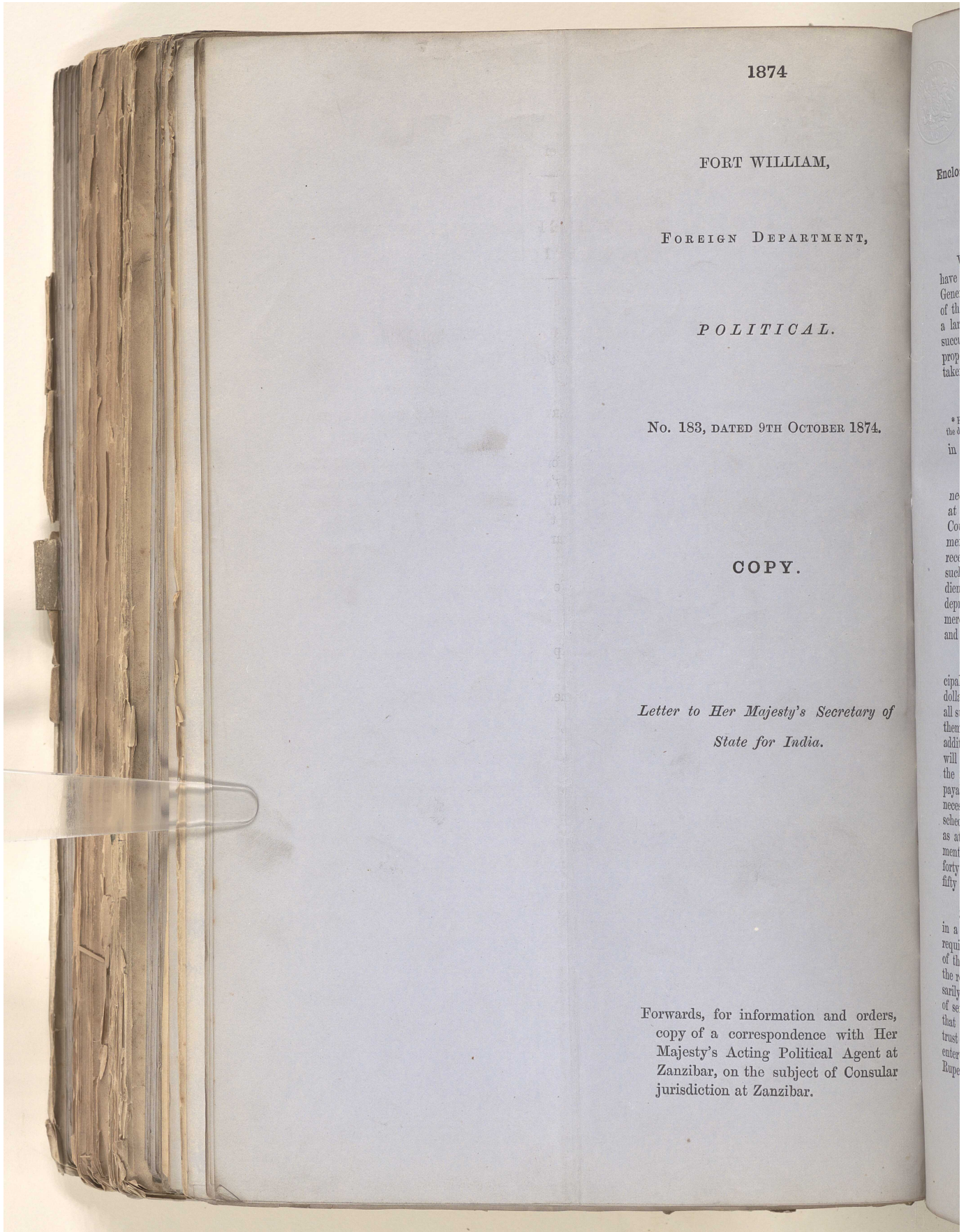
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[413v] (12/20)



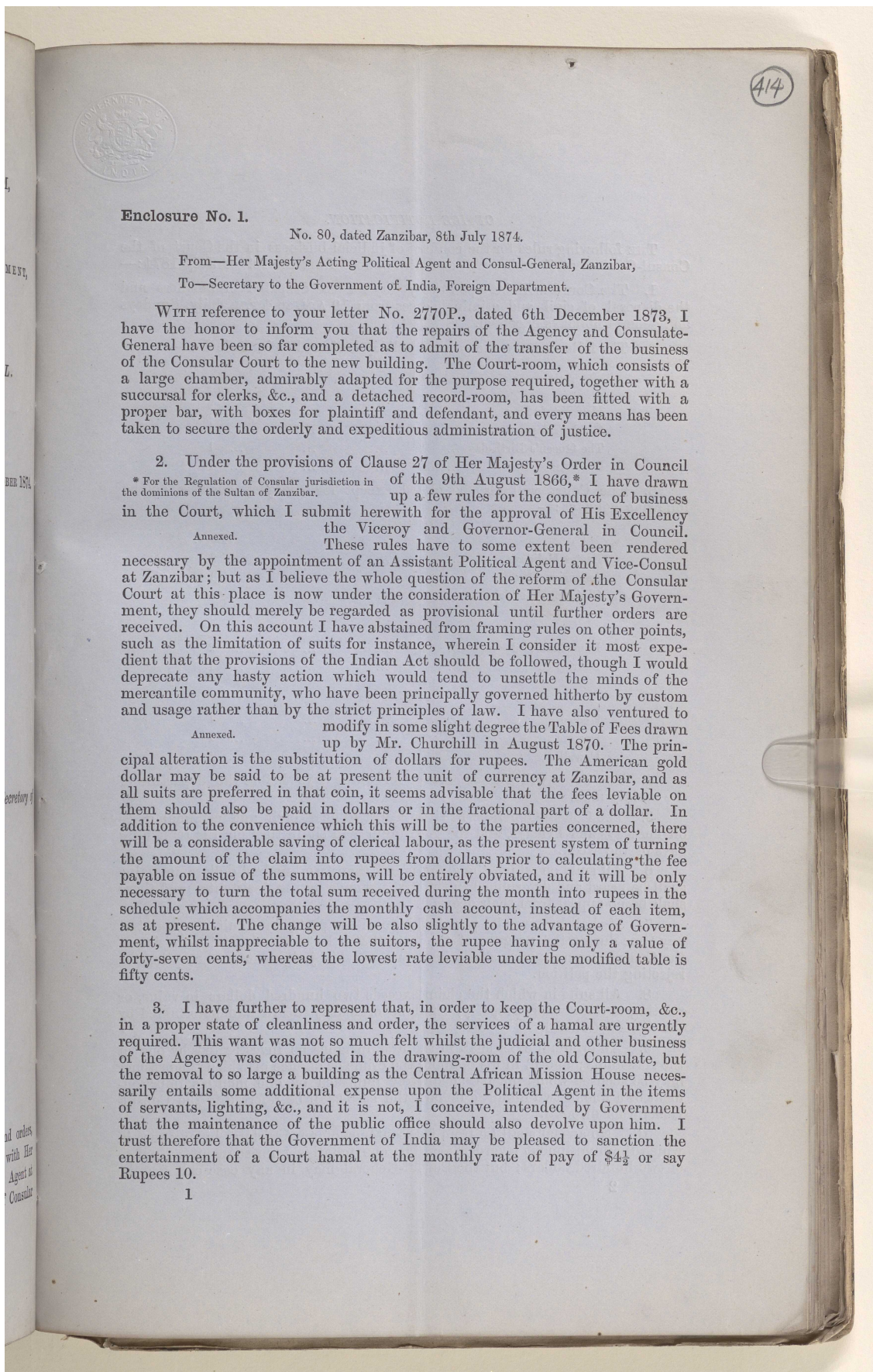
Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
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[413ar] (13/20)



Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[413av] (14/20)



Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[414r] (15/20)



Enclosure No. 1.

No. 80, dated Zanzibar, 8th July 1874.

From—Her Majesty's Acting Political Agent and Consul-General, Zanzibar,

To—Secretary to the Government of India, Foreign Department.

WITH reference to your letter No. 2770P., dated 6th December 1873, I have the honor to inform you that the repairs of the Agency and Consulate-General have been so far completed as to admit of the transfer of the business of the Consular Court to the new building. The Court-room, which consists of a large chamber, admirably adapted for the purpose required, together with a succursal for clerks, &c., and a detached record-room, has been fitted with a proper bar, with boxes for plaintiff and defendant, and every means has been taken to secure the orderly and expeditious administration of justice.

2. Under the provisions of Clause 27 of Her Majesty's Order in Council

* For the Regulation of Consular jurisdiction in of the 9th August 1866,* I have drawn the dominions of the Sultan of Zanzibar. up a few rules for the conduct of business

in the Court, which I submit herewith for the approval of His Excellency the Viceroy and Governor-General in Council.

Annexed.

These rules have to some extent been rendered necessary by the appointment of an Assistant Political Agent and Vice-Consul at Zanzibar; but as I believe the whole question of the reform of the Consular Court at this place is now under the consideration of Her Majesty's Government, they should merely be regarded as provisional until further orders are received. On this account I have abstained from framing rules on other points, such as the limitation of suits for instance, wherein I consider it most expedient that the provisions of the Indian Act should be followed, though I would deprecate any hasty action which would tend to unsettle the minds of the mercantile community, who have been principally governed hitherto by custom and usage rather than by the strict principles of law. I have also ventured to

Annexed.

modify in some slight degree the Table of Fees drawn up by Mr. Churchill in August 1870. The principal alteration is the substitution of dollars for rupees. The American gold dollar may be said to be at present the unit of currency at Zanzibar, and as all suits are preferred in that coin, it seems advisable that the fees leviable on them should also be paid in dollars or in the fractional part of a dollar. In addition to the convenience which this will be to the parties concerned, there will be a considerable saving of clerical labour, as the present system of turning the amount of the claim into rupees from dollars prior to calculating the fee payable on issue of the summons, will be entirely obviated, and it will be only necessary to turn the total sum received during the month into rupees in the schedule which accompanies the monthly cash account, instead of each item, as at present. The change will be also slightly to the advantage of Government, whilst inappreciable to the suitors, the rupee having only a value of forty-seven cents, whereas the lowest rate leviable under the modified table is fifty cents.

3. I have further to represent that, in order to keep the Court-room, &c., in a proper state of cleanliness and order, the services of a hamal are urgently required. This want was not so much felt whilst the judicial and other business of the Agency was conducted in the drawing-room of the old Consulate, but the removal to so large a building as the Central African Mission House necessarily entails some additional expense upon the Political Agent in the items of servants, lighting, &c., and it is not, I conceive, intended by Government that the maintenance of the public office should also devolve upon him. I trust therefore that the Government of India may be pleased to sanction the entertainment of a Court hamal at the monthly rate of pay of \$4½ or say Rupees 10.

Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[414v] (16/20)

OFFICE NOTIFICATION.

THE following rules for the conduct of judicial business in the Court of the
Consul-General at Zanzibar will come into effect from the 1st of July 1874:—

1. The Court will be open every day for the despatch of business and
the disposal of civil and criminal cases from 10 A.M. to 4 P.M. daily, Sundays
and general holidays excepted.

2. The following are the general holidays referred to in Rule I. :—

<i>General.</i>		<i>Days.</i>
New Year's Day	... ..	1
Good Friday	... ..	1
The Queen's Birth-day	... ..	1
Christmas Day	... ..	1

3. The Court will also be closed, except for emergent business, on the
following holidays:—

<i>Christian.</i>		<i>Days.</i>
Easter Holidays	... ..	2
Ascension Day	... ..	1
Christmas Holidays	... ..	6

<i>Mahomedan.</i>		
Ramadhan Eed	... ..	2
Bakri Eed	... ..	1

<i>Hindoo.</i>		
Hoolce	... ..	1
Dassera	... ..	1
Dewallee	... ..	2

4. The Court will also be closed for three days before the departure of
the monthly mail.

5. The Consul-General will sit in Court to hear civil and criminal cases
on Tuesdays and Fridays, and the Assistants will sit in turn on the remaining
days of the week.

6. All suits on which the claim is less than two hundred dollars in value
shall be heard and determined in the first instance by the Assistants; and there
shall be no appeal from their decision.

7. It shall however be permissible to either party in a suit to request at
any time during the progress of the case that it be referred to the decision of
the Consul-General, who shall thereupon use his judgment in accepting or
rejecting the petition.

8. All suits in which the claim exceeds two hundred dollars in value, or
relating to immovable property, shall be ordinarily heard and determined by
the Consul-General.

9. All criminal cases shall in the first instance be investigated by one of
the Assistants; and if, in his opinion, the crime or offence of which the prisoner
may be accused would not be adequately punished by one month's imprison-
ment or a fine of two hundred dollars, the case shall be referred to the Consul-
General for disposal.

10. No appeal shall lie from the sentence of an Assistant in any case in
which the punishment awarded shall be one month's imprisonment or a fine
of two hundred dollars; but the Consul-General may in any case call for the

Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar [415r] (17/20)

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proceedings, at any stage thereof, and may pass such order thereon as he may think fit.

11. All cases coming under the provisions of the Act 5, George IV., Chap. 113, or of Sections 357, 370, and 371 of the Indian Penal Code, shall be heard and determined by the Consul-General alone.

12. Before the 15th day of December in each year the jamaat, or principal members of each Indian caste or sect, shall deliver to the Consul-General a list of such persons belonging to their respective castes or sects as they may deem qualified to fill the office of Assessor in cases before the Court, and a table specifying the names of such persons in alphabetical order shall be affixed to the wall of the Court House, and shall commence to run from the 1st day of January in each year.

13. Such persons as aforesaid shall be selected to fill the office of Assessor according to a regular rota, to be settled by the Court.

14. No person having a direct or indirect interest in the case for trial, whereof the Court shall be the sole Judge, shall be permitted to sit as an Assessor.

(Sd.) W. F. PRIDEAUX, *Captain,*
The 10th June 1874. H. B. M.'s Acting Consul-General, Zanzibar.

Her Britannic Majesty's Consular Court at Zanzibar.

IN virtue of the power given me as Her Majesty's Consul-General at Zanzibar by the Order in Council for the regulation of Consular Jurisdiction in the dominions of the Sultan of Zanzibar, dated 9th August 1866, I, the undersigned, have established the following modification of the Table of Fees to be levied in civil and criminal cases brought before this Court for adjudication :—

	\$ Cents.
1. For service of summons in any civil or criminal cases	... 0 50
2. For every suit involving a money claim, one dollar on amount of claim, on every \$100 or part of \$100	... 1 per cent.
3. Where judicial relief or assistance is sought, but not for the recovery of money	... 5 0
4. For every service of summons on a witness in a civil or criminal case	... 0 50
5. Copy of Judgment	... 0 50
6. Application for review of Judgment	... 2 0
7. Memorandum of Appeal to the High Court of Bombay	... 5 0
8. Arbitration Bond	... 5 0
9. Warrant of execution	... 1 0
10. Bail bond or other instrument of obligation	... 0 50

BRITISH CONSULATE-GENERAL, } (Sd.) W. F. PRIDEAUX, *Captain,*
ZANZIBAR, } *H. B. M.'s Actg. Polll. Agent and*
The 8th July 1874. } *Consul-Genl., Zanzibar.*

Enclosure No. 2.

No. 2186P., dated Fort William, 6th October 1874.

From—Secretary to the Government of India, Foreign Department,
To—Acting Political Agent at Zanzibar.

IN reply to your letter No. 80, dated 8th July 1874, respecting Consular jurisdiction at Zanzibar, and the employment of a Hamal on Rupees 10 per mensem for the Consular Court-house, I am directed to convey the following orders of the Government of India.

Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[415v] (18/20)

2. It is observed that you have drawn up rules for the conduct of business in the Consular Courts. These rules are said to be only provisional pending orders of Her Majesty's Government, who have the whole question of the reform of the Consular Court at Zanzibar under consideration. You have also revised the Table of Fees leviable in civil and criminal cases, the principal alteration being the substitution of dollars for rupees, which appears to be a profitable as well as convenient change.

3. The Government of India has no information of the appointment of your first and second Assistants to be Consuls or Vice-Consuls, or of any alteration in the Queen's Order in Council of 9th August 1866 for the regulation of Consular jurisdiction in the dominions of the Sultan of Zanzibar. Unless these appointments have been made, and the Order in Council altered, your Rules 5-10 appear to be *ultra vires*.

4. The Order in Council does not recognize any Consular Court but that of the Consul, and it does not empower the Consul to make rules for defining the civil and criminal jurisdiction of his Assistants in the manner proposed by you. Captain Elton and Mr. Holmwood were appointed first and second Assistants in this Office Notification No. 1274A.P. of 13th June 1873, but no Consular or judicial powers appear as yet to have been conferred on them. Under Foreign Office Notification No. 1275 of 13th June 1873, the Political Agent at Zanzibar has the jurisdiction of a Justice of the Peace and Magistrate of the first class, and under Notification No. 770, dated 1st April last, the jurisdiction in certain cases of a Deputy Commissioner under Section 36 of the Civil Procedure Code. Under Act XI. of 1872, the Government of India can confer these or any lesser powers on your Assistants; but in that case they would have to be guided by the Civil Procedure Code, and not by the Consular Rules. Should you wish it, limited judicial powers will be conferred on your first and second Assistants.

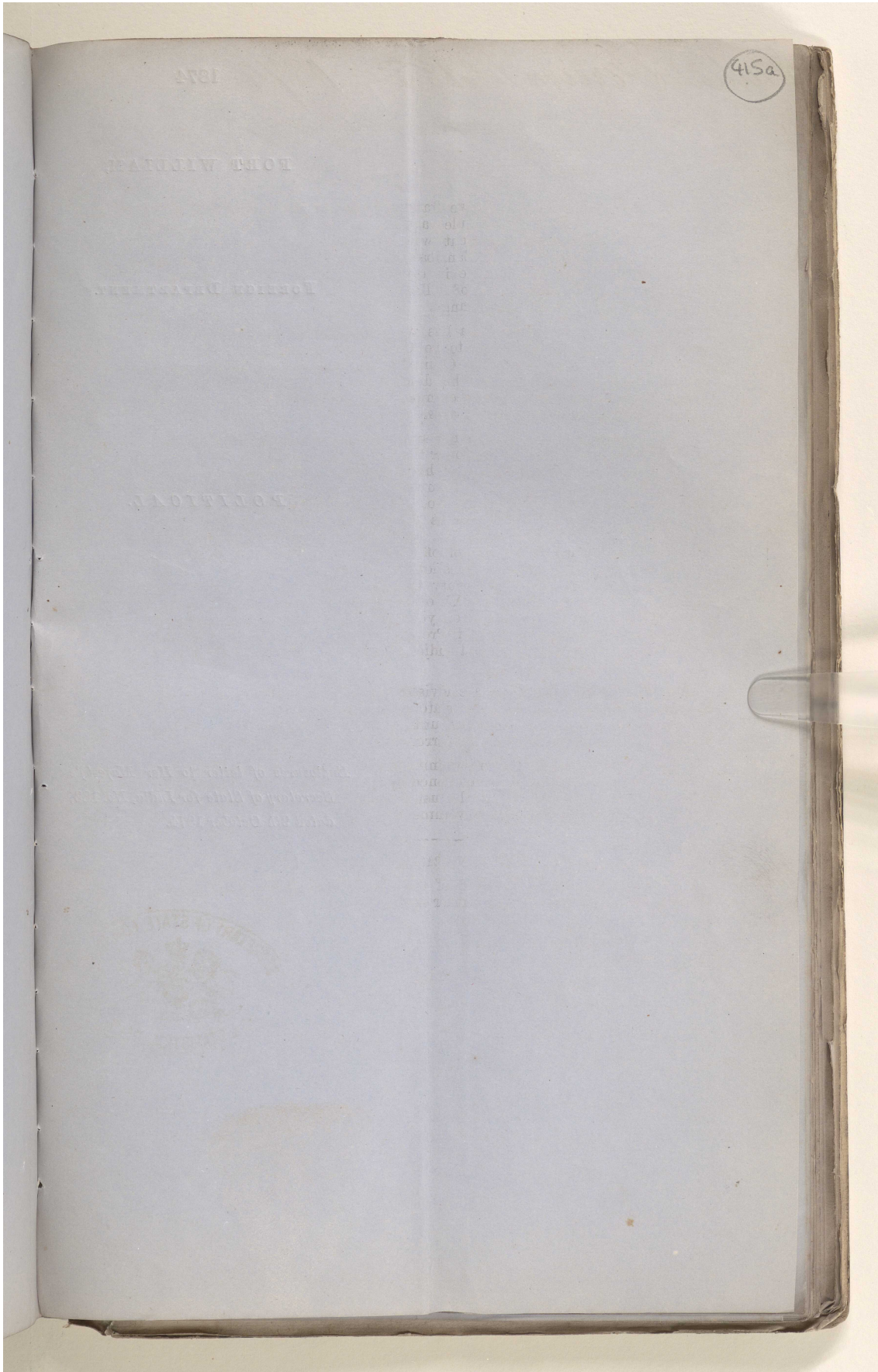
5. In the meantime you are advised not to act on the rules in your Consular capacity so far as they relate to the distribution of judicial work between yourself and your Assistants, until you receive instructions from Her Majesty's Government, to whom the correspondence will be referred.

6. Your proposal for the entertainment of a *Hamal* on Rupees 10 per mensem for your Court-house is sanctioned by His Excellency the Viceroy and Governor-General in Council, on the usual understanding that half the cost will be debited to Her Majesty's Government.

No. 2187P.

EXTRACT, paragraphs 1 and 6 of the above, forwarded to the Financial Department for information and further orders.

Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[415ar] (19/20)



Political No. 183 of 1874, Forwarding a Copy of Correspondence with the Acting
Political Agent at Zanzibar on the Subject of Consular Jurisdiction at Zanzibar
[415av] (20/20)

