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A COLLECTION

OF

TREATIES, ENGAGEMENTS, AND SANADS

RELATING TO

INDIA AND NEIGHBOURING COUNTRIES.

COMPILED BY

C. U. AITCHISON, B.C.S.,

UNDER-SECRETARY TO THE GOVERNMENT OF INDIA IN THE FOREIGN DEPARTMENT.

VOL. XI.

CONTAINING

THE TREATIES, ETC., RELATING TO TURKISH ARABIA, MASKAT, ADEN AND ADJACENT COASTS, AND ZANZIBAR.

Revised and continued up to the present time

By the Authority of the Foreign Department.

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TREATIES AND ENGAGEMENTS

RELATING TO

TURKISH ARABIA.

THE relations of the British Government with the Pashas, or temporary governors, of Baghdad * are regulated more by the requirements of European than of Indian diplomacy, and by the obligations recorded in the treaties between Great Britain and Turkey, which are beyond the scope † of this collection. But in connection with the early trade in the Persian Gulf, direct intercourse was for many years maintained with the governors of Turkish Arabia without much consideration of their relation to Constantinople. In the year 1639 there seems to have been an English factory at Basra (Bussorah) subordinate to the factory at Gamrun, and protected by farmans. In 1728 Mr. French, the Agent at Basra, obtained a farman conferring on the Agent power to try the servants of the factory who were guilty of crime, and providing for the adjustment of claims on the people of the country; and in 1731 he obtained another farman, fixing 3 per cent. as the duty to be taken on English goods at the port of Basra. But the first Farman on record is one granted in 1759 (No. I) by the Pasha. The factory at Basra was never recognised by the Sublime Porte till 1764, in which year the Ambassador at Constantinople, with much difficulty, obtained a consulary Barat (No. II) as

* Up to a comparatively recent date the Baghdad Pashalik was made up of the three separate territorial divisions (Wilayats) of Baghdad, Basra (Bussorah) and Mosal (al Mausil),—the Wali, or Governor, of Baghdad exercising the powers of Governor-General over the Walis of Basra and Mosal. In 1879, however, this arrangement was disturbed by the erection of Mosal into a governorship in immediate subordination to Constantinople.

† For facility of reference, however, the Capitulations, as finally confirmed by the Dardanelles Peace in 1809, have been extracted from Hertslet's Treaties, Vol. II, and included in the Appendices to the present edition,—*See* Appendix No. 1.

the only efficacious means of protecting English commerce and the property of English subjects at Basra.

In 1765 it was proposed to appoint an Agent permanently at Baghdad, but the proposal was disapproved by the Court of Directors. In 1783, however, a Native Agent was appointed, and in 1798 a Resident, whose chief duty was to transmit intelligence overland between India and England, and to watch and report on the proceedings of the French emissaries in connection with Napoleon's projected invasion of India by way of Egypt and the Red Sea. In 1802, on the death of Sulaiman Pasha, who had governed Baghdad for twenty years, and the appointment of his son-in-law Ali Pasha to succeed him, Lord Elgin, Her Majesty's Ambassador at Constantinople, took the opportunity to procure a consulary Barat (No. III) for the Resident at Baghdad, whose appointment had till then never been sanctioned by the Sultan.

On the rupture between England and Turkey in 1807, Sulaiman Pasha, who had succeeded to the government of Baghdad on the murder of his uncle Ali Pasha, took the Residents at Basra and Baghdad under his protection and persuaded them not to withdraw from the country. But after the conclusion of the Peace of the Dardanelles in 1809 he, for unexplained reasons, committed himself to a series of indignities and insults towards the Resident at Baghdad, which compelled the latter to withdraw. Friendly intercourse was not renewed till, on the remonstrance of the Bombay Government, the Pasha, on the 25th January 1810, subscribed to certain conditions (No. IV) binding himself never to interfere in the affairs of the Residency and to restore the former privileges of the Resident.

The Baghdad and Basra Residencies were amalgamated in 1810; and in 1812 the designation of Resident was changed to that of Political Agent in Turkish Arabia. Two Decrees were obtained from the Pasha in 1812, one (No. V) for preventing the desertion of sailors and workmen from British ships at Basra, and the other (No. VI) for the restoration of natives of India carried off to Basra as slaves.

Sulaiman Pasha was deposed from office by order from Constantinople. Refusing to obey, he was defeated in battle and killed on the 5th October 1810. His successor Abdulla Pasha was put to death by the Muntafik Arabs in 1813, and Said Beg was proclaimed Pasha. On receiving an order from Constantinople deposing him from office, he rebelled, but was defeated and put to death, and was succeeded in the government by Daud Effendi. The conduct of this Pasha towards the Political Agent was so insulting and overbear-

ing that it became impossible to land goods at Basra, or to recover debts from native dealers, without an unseemly quarrel. In 1821 he besieged the Residency. He afterwards removed the restrictions on the movements of the Political Agent and permitted him to withdraw from the country. The establishments at Basra were also withdrawn. Friendly relations with the Pasha were broken off, and were not renewed till he agreed (No. VII) to restore the former tariff, to repay all he had levied in excess of it, as well as the value of all goods injured or destroyed, and to treat future Agents of the British Government and all travellers with respect.

On 12th June 1831 Daud Pasha was removed from office and Haji Raza (Radha) Pasha was appointed in his stead. On his accession he issued a Buyurldi or order (No. VIII), confirming the privileges enjoyed by British subjects. In 1834 a scheme was formed for overland communication between India and England by the Persian Gulf and Turkish Arabia. Two steamers were sent out from England to open up the route and navigate the Euphrates. A Farman (No. IX) was granted by the Sultan of Turkey in 1834 for the protection of the steamers. In addition to these two vessels, an armed despatch boat, the *Comet*, was for many years attached to the Residency for service in the waters of Turkish Arabia. In 1864 the Porte sanctioned provisionally the retention of the *Comet*, and in 1869 consented (No. X) to a new vessel of war being sent to replace her.

In 1835 the Political Agent in Turkish Arabia, who had till then been under the Bombay Government, was put directly under the control of the Supreme Government. In 1841 Consular powers were conferred on the Agent by Her Majesty's Government. In 1879 the Consular status of the Assistant Political Agent was raised from Vice-Consul to Consul, with a view to increasing the weight of his official communications with the Turkish authorities. The exercise of the Consular powers of the Agent and his Assistant is regulated by the Ottoman Orders in Council of 1873 and 1882.*

The measures which the British Government adopted for the suppression of the slave trade in the Persian Gulf could not be made effectual so long as the Turkish ports remained open to vessels engaged in the traffic. In 1847, therefore, Her Majesty's Minister at Constantinople obtained from the Sultan a Farman (No. XI) which was supplemented by instructions to Najib Pasha, the Governor of Baghdad. These documents authorised the confiscation of

* See Appendices Nos. 2 & 3.

Turkish vessels engaged in slave traffic, the exclusion of Arab and Persian slavers from Turkish ports in the Persian Gulf, and the delivery of liberated slaves to British vessels to be carried back to their native country. In 1881 a Convention (No. XII) was arranged between Great Britain and Turkey. Among its provisions is one authorising British cruisers to visit, search and, if necessary, detain any Ottoman vessel engaged in the traffic in African slaves in the Persian Gulf, with a corresponding reciprocal clause in favour of Turkish cruisers.

In October 1863 an Engagement (No. XIII) was made with the Sublime Porte for the continuation of lines of telegraph from Baghdad to Basra and from Baghdad to Khanakin, in order to meet the Indian telegraph by way of the Persian Gulf and the line through Persia to the Turkish frontier; and in 1864 a Treaty (No. XIV) was concluded between Great Britain and Turkey for establishing telegraphic communication between India and the Ottoman territory.

Up to the year 1871 Turkish territory on the east coast of the Arabian Peninsula had extended as far south as Fao, at the mouth of the river Shatt-ul-Arab. In that year Abdulla bin Fazl, Amir of Nejd, invited the Wali of Baghdad to assist him against his brother Saud. The Turks with Abdulla's aid, and ostensibly on his behalf, occupied Katif and the oasis of Hasa, and then declined to make them over to Abdulla.

At that time the Pashalik of Basra was incorporated with that of Baghdad. Four years later it was separated, to be re-incorporated in 1880. In 1884 it was again separated and the districts of Amara, Muntafik, and Hasa, each of which is governed by a Mutasarrif under the Wali of Basra, were included in it. Various branches of the administration, however, were left under the control of Departments in Baghdad, *e.g.*, Customs, Posts, Telegraphs, and Tribunals. This arrangement continues at the present time (1892). The Pashalik of Basra extends from Ali Gharbi on the Tigris and Kalat-ul-Daraj on the Euphrates to Bidaa in the Persian Gulf, a distance of about 600 miles. It is bounded on the east by Persia and the Persian Gulf, and on the west by the Nefud and Syrian deserts.

In 1880 a Russian Consul was appointed at Baghdad. From 1886, however, he was withdrawn, and from that time till 1889 Russian interests in the Wilayat were guarded by the French Consul. In May of that year the Russian Consulate was re-established, and it is still maintained (1892).

In 1880 it was ruled that Nedj or Central Arabia and its affairs should come within the cognizance of the Political Agent in Turkish Arabia instead of the Resident in the Persian Gulf at Bushire. In 1882 the designation of the British officer posted at Baghdad was changed by the Government of India from "Political Agent" to "Political Resident" in Turkish Arabia.

In 1880 the Turkish Government, in an official letter to the Wali of Baghdad, recognised Her Majesty's Consul at Basra as charged with the protection of Greek interests in that town, and in 1883 Her Majesty's Consul at Basra was similarly charged with German interests.

In 1886 the British Consular "desert post" which had been maintained since 1844 more particularly for the transmission of weekly despatches across the desert of Shamiya to Damascus, and thence by mail cart to the Mediterranean, was relinquished. It was formerly maintained by the Government of India for political reasons. Under the international postal system, the Ottoman Government started a dromedary post of their own over the same route.

In 1887 Her Majesty's Government withdrew the British Consulate at Mosal, and that province is now included in the sphere of action of the Resident in Turkish Arabia.

Fao.

Through the mediation of Great Britain and Russia the Turkish and Persian Governments mutually agreed in 1848 to abstain from placing fortified posts on either side of the Shatt-ul-Arab. Since 1886 however the Turks, despite remonstrance, have been engaged in erecting fortifications at Fao on the right bank of the river. The work has not been carried on without interruption, but it is said now (1892) to be nearly complete.

In March 1890 Commander Boldero of Her Majesty's Ship *Sphinx*, under instructions from the Commander-in-Chief on the East India Station, arrived off Fao with the object of visiting and reporting on the fort. He was accompanied by Her Majesty's S. S. *Griffin* and *Redpole*. On attempting however to land, Commander Boldero and his party were fired upon by the garrison and withdrew. For this outrage the commandant of the fort was condemned to six months' imprisonment and dismissal from his post, and Commander Boldero was eventually allowed by the Sultan's orders to carry out his visit to the fort. In connection with this incident the Porte was informed that Her Majesty's Government attached importance to the discontinuance of the fortifications at Fao.

No. I.

Translation of Soleiman Pasha's General Firman.—1759.

To the Chief of the Siads, Zous, and Freeholders, our Aga, the Motusullim of Bussora, for the time being (whose state God increase), be it known unto you that my commands are as follows:—In the city of our great Sultan called Bussora, there is an English Balios, or chief of the merchants, etc., his nation being in peace with our high Porte whose grandeur God continue everlastingly; therefore, there are in his hands the high and respectable capitulations of our lofty Porte, to which all submission must be paid, and it behoves all men to obey the orders therein contained. Therefore, in the manner that it is commanded and ordered in said high capitulations, article by article, whether regarding the customs and all things relative thereto, or whether regarding other matters, or whether the respecting, favouring, assisting, and protecting the said English Balios and his effects agreeable to the said high capitulations, you must, as ordered by our great Sultan, in all things conform and pay obedience thereto, and you must not in any the least respect depart from, or act contrary to, said respected capitulations; and this our Booyooroldi or order I send you for this purpose. When it arrives you be it known unto you that it is by us directed that, conformable to the said high capitulations, which are the commands of our great Sultan, the English Balios you are to aid, assist, and protect, and in all other respects you are to pay obedience thereto, and from the letter of the said high capitulations you must not in any respect depart, and agreeable to this our order or Booyooroldi you are commanded to act.

L. Signandi.
Mohurum
1173.

No. II.

Literal translation of the Imperial Firman constituting Robert Garden, Esq., Consul in Bussora, issued on the 27th day of the month Suffer in the year of the Hegira 1178—A.D. 1764.

(Sd.) Samuel Manesty,
Resident.

In these times the English Ambassador residing at our Court, Henry Nevile, Esq., has presented to us a formal memorial to the following effect

that the English Envoys at Aleppo, Alexandria, Tripoli in Syria, the Grecian Islands, Tunis, Tripoli in Barbary, Scio, Smyrna, and Egypt, and all the other considerable towns having scales or ports in our dominions, may have the power of appointing Consuls of their own nation; and, in the event of their choosing to change any of them and appoint others in their room, that no person may be permitted to interfere or to prevent such an arrangement. Now, be it known that former agreements have established this. Moreover, it appears that before the present period the East India Company had sent a person to Bussora, by name William Shaw, Esq., to represent them and superintend their affairs, who was not possessed of any Consulary Birat; but upon the expiration of his period of service and his removal, they appointed in his room the bearer of these royal letters, Robert Garden, Esq., who was also furnished with a Commission from the Company. Now, according to the tenor of former engagements as well as in compliance with the wishes of the Ambassador, it became proper and necessary to deliver the Birat in question into his hands. We have accordingly consigned to him our royal diploma.

According to what we have written, the aforesaid Robert Garden, Esq., is constituted British Consul, under the regulations to be here explained by us as well in regard to his latitude of action, as the conduct to be observed towards him.

1st.—He is nominated and appointed Consul in Bussora.

2nd.—He shall have full and sole power of taking cognizance of all affairs concerning those of the nation to which he belongs, such as captains of ships, merchants, and also all who may be under the protection of the English flag; all matters relating to the above are to be under his peculiar care.

Without his express written order, no English vessel shall be permitted to come to Bussora.

The servants of the Consul shall not be subject to the poll tax or any other species of tax or tribute. Their butchers shall not pay any duty, and, in fine, the aforesaid description of persons must be protected from any kind of contribution.

In the event of their purchasing male and female slaves, they shall also be exempted from the above-mentioned duties.

No person shall interfere in respect to their furniture, their eatables or drinkables, for these have been privileges of old standing; such articles too shall be free from customs.

No person shall dare to imprison or put in fetters the Ambassador, the Consul, or their Agents, neither shall they seal up their houses; and should the Consuls where they reside have with them a military detachment, and wish to place them in separate houses, let none molest them for so doing.

We repeat that their male and female servants are to be exempted from taxes, as are their butchers from duties, all which exemptions are of old.

In the event of the Consul conceiving himself aggrieved, or any person having cause of complaint against him, we, in conformity to former agreements, hereby order that the matter shall be referred to our Court for decision, and that you shall not hear the discussion elsewhere.

Should the aforesaid Consul happen to travel, in whatever part he may choose to visit, either by sea or land, he, his suite, servants, cattle, and goods shall be sacred from any harm, and upon his return, should he, from not being provided with a stock of necessaries, wish to make requisite daily purchases on the road, let none refuse to supply him, or dare to engage in disputes with him.

In places where danger may be apprehended, they shall be permitted to wear the turban and the sword, to ride on horseback, to carry the bow, spear, and all the appurtenance of war, and whatever Cathies or others should see them so provided, they are not to molest them.

But should they exceed the bounds of these agreements, privileges and concessions, you are to check and prevent them, for such salutary restraint and observance of good order is necessary.

To all future times these regulations and instructions shall be valid, for we will not suffer the least infringement thereof, nor shall we sanction any excess.

Birat or Consular Commission.

We, the Right Honourable Henry Grenville, Ambassador to His Majesty the King of Great Britain, at the Ottoman Porte, etc., etc.

To all whom these presents may concern greeting.

L. S. H. Grenville.

Having judged it very proper and necessary to grant this present for the service of the Honourable English United East India Company, as also for the better security and prosperity of their affairs in trade at Bussora, and also when in the Ottoman dominions, as also to secure and assure a protection to all persons in the respective Residencies of their Agents and Ministers, that from thenceforth there be established a Consul with ample and full power over all belonging to his charge to execute the above-mentioned.

Be it therefore known that we, by virtue of authority granted us by royal letters patent under the great Seal of Great Britain, and conformable to an Imperial Birat granted by the Emperor's Sublime Porte and the Sultan Mustafa, son of Sultan Ahmed, always victorious: By these presents we declare and acknowledge the illustrious Mr. Robert Garden, the present Agent of the said Honourable Company (or also their future Agents), and whoever be Agent in future and whoever be British Consul for transacting their affairs

in the city of Bussora, or other places thereto belonging, or dependent thereon, granting, however, to the said Mr. Robert Garden, or even to any who shall be Agent in future, full and ample power in all things belonging to his charge, and in this respect we order all His Britannic Majesty's subjects to acknowledge him in other quality of British Consul, praying their Excellencies the Honourable Pasha and other Officers, Ministers, and Magistrates of the Ottoman Empire, to whom these presents shall be shown, to suffer them freely to enjoy and amply and peaceably to enjoy their Consulship, and to aid them with their assistance, protection, and favour, whenever their occasions lead them to have recourse to them, conformable to the good and ancient friendship subsisting between the Crown of Great Britain and the Sublime Porte and conformable to the sacred capitulations.

In faith of which we have signed these presents with our own hands and have caused it to be countersigned by our chief Secretary, applying thereto the royal Seal of our embassy.

Done in our palace of Pera at Constantinople this 29th August 1764.

No. III.

Translation of an Imperial Ottoman Diploma granted to Harford Jones, Esq., British Consul of Bagdad and the environs.—1802.

At the request of Lord Elgin, English Ambassador to the Sublime Porte, in a memorandum given to us by him, to wit, that in consequence of the capitulations, the English Minister having named Consuls at the ports of Aleppo, Alexandria, Tripoli of Syria, Algiers, Tripoli of Barbary, Tunis, Scio, Smyrna, Egypt, and other ports requiring custom houses, and wishing shortly to change or replace them by others, and having for the present assigned and established as Consul in the city of Bagdad and its environs, Harford Jones, Esq., a British subject, and residing in the said city of Bagdad, in order to protect the affairs of British merchants established there, or of travellers, we have given him our Imperial Birat in conformity with the requisitions of the said capitulations, confirming and ordaining the said Harford Jones, Esq., as Consul in the said city of Bagdad, that in conformity with the said capitulations the affairs of merchants and travellers under the protection of the British flag in this country, in cases of difficulty arising, should be referred to him, and that the departure of all vessels should take place only under his cognizance, and that no public servants under his orders should be molested under the pretext of tribute, or certain regulations entitled *Kharatz*, neither of others named *Avariz*, nor of such as is levied by ships called *Cassab Akeessi*, or other arbitrary impositions called *Tekialifi Orfye;* that no one

shall exact the *Kharatz* nor other dues for male and female slaves in his service, and that no person shall interfere nor obstruct the domestic affairs of the said Consul, but, on the contrary, they shall be free from all impositions according to the prevailing customs, neither shall they be subject to the customs or excise duties; that the Consul being established by the British Ministers is not subject to imprisonment; that his house cannot be closed or searched, or have any body of troops lodged therein; that assistants and slaves belonging to him shall be free and exempt from *Kharatz* and *Avariz, Cassab Akeessi, Tekialifi Orfye;* that any complaint made by any person against him shall be referred to us and cannot be disposed of by any other means; that should the said Consul find it necessary to travel into any part of the country, either by land or by sea, at any stations or ports he may arrive at, no one shall molest him or his servants, or cattle, or baggage, guides, or any thing connected with him; that any captain of country vessels on being paid shall be compelled to carry his provisions according to the prevailing regulations, and that no one shall seek pretext for disputes against him; and that in dangerous parts of the country he be allowed to wear a white turban, sabre, bow, or other warlike instruments.

That all judges and commandants or others shall not molest him, but shall assist and protect him, and shall prevent any one from throwing obstacles in his way, and always behave towards him in conformity with the capitulations, and that no one shall presume to oppose, but, on the contrary, shall give every credence to this decree, given under our most respectable and noble Seal.

Given under our hand this 7th day of the moon of Rejib 1217, that is to say, 2nd November 1802, at our city of Constantinople.

No. IV.

Literal Translation of the Turkish note delivered in by the Resident to the Pasha as the terms on which the reconciliation was to be effected, to the contents of which the Pasha signified his unqualified assent.—1810.

Article 1.

The Pasha must renounce all species of authority or command in any shape over the Resident, as such is neither warranted either by usage or the treaties.

Article 2.

The Pasha shall never, on any pretext whatever, interfere in any manner with the affairs and arrangement of the Resident respecting his establishment, his customs and rights, his beating drums, etc, etc, and there shall be, on

no account, objections made to any of the Resident's orders, as such matters in no way concern the Pasha, nor come under his cognizance; particularly there shall be no objection made to the celebration of His Britannic Majesty's birth-day in the most public manner, with all the necessary ceremonies. In a word, there shall be no species of objection or interference in any of the Resident's states and ceremonies.

ARTICLE 3.

The Pasha shall never prohibit the customary interchange of visits between the great officers of the Turkish Government and the Resident.

ARTICLE 4.

The Resident has never, nor will ever, show the least disposition to any undue interference in the Pasha's affairs or government, and will show every readiness to comply with the Pasha's wishes, provided they do not interfere or are not contrary to any of the Articles of this Treaty, or the interests of the British Government; and so it is agreed for the benefit of both parties.

ARTICLE 5.

Whenever the Pasha shall have any business with the Resident, he shall make it known to him by one of his own confidential men of rank; also should the Resident ever have any important business, and demand confidential persons on the part of the Pasha to converse with, there shall be no objections made to it, and the person required shall be immediately sent; the benefits arising from this Article are clearly reciprocal.

ARTICLE 6.

There shall be no equivocation in any of these Articles. Should any doubts hereafter arise relative to any particulars contained in the Articles (especially Article 2), the explanation of it shall be in favour of the Resident.

No. V.

DECREE of the PASHA of BAGDAD for PREVENTING the DESERTION of SAILORS at BUSSORA.—1812.

It is declared that the sailors and those who work on board the cruizers and merchant ships of the British Government, sometimes by drunkenness or other offences, incur the displeasure of their captains, and become liable to just and necessary punishment and correction; and, moreover, be it known that should the sailors or workmen aforesaid, in order to escape such chastise-

ment, take refuge with, and expect protection from, either yourself or the head captain of Shutel Arab (vulgarly called the captain Pasha) you shall by no means afford them protection, but deliver them up to the Agent at Bussora of the esteemed Resident of the British Government at Bagdad, in which intention this order has been written, decreed, and transmitted. When this shall reach you by the power of the Most High, you will immediately regulate your conduct and act by the decree contained in it.

No. VI.

Decree of the Pasha of Bagdad for the restoration of Natives of India brought to Bussora as slaves.—1812.

It is declared that, in consideration of the amicable relations subsisting between the sublime government of perpetual strength and internal stability (*i.e.*, the Porte) and the British Government, whose friendship it behoves us to cultivate, should the captain or crew of ships trading on the seas, whether belonging to Bussora or Muscat, steal and bring subjects of the aforesaid government in India, either males or females, natives of India, for sale at Bussora in the manner of negro male and female slaves, and the Agent of the esteemed Resident at Bagdad for the British Government established at Bussora prove that the aforesaid male and female slaves are not negroes, but natives of India, who have been kidnapped, they shall be taken from the hands of the thieves and despoilers and delivered up into his hands, and for carefully establishing this clear law in the government this order is written, decreed, and transmitted with the power of the Most High. When this shall reach you, you will immediately regulate your actions and conduct by the Articles contained in it.

No. VII.

Translation of a letter from His Highness the Pasha of Bagdad to the Political Agent at Bussora.

After Compliments,—The Dragoman of the English nation has arrived here, bearing a sealed despatch from the government and a letter from yourself containing the following demands :—

Article 1.

A compliance with all stipulations contained in the Imperial Treaties and regal firmans, ancient or recent.

Article 2.

The restitution of whatever was taken from Mr. Sturmey above the proper rate of customs, and of such property of Mr. Scoododa as was damaged or lost.

ARTICLE 3.

Whatever may be deemed to constitute the complete safety in every respect of the life, property, and honour of all agents or vakeels of the government, of their protected dependants and subjects, together with an attentive regard for their views, wishes, a due estimation and honouring of them, and an admission of their rights to grant asylum, and all other claims according to their ancient rights and customs; and that they may entertain as many servants as they see necessity for.

ARTICLE 4.

Should hereafter an agent, not an Englishman, be established at Bagdad, he shall unquestionably meet with every proper honour and consideration as it is due to his station.

ARTICLE 5.

Bills of exchange shall not be taken from their shroffs by force, nor money from their dependants or protegés by compulsion, nor shall temporary or arbitrary taxes of any kind ever be levied on their landed or other property contrary to their due right and custom.

ARTICLE 6.

No tax, except one previously well defined and arranged, shall be levied on boats the property of British subjects and protegés; such, for instance, as pass between Bussora and Bagdad; nor shall their boats be seized for the public service; nor shall the property of merchants being British subjects or protegés arriving at Bagdad, otherwise than as is usual on the arrival of the same at Bussora, enter the custom house contrary to stipulation and covenant.

ARTICLE 7.

Should British subjects and protegés lose any property in the town or on public roads, and by theft or plunder, every exertion shall promptly be made to recover the same.

ARTICLE 8.

Should any dependant of the Government suffer from any of our subject's offence or injury, the injured individual shall receive immediate satisfaction and reparation.

ARTICLE 9.

In commercial dealings goods having been bought shall not be returned except on legal and just plea; and commercial disputes shall be adjusted by an assembly of merchants according to mercantile usage.

ARTICLE 10.

Should British or Indian seaman desert, they shall not be forced to become converts to Islam, and in case of their willing conversion, they shall be subsequently delivered up to their duty in order to prevent any detriment to the interests of the ship.

ARTICLE 11.

A spot shall be assigned on lease to the Resident for a house and garden wherever he may point out.

ARTICLE 12.

The proven claims of British protegés to be enforced on whomsoever of our subjects it may be, without the smallest loss or injury to the claimants.

We have considered and fully comprehended these demands, in like manner also as we are convinced of the very great and faithful regard of His Imperial Highness for the English nation; with regard, therefore, to such part of them as are contained in those Imperial Treaties and royal decrees which are in their hands, it has even been fulfilled to them hitherto, and we shall continue likewise to observe it in time to come, and this, too, in due consideration of the fulness of that valued friendship and the abundance of ancient and lasting unanimity which has existed between the two States in ages past.

With respect, however, to the overplus of customs taken from Mr. Sturmey and the goods lost to Mr. Scoododa, we have made investigation and discovered that the circumstances occurred by chance and not from premeditation; we have consequently returned them to the Dragoman above mentioned, as we cannot consent to any conduct towards the British Government contrary to Treaty and covenant—our friendship for them being of ancient date—and also in compliance with the engagements of our predecessors up to the present date.

In conformity, therefore, with the firm and lasting alliance formed between the Imperial and British Governments with a view to confirm and secure the foundation of that faithful alliance and to strengthen the bonds of the immutable and important union set forth in the Imperial Treaties and royal edicts which are in their possession, and in conformity with ancient rule and former precedent, we have agreed to the observance of all the stipulations above mentioned, and have sealed this instrument as a proof of our consent, and delivered the same into the hands of the Dragoman aforesaid.

Be you therefore informed of this and consider it as fully efficient.

Seal of Daood Pasha.

No. VIII.

TRANSLATION of a BOYOOROOLDI from HIS HIGHNESS HAJEE ALI REZA, PASHA of BAGDAD, ALEPPO, DIARBEKIR, and MOUSUL, to the POLITICAL AGENT at BUSSORA, dated the 27th Rubee-oos-sanee A.H. 1247, or 2nd October A.D. 1831.

Official Sign.

To the spiritual leader of Islam, the Lieutenant (of the Qadhee of Constantinople) at Bussora, to His Excellency the Muftee Effendi of Bussora, whose piety and excellence be increased, to the Chief of the exalted Ministry and Government the Motusullim Aga, be his rank and station increased, and to the elders and men of weight of the Council and country, whose dignity be magnified. In reference to all affairs supervening at Bussora, and relating to the excellent Resident of England, the high and exalted Mr. Taylor, Balios Beg residing with our eternal government, and in observance of his rights and those of his agents, interpreters, and all his protegés and dependants, and of all the subjects of his government, and the merchants and ships arriving from Hindoostan, according to the stipulations and Treaties which have been arranged and ratified with our exalted State: as they have been held in times preceding, to which we adhere, and for which we even exceed the former regard out of a wish to protect their rights; so you also the Nayeb Effendi, and Muftee Effendi, and Motusullim Aga, and Ayan (inferior ministers) will in likewise deport yourselves towards, and protect the rights and regard the just claims of the dignified Mr. Taylor, Beg, his agents, interpreters, protegés, and dependants, and the subjects of the government arriving from Hindoostan, and their ships and merchants, and all others soever, conformably to what we have promulgated in this our Boyoorooldi, which you will on no account infringe: and thus be it known unto you.

No. IX.

TRANSLATION of an IMPERIAL FIRMAN of PROTECTION for the ENGLISH STEAM VESSELS destined to NAVIGATE the RIVER EUPHRATES, dated 29th December 1834.

To their Excellencies the Viziers, Pashas of three tails, to the illustrious Miri Mirans, Pashâs of two tails, to the learned Judges, to the Wainadas, Captains of Ports, and other Magistrates of places situated on both banks of the Euphrates, health.

On receiving the imperial command, you will know as follows:—The Ambassador Extraordinary and Plenipotentiary of Great Britain at Constantinople, Lord Ponsonby, one of the most illustrious personages among the Christian nations, has presented at our Sublime Porte an official note, by which he intimates that the British Government requires permission to cause to navigate by turns two steam boats on the river Euphrates which flows at a small distance from the city of Bagdad, for the purpose of facilitating commerce.

We in consequence issued to our very illustrious governor of Bagdad and Bussora, Ali Reza Pasha, an order to furnish our Sublime Porte with information of the proposed navigation.

Although the answer of the Pasha had not arrived, the Ambassador made representations on this point, informing our Sublime Porte the British Government awaited our reply.

For this reason we have and do permit two steam boats to navigate the Euphrates by turns, and this navigation is to continue as long as, conformably to what has been represented to us, it may prove useful to the two powers, and no inconvenience result therefrom, and it is to this purpose that an official rule has been transmitted to the British Ambassador.

A firman couched in the same terms has been addressed to the Pasha of Bagdad and Bussora.

Le 13 *Juillet.*

Sublime Porte.

No. X.

Note Verbale.—1869.

Le 13 *Juillet.*

En réponse à la note verbale de l' Ambassade de S. M. Britannique en date du 23 Juin, le Ministre des Affaires Etrangères a l'honneur de l'informer que la S. Porte consent au remplacement par un autre navire du bâtiment de la Marine Royale la *Comète*, se trouvant sur les rivières de Mesopotamie, et qu' elle a transmis des ordres en conséquence au Gouverneur-General du Vilayet de Bagdad.

A l' Ambassade de S. M. Britannique, &c., &c., &c.

No. XI.

Translation of an Imperial Firman addressed to the Valee of Bagdad, dated in the beginning of Suffer 1263, or end of January 1847, communicated the 23rd January 1847.

To the Valee of Bagdad,—Ordained (that) whereas, although special conventions have been entered into between the British Government and certain

rulers in Africa for the purpose of preventing the exportation of black slaves from that country to (the ports of) America and to other places, certain merchant ships contrive to kidnap slaves from the African coasts, and continue to transport them to other places, owing to which the provisions of the aforesaid convention cannot be carried into execution ; a request has been therefore lately made on the part of the British Government that the necessary measures should be adopted in this matter by my Sublime Porte with reference to those places ; and whereas the inhuman and barbarous treatment adopted with regard to kidnapped slaves in the places to which they are transported is not like unto (that adopted towards) slaves coming to these places, and that the prevention thereof would be both just and commisserate : It is therefore my supreme and imperial will that the slave trade carried on on the aforesaid coast by the merchant vessels under my imperial flag be henceforward entirely prohibited, that any (vessels) acting in contravention to this prohibition and captured by the ships of my imperial fleet which by the grace of God are to be sent into those waters, or taken by the British ships of war cruizing in those parts and delivered up by them to the Authorities of my royal ports in the Gulf of Bussora, be taken possession of by my Sublime Porte, and that the captains thereof be punished ; that those whom it may concern be peremptorily warned thereof, and that the utmost care and attention be paid to the full and perpetual observance of the present prohibition, and to the punishment of those acting in contravention thereto as aforesaid.

You, therefore, who are the Valee of aforenamed, will act conformably (hereto), and beware of transgressing (these orders).

Translation of a communication made by the Porte to Her Majesty's Embassy.

A vizierial letter, dated the 10th September (27th January 1847), has been addressed to the Valee of Bagdad as follows :—

An Imperial Firman just issued concerning the prohibition to the exportation of black slaves from Africa to America and other places is herewith transmitted to your Excellency, and it is the supreme command of His Majesty that you should be careful to enforce the orders contained in it.

Without entering into unnecessary details (on the subject) with your Excellency it is necessary to observe that, as the publication of this Imperial Firman will not be without its objections, you should keep it by you, and, without any reference whatever thereto, duly issue the orders contained in it to the Authorities of such places as may be requisite.

His Majesty has moreover ordered that towards next spring some vessels of the imperial fleet should be sent (God willing) to superintend the full execution of this interdiction, as well as to promote the welfare of those coasts as heretofore ; and whereas it would be productive of loss to some of His Majesty's subjects ignorant in the beginning of the prohibition of the

execution thereof were to be enforced contemporaneously with its promulgation: the publication of these orders are to be made by you on the receipt of this despatch. You will also make known that they are to be in full vigour four months after the date hereof, that is, after the 10 of Suffer (27th January 1847), and that the slaves which may be on board any merchant vessels under the Ottoman Flag, which shall have dared to act in contravention thereof, after the expiration of the aforesaid period, and which having escaped the vigilance of the Authorities on their passage may enter any of the Turkish ports, shall be taken possession of and detained.

You will also adopt suitable measures for sending back to the place from which they may have been kidnapped, the slaves arriving in any of His Majesty's ports.

Copie Officielle d'une lettre addressée par le Grand Vizier au Pasha de Bagdad en date 6th Avril 1847.

Traduction.

J'ai informé V. Excellence par une dépêche que je vous ai écrite derneièrement relativement à la défense aux bâtimens sous pavillon Ottoman de faire le commerce des esclaves avec les côtes d'Afrique, qu'en conséquence des ordres prohibitifs qui ont été donnés à cet effet, les bâtimens Ottomans qui après l'expiration du terme qui a été fixé auront l'audace de contrevenir à ces ordres, et qui auront été arrêtés pour cela, seront confisqués avec les esclaves qu'il y aura à bord, mais pour prévenir les mal-entendues et la confusion à cet égard, je veux donner sur cette question les éclaircissemens suivans.

Votre Excellence sait qu'il y a dans ces environs là des Gouvernements et des *Imams* indépendants, et cela étant, les châtimens dont il s'agit ne peuvent pas être appliqués a leurs bâtimens. Il faudra donc se borner, à l'égard de ces bâtimens, à leur défendre de transporter et d'introduire des esclaves dans les ports de la S. P. qui sont dans le Golfe Persique et s'ils en viennent Votre Excellence aura seulement à les renvoyer et à les éloigner. Ainsi V. E. voudra bien donner aux autorités compétentes les ordres necessaires dans le sens au-dessus expliqué.

20 Rebi-al-Akhir 1263.

Translation.—Instructions to Nejib Pasha of Bagdad, about the African Slaves.

As your Excellency well knows, I have stated in the despatch I wrote to you, in consequence of the firman issued for the purpose of prohibiting the transport of black slaves from Africa to America and other places, that it will be necessary to take measures for sending back conveniently to the places whence they had been kidnapped, those slaves who shall come to any port of the Ottoman Empire in vessels under the flag of the Sublime Porte.

But on thinking again on this matter, we found that this plan is not quite exempt from inconvenience, for it is not improbable that the slaves should fall, while on their way home, into the hands of people dealing in slaves, and experience again all sorts of misery.

Now the slaves who shall have been liberated from the hands of the merchants are natuarally become thus free, and they may, of course, act as they like. Such of them, then, as will not return, but choose to remain, cannot be forced to go, and they must be allowed to stay where they please.

But humanity requires that measures should be taken to send safely to the place of their destination those who wish to return, and, therefore, it has been thought expedient, and the Sultan has given orders to that effect, that those among them who wish to return should be consigned to the British Authorities in those environs, put on board the British men of war, or on board other vessels which shall be assigned by the English, and sent away.

This matter has been talked of with the British embassy, and your Excellency will therefore talk about it with the British Consul at Bagdad, and send the analogous instructions to the competent Authorities; and as to those among the slaves that have been captured, who may wish to remain in this country, your Excellency will take care to furnish them with a Tezkéré, that they may not be molested by any body whatever after that.

No. XII.

Treaty between Great Britain and Turkey.

At the Court at Holyrood Palace, the 26th day of August, 1881.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY,

His Royal Highness the Duke of Connaught and Strathearne, Lord President,
Earl of Roseberry,
Mr. Secretary Childers.

Whereas, by an Act passed in the 37th year of Her Majesty's reign, Chapter 88, intituled "The Slave Trade Act, 1873," it was, amongst other things, provided that, where any Treaty in relation to the Slave Trade is made after the passing of that Act, by or on behalf of Her Majesty with any Foreign State, Her Majesty may, by Order in Council, direct that as from such date, not being earlier than the date of the Treaty, as may be specified in the Order, such Treaty shall be deemed to be an existing Slave Trade Treaty within the meaning of the Act; and it was further provided that thereupon (as from the said date, or, if no date should be specified, as from the date of

such order) all the provisions of the Act should apply and be construed accordingly.

And whereas on the 25th day of January, 1880, a Treaty, or Convention for the suppression of the African Slave Trade was concluded between Her Majesty and His Majesty the Emperor of the Ottomans in the following terms, that is to say: —

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of the Ottomans, being mutually animated by a sincere desire to co-operate for the extinction of the traffic in African Slaves, have resolved to conclude a convention for the purpose of attaining this object, and with this view have named as their Plenipotentiaries, that is to say—

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Austen Henry Layard, Her Majesty's Ambassador Extraordinary and Plenipotentiary at the Sublime Porte;

"And His Majesty the Emperor of the Ottomans, Sawas Pasha, His Majesty's Minister for Foreign Affairs;

"Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

"Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, et Sa Majesté l'Empereur des Ottomans, étant animés mutuellement du désir sincère de co-opérer à la cessation du trafic des esclaves d'Afrique, ont résolu de conclure une Convention avec l'intention d'atteindre cet objet. Dans ce but ils ont nommé comme leurs Plénipotentiaires—

"Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, le Très-Honorable Sir Austen Henry Layard, Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté près la Sublime Porte;

"Et Sa Majesté l'Empereur des Ottomans, Sawas Pacha, son Ministre des Affaires Etrangères;

"Lesquels se sont communiqués mutuellement leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, et ont convenu et arrêté les Articles suivant:—

ARTICLE 1.

"His Imperial Majesty the Emperor of the Ottomans, whilst renewing absolutely the prohibition of the Slave Trade, engages to forbid, from henceforward, the importation of African slaves into any part of the Ottoman dominions or its dependencies, or their transit through Ottoman territories by sea; and to punish, in the manner provided by Ottoman law, and in conformity

ARTICLE 1.

"Sa Majesté l'Empereur des Ottomans, renouvelant d'une manière absolue la défense du trafic des nègres, s'engage à prohiber l'importation des esclaves d'Afrique dans toutes les parties de l'Empire Ottoman ou ses dépendances, leur passage à travers le territoire Ottoman par mer, et à punir, suivant les dispositions prévues par la loi Ottomane et conformément aux dispositions du Firman de l'Année 1273

with the provisions of the Firman of the year A. H. 1273 (A. D. 1857) any person, or persons, amenable to Ottoman jurisdiction who may be found engaged, directly or indirectly, in the traffic in African slaves. His Majesty further engages to prohibit the exportation of black slaves from the Ottoman Empire to foreign parts, except when accompanying their masters, or mistresses, as domestic servants, in which case each slave, man or woman, shall be furnished with a certificate stating (his age) and otherwise describing them, and stating the particular capacity in which they accompany their master, or mistress; and in the event of their not being furnished with such certificates they shall be set free, and the parties attempting to export them shall be liable to punishment; and all free blacks leaving the Ottoman territories shall, on the application to the Ottoman authorities, be furnished with passports certifying that they are free and at liberty to dispose of themselves without restriction, or reserve.

ARTICLE 2.

"Any person, or persons, not being Ottoman subjects, who may be found engaged in the African Slave Traffic, either directly, or indirectly within the Ottoman dominions, or on board Ottoman vessels, shall, together with their accomplices, if any, be handed over for trial according to the laws of the country, with the dispositions (*procès-verbaux*) drawn up by the Ottoman superior authority of the place where the traffic has been proved; and all other documents, or evidence ('*éléments de conviction*') handed over by the said authority,

(A. D. 1857), toute personne, ou toutes personnes, justiciables des Tribunaux Ottomans qui se trouveraient mêlées, soit directement, soit indirectement, au trafic des noirs. Sa Majesté s'engage aussi à interdire l'exportation des esclaves noirs du territoire Ottoman à l'étranger, sauf le cas où ils auraient à accompagner leurs maîtres, ou maîtresses, dons la qualité de domestiques at tachés à leurs personnes. Dans ce cas, chaque esclave, homme ou femme, sera muni d'un certificat constatant son age, ainsi que tout autre signe distinctif, et mentionnant tout particulièrement en quelle qualité il accompagne son maître, ou sa maîtresse. Dans le cas où il ne sera pas muni de pareil certificat, il sera affranchi, et ceux qui tenteraient de l'exporter seront passible de punition. Tous les noirs affranchis qui quitteront l'Empire Ottoman recevront des autorités Ottomanes des passeports constatants qu'ils sont affranchis et libres, et qu'ils disposent de leurs personnes sans restrictions, ou réserve.

ARTICLE 2.

"Toute personne, ou toutes personnes non-sujets Ottomanses qui peuvent être mêlées du trafic des noirs, soit directement soit indirectement, dans les limites de l'Empire Ottoman, ou à bord d'un navire Ottoman, seront saisies ainsi que leurs complices, si elles en ont, pour subir leur jugement conformément aux lois du pays. Elles seront accompagnées des procès—verbaux dressées par l'autorité supérieure Ottomane, de l'endroit où le trafic aura été constaté, et de tous les autres éléments de convictron fournis par la susdite autorité, destinés à servir de

and destined to serve as proofs at the trial of the offenders, so far as those laws may admit of such proof.

"All African slaves found in the possession of a dealer in slaves shall be liberated and dealt with in conformity with the provisions of Article 3 of the present Convention.

ARTICLE 3.

"Taking into consideration the impossibility of sending back to their homes African slaves who may be captured from slave-dealers and liberated, without exposing them to the risk of perishing from fatigue, or want or from falling again into slavery, the Ottoman Government engages to adopt adequate measures to insure the freedom of such captured Africans, and to see that they are properly cared for.

ARTICLE 4.

"His Imperial Majesty engages to pursue as criminals all persons who may be found engaged in the mutilation of, or traffic in, children. If such persons are amenable to Ottoman jurisdiction they shall be handed over to the Ottoman Tribunals, and punished according to Ottoman law; if they are not amenable to Ottoman jurisdiction, that is to say if the criminals are not Ottoman subjects, and the crime has not been committed on Ottoman territory, then they shall be handed over to the competent Tribunals, to be dealt with according as the law of their country directs, together with the depositions (*procès-verbaux*) and other documents, or evidence ('*éléments de conviction*') as laid down in Article 2.

preuves, lors du procès des inculpés, en tant que ces lois admettent de pareilles preuves.

"Tous les noirs trouvés en la possession de marchands des esclaves seront affranchis, et on agira à leur égard conformément aux dispositions de l'Article 3 de la présente Convention.

ARTICLE 3.

"Prenant en consideration l'impossibilité de renvoyer dans leur foyers les esclaves d'Afrique qui seraient capturés des marchands d'esclaves, et affranchis, sans les exposer au risque de périr de fatigue et de faim, ou de tomber, de nouveau, sous le joug de l'esclavage, le Gouvernement Ottoman s'engage à prendre les mesures convenables pour assurer la liberté des noirs qui viendraient à être capturés, et à veiller á ce qu'ils soient convenablement soignés.

ARTICLE 4.

"Sa Majesté Impériale s'engage a poursuivre comme criminels toutes les personnes qui se trouveraient compromises dans des actes de mutilation, ou de trafic d'enfants. Si ces personnes sont justiciable des Tribunaux Ottomans elles seront livrées aux Tribunaux Ottomans, et punies suivant la loi Ottomane. Dans le cas contraire, c'est-à-dire, dans le cas où le criminel n'est pas sujets Ottoman, et le crime n'a pas été perpétré sur le territoire Ottoman, elles seront consignées entre les mains du Tribunal compétent, qui agira à leur égard suivant les lois du pays dont elles relèvent. Elles seront accompagnées de procès-verbaux et d'autre éléments de conviction, comme il est dit dans l'Article 2.

ARTICLE 5.

"With the view to the more effectual suppression of the traffic in African slaves in the Red Sea, His Majesty the Emperor of the Ottomans agrees that British cruizers may visit, search, and, if necessary, detain, in order to hand over to the nearest or most convenient Ottoman authority, or to the competent authorities according to Article 4, for trial, any Ottoman vessel which may be found engaged in the traffic in African slaves, as well as any Ottoman vessel which may fairly be suspected of being intended for that traffic, or which may have been engaged in it on the voyage during which she has been met with.

"This right of visit and detention may be exercised in the Red Sea; in the Gulf of Aden; on the Coast of Arabia; in the Persian Gulf; and on the East Coast of Africa, and in Ottoman maritime waters where no constituted authorities exist; and any vessel which may be detained by a British cruiser under the provisions of this Convention shall, together with her cargo and crew, be handed over for trial to the nearest or most convenient Ottoman authority, or to the competent authorities according to Article 4.

"Should there be good reason for believing that vessels sailing under the Ottoman flag which may be found in Ottoman harbours, or waters, have African slaves on board for purposes of traffic, or have been employed in the African Slave Traffic during the voyage on which they have been last engaged, such vessels, on being denounced by the Commander, or other commissioned officer of a British cruiser, or by a

ARTICLE 5.

"Dans le but d'opérer d'une manière réelle la suppression du trafic des négres dans la Mer Rouge, Sa Majesté l'Empéreur des Ottomans consent à ce que les croiseurs Anglais soumettent à la visite et aux recherches et s'il est nécessaire à la détention, pour en faire la remise à l'autorité Ottomane la plus proche, ou la plus compétente, ou bien à qui de droit conformément à l'Article 4, et lui faire subir son jugement, tout navire Ottoman qui se trouverait impliqué dans le trafic des noirs, comme aussi tout navire Ottoman qui pourrait être à juste titre suspect d'être destiné à opérer ce trafic, ou qui l'aurait exercé dans le cours du voyage où il a été rencontré.

"Ce droit de visite et de détention pourra être exercé dans la Mer Rouge, dans le Golfe d'Aden, sur la côte Arabique, dans le Golfe Persique, sur la côte Orientale d'Afrique, ainsi que dans toutes les eaux Maritimes Ottomanes, même dans l'absence d'autorité constituée. Tout navire qui serait détenu par un croiseur Anglais à teneur des dispositions de cette Convention, sera consigné, ainsi que son chargement et son equipage, à l'autorité Ottomane la plus proche, ou la plus compétente, ou bien à qui de droit conformément a l'Article 4, pour [quil soit procédé a son jugement.

"Dans le cas où l'on aurait lieu de croire que des navires sous pavillon Ottoman, rencontrés dans les ports ou eaux Ottomans, ont des noirs à bord dans le but d'en faire le commerce, ou bien des navires dont on se serait servi pour le trafic des noirs durant le dernier voyage qu'ils auraient accompli, la dénonciation faite par le commandant, ou tout autre officier commissionné d'un croiseur Anglais, ou par un fonctionnaire Consulaire Britannique, les autori-

British Consular Officer, shall be immediately searched by the Ottoman authorities, and any slaves who may be found on board shall be released and manumitted, and the vessel, her master, officers, and all persons who shall be proved to have acted in connivance with them, handed over to the competent Ottoman authorities, to be dealt with in accordance with Ottoman laws for the suppression of Slave Traffic.

"All African slaves captured by a British cruiser on board an Ottoman vessel shall be at the disposal of the Ottoman authorities, or of the nearest authorities in the event of there being no Ottoman authorities in the vicinity, with a view of securing to such slaves their freedom; and the vessel and her cargo shall be handed over for trial to the nearest or most convenient Ottoman authority, or to the competent authorities according to Article 4.

"Her Majesty the Queen of Great Britain and Ireland agrees, on Her part, that all vessels navigating under the British flag in the Red Sea, in the Gulf of Aden, in the Persian Gulf, and on the east coast of Africa, or in the inland waters of the Ottoman Empire and its dependencies, which may be found engaged in the traffic in African slaves, or which may fairly be suspected of being intended for that traffic, or which may have been engaged in it on the voyage during which she may have been met with, may be visited, seized, and detained by the Ottoman Authorities, or cruisers; but it is agreed that the vessel and its cargo shall, together with its crew, be handed over to the nearest British Authority for trial.

tés Ottomanes opéreront immédiatement des recherches. Tous les esclaves trouvés à bord de ces navires seront mis en liberté affranchis; le navire, le capitaine, les officiers, et tous eux qui seront convaincu d'avoir été de connivance avec eux, seront consignés aux autorités compétentes Ottomanes, qui agiront à leur égard à teneur des dispositions de la loi Ottomane concernant la suppression du trafic des négres.

"Tous les esclaves d'Afrique capturés par un croiseur Anglais á bord d'un navire Ottoman seront placés à la disposition des autorités Ottomanes, et dans le cas où il n'y aurait pas d'autorité Ottomane à proximité, aux autorités les plus rapprochées, à l'effet de les proclamer libre. Le navire et son chargement seront consignés pour être jugés à l'autorité Ottomane la plus proche ou la plus compétente, ou à qui de droit conformément aux prescriptions de l'Article 4.

"Sa Majesté la Reine la Grande Bretagne consent de sa côté à ce que tous les navires navigant sous Pavillon Anglais dans la Mer Rouge, le Golfe d'Aden, sur la côte Arabique, dans le Golfe Persique, et sur la côte Orientale d'Afrique, ou dans les eaux intérieures de l'Empire Ottoman et de ses dependances, qui se trouveraient mêlés dans le trafic de négres, comme aussi tout navire qui pourrait à juste titre être suspecté d'être destiné a opérer ce trafic, ou qui l'aurait exercé dans le cours du voyage où il a été rencontré, soient visités, saisis, et détenus par les autorités, ou les croiseurs Ottomans. Mais il est entendu que ces navires et leur chargements ainsique leur équipage seront consignés à l'autorite Britannique la plus proche pour subir leur jugement.

"The captured slaves shall be released by the Ottoman authorities, and shall remain at their disposal.

"If the competent Tribunal should decide that the seizure, detention, or prosecution was unjustifiable, the Government of the cruiser making the capture will be liable to pay to the Government of the prize a compensation appropriate to the circumstances of the case.

"It is expressly and formally understood that none of the foregoing provisions apply to the ships of war of either country, which cannot in any case, nor under any pretext, be searched.

ARTICLE 6.

"With the view to avoid any undue interference on the part of British cruisers engaged in the suppression of the Slave Trade with Ottoman vessels whose crews may be composed, in whole or in part, of African slaves, it is hereby agreed that every Ottoman vessel manned wholly or partly by African slaves shall be furnished with papers stating the voyage or employment, on which she is engaged, and the number and description of the slaves on board, and any larger number of African slaves found on board than is authorized by the ship's papers shall render the vessel liable to detention and to be sent for adjudication before a competent Tribunal.

ARTICLE 7.

"His Majesty the Emperor of the Ottomans engage to take the necessary measures and to issue the necessary orders for giving effect to the present Convention.

"Les esclaves capturés seront mis en liberté par les autorités Ottomanes, et resteront à leur disposition.

"Si le Tribunal compétent décidera que la saisie, détention, et la poursuite n'étaient pas fondées et justifiées, le Gouvernement dont dépend le croiseur qui a opéré la capture payera au Gouvernement auquel appartient la prise une indemnité adaptée à la circonstance.

"Il est expressement et formellement entendu que les stipulations précédentes ne s'appliquent pas aux bâtiments de guerre des deux Etats, qui ne peuvent en aucun cas et sous aucun prétexte être visités.

ARTICLE 6.

"Dans le but d'éviter que les croiseurs Anglais chargés de la suppression du commerce des esclaves ne s'ingérent indûment dans les navires Ottomans dont les equipages seraient formés en totalité, ou en partie, d'esclaves d'Afrique, il est convenu par le présent Acte que tout navire Ottoman équippé en totalité, ou en partie, par d'esclaves d'Afrique devra être munis de papiers constatant le voyage ou service auquel il est affecté, ainsi que le nombre et la description des esclaves qui se trouvent à bord. Si le nombre d'esclaves d'Afrique qui se trouveraient à bord était plus considérable que celui autorisé par les papiers de bord, le navire sera susceptible d'être détenu et renvoyé par devant un Tribunal compétent pour y être jugé.

ARTICLE 7.

"Sa Majesté l'Empereur des Ottomans s'engage à prendre les mesures et de donner les ordres nécessaires afin que la présente Convention soit rigoureusement exécutée.

Article 8.	Article 8.
"The present Convention shall be ratified, and the ratifications shall be exchanged at Constantinople as soon as possible.	"La présente Convention et les ratifications seront échangées à Constantinople le plutôt que faire se pourra.
"The present Convention shall come into operation six months after the date of its signature.	"La présente Convention entrera en vigueur six mois après le jour de la signature.
"In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.	"En foi de quoi les Plénipotentiaires respectifs ont signé le même, et y ont opposé les sceaux de leurs armes.
"Done at Constantinople this twenty-fifth day of January, one thousand eight hundred and eighty."	"Fait à Constantinople ce jourdhui 25 janvier, mille huit cent quatre vingt."

And whereas it is expedient that the said Treaty, or Convention, should be brought within the operation of "The Slave Trade Act, 1873":

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf as aforesaid, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

The said Treaty, or Convention hereinbefore recited shall, from the said 25th day of January, 1880, being the day of the date thereof, be deemed to have been and to be an existing Slave Trade Treaty, within the meaning of the "The Slave Trade Act, 1873."

And the Lords Commissioners of Her Majesty's Treasury, the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

No. XIII.

Engagement for the extension of a Telegraph Line from Bagdad to Bussora and to Khanakeen—1863.

Translation.	Protocol.
Consequent upon the exchange of notes which has taken place between the Embassy of Her Britannic Majesty and the ministry of Foreign	A la suite d'un échange de notes qui a eu lieu entre l'Ambassade de Sa Majesté Britannique et le Ministre des Affaires Etrangères de Sa

Affairs of His Majesty the Sultan on the subject of the extension of the line above ground from Bagdad to Bussora and to Khanakeen, with the object of connecting by two different lines the Indian telegraphs with the telegraphic net-work of Europe, the Ambassador of Her Britannic Majesty at the Sublime Porte and the Minister of Foreign Affairs of the Sultan, with a view to this, have decided on the following arrangement:—

Majesté le Sultan, au sujet de la prolongation de la ligne aérienne de Bagdad jusqu'à Bussora et Khanakain, dans le but de relier par deux lignes différentes les télégraphes Indiens au réseau télégraphique de l'Europe, l'Ambassadeur de la Reine de la Grande Bretagne près la Sublime Porte et le Ministre des Affaires Etrangères du Sultan, en vue d'assurer la réalisation de ces entreprises, ont arrêté l'arrangement suivant:—

ARTICLE 1.

The Ottoman Government will extend at its own expense—

1. The line above ground from Bagdad to Bussora.

2. It will construct a line above ground from Bagdad to Khanakeen on the Persian frontier. These two lines shall consist of two wires, of which the one shall be kept exclusively for direct messages.

ARTICLE 1.

Le Gouvernement Ottoman fera prolonger à ses frais:—

1. La ligne de Bagdad à Bussora.

2. Il construira une ligne aérienne de Bagdad jusque'a Khanakain, sur la frontière Persane. Ces deux lignes seront à deux fils, dont l'un sera destiné au service exclusif des messages directs.

ARTICLE 2.

The Indian Government, on its side, at its own cost, shall carry the Indian sub-marine cable, which joins at Bushire, either to Bussora or to some other point at the mouth of the Shat-el-Arab, which shall be designated later, and which shall be connected with the line above ground.

ARTICLE 2.

Le Gouvernement Indien portera de son côté à ses frais le câble sousmarin Indien, aboutissant à Bushire, soit à Bussora soit à un autre point quelconque de l'embouchure du Shat-el-Arab, qui sera désigné plus tard, et qui sera relié à la ligne aérienne.

ARTICLE 3.

The Indian Government besides shall furnish to the Ottoman Government all the necessary materials, including the poles of iron, for the construction of the two lines above ground before mentioned.

The two telegraphic Engineers who are already at Bagdad, as also the Inspector and the four sub-officers of the British Engineers who

ARTICLE 3.

Le Gouvernement Indien fournira en outre au Gouvernement Ottoman tous les matériaux nécessaires, y compris les pôleaux en fer, pour la construction des deux lignes aériennes ci-dessus indiquées.

Les deux Ingénieurs télégraphiques qui se trouvent déjà a Bagdad, ainsique l'Inspecteur et les quatre sous-officers de génie Britannique qui sont at-

are soon expected to arrive in that city, shall be placed at the disposal of the Ottoman Authorities to co-operate in the construction of these lines.

ARTICLE 4.

The Ottoman Government shall pay for the materials thus furnished by the Indian Government with the money received for telegraphic messages from India, which shall traverse the line of the extreme European frontier of the Ottoman Empire, be it to Bussora or as far as Khanakeen according to a special arrangement which the two governments reserve to themselves to establish, to determine the mode and the period of the payment of the price of these materials.

The salaries of the Engineers to be paid by the Indian Government.

The materials which shall be furnished by the Indian Government shall be consigned on their arrival to the hands of the Ottoman Authorities, and a receipt given for them.

ARTICLE 5.

The Imperial Authorities shall immediately receive orders to begin the works upon the line from Bagdad to Bussora.

ARTICLE 6.

The sub-marine cable which is to meet the line above ground from Bagdad to Bussora shall be laid as soon as possible, in order to secure simultaneous operations.

ARTICLE 7.

As soon as this line shall have been completed, the Ottoman Government shall commence the line from Bagdad to Khanakeen, for which the Indian Government

tendus prochainement dans cette ville, seront mis à la disposition des Autorités Ottomanes pour coöpérer à la construction de ces lignes.

ARTICLE 4.

Le Gouvernement Ottoman payera les matériaux ainsi fournis par le Gouvernement Indien, sur la recette des messages télégraphiques Indiens, qui traverseront la ligne de l'extrême frontière Européenne de l'Empire Ottoman soit jusqu'à Bussora, soit jusq'à Khanakain, d'après un arrangement spécial que les deux Gouvernements se réservent d'établir pour déterminer la mode et l'époque des versements du prix de ces matériaux.

La rétribution des Ingénieurs reste a la charge du Gouvernement Indien.

Les matériaux qui sont fournis par le Gouvernement Indien seront consignés à leur arrivée, entre les mains des autorités Ottomanes contre leur reçu.

ARTICLE 5.

Les autorités Impériales recevront l'ordre de faire commencer immédiatement les travaux de la ligne de Bagdad à Bussora.

ARTICLE 6.

Le câble sousmarin qui doit se relier à la ligne aérienne de Bagdad à Bussora devra être posé le plus tôt possible, afin d'en assurer le fonctionnement simultané.

ARTICLE 7.

Aussitôt que cette ligne aura été achevée, le Gouvernement Ottoman mettra la main à celle de Bagdad à Khanakain, pour laquelle le Gouvernement Indien s'engage à fournir également

equally engages to furnish materials and Engineers on the same conditions as those which have been stipulated for the line from Bussora.

les matériaux et les Ingénieurs aux mêmes conditions qui ont été stipulées pour la ligne de Bussora.

ARTICLE 8.

The Sublime Porte shall take care, if need be, to employ, for the working of these lines, persons acquainted with the English language.

ARTICLE 8.

La Sublime Porte aura soin, selon la nécessité, d'employer pour le service de ces lignes des personnes possédants la langue Anglaise.

ARTICLE 9.*

All the despatches addressed to or coming from India shall be equally divided between the line from Bagdad to Bussora on the one hand, and that of Khanakeen on the other.

To avoid all difficulty of execution, the application of this system of division shall be as follows:—

All despatches coming from India shall pass by the line from Khanakeen. On the other hand all those for India shall be sent by the line from Bagdad to Bussora.

ARTICLE 9.*

Toutes les dépêches à destination ou provenant des Indes seront partagées à portion égale entre la ligne projetée de Bagdad à Bussora d'une part, et celle de Khanakain d'autre part.

Pour éviter toute difficulté d'exécution, l'application du partage aura lieu de la manière suivante :—

Toutes les dépêches provenant des Indes devront passer par la ligne de Khanakain. Par contre toutes celles à destination des Indes traverseront la ligne de Bagdad à Bussora.

ARTICLE 10.

The stipulation of Article 9 shall remain in force for ten years, at the end of which it can be revised by means of a new understanding between the two governments.

ARTICLE 10.

La stipulation de l'Article 9 sera en vigueur pendant dix ans, à l'expiration desquels il pourra être revisé moyennant une nouvelle entente entre les deux Gouvernements.

ARTICLE 11.

The two governments reserve to themselves the right to determine on and conclude a Telegraphic Convention on the basis of the Act of Brussels, which constitutes the International Law of Lines of Electric Telegraphs.

ARTICLE 11.

Les deux Gouvernements se réservent le droit d'arrêter et de conclure une Convention Télégraphique sur les bases de l'Acte de Bruxelles, qui constitue la Loi Internationale des Lignes Electriques.

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* On 9th December 1863 an additional Article was added to the Protocol, stipulating that instead of dividing the traffic equally between the Basrah and Khanakeen lines, messages should be forwarded indifferently by either line, and that payment should be calculated on the mean between 375 and 89 miles, the distances between Bagdad and Basrah and Bagdad and Khanakeen respectively, so long as both lines are kept in efficient working order.

In faith of which the Ambassador of Her Britannic Majesty and the Minister for Foreign Affairs of His Imperial Majesty the Sultan have signed the present Protocol in duplicate and have annexed their Seals.

Done at the Sublime Porte the 20th day of October 1863.

For Sir Henry Bulwer.

L. S. E. M. Erskine.

L. S. Ali.

En foi de quoi, l'Ambassadeur de Sa Majesté Britannique et le Ministre des Affaires Etrangères de Sa Majesté Impériale le Sultan ont signés le present Protocole, en double expédition, et y ont apposé le sceau de leurs armes.

Fait à la Sublime Porte, le vingt du mois d'Octobre, de l'an mil huit cent soixante trois.

Pour Sir Henry Bulwer.

L. S. E. M. Erskine.

L. S. Ali.

L. S.

Ali.

No. XIV.

Treaty between Great Britain and Turkey.—1864.

Convention between Great Britain and Turkey for the establishment of Telegraphic Communication between India and the Ottoman Territory. Signed in the English and French languages at Constantinople, September 3, 1864.*

Her Majesty the Queen of the United Kingdom of Great Britain

Projet de la Convention Télégraphique Indo-Ottomane.

S. M. le Sultan et S. M. la Reine du Royaume Uni de la Grande Bretagne

* Ratifications exchanged at Constantinople, October 31, 1864.

and Ireland, and His Majesty the Emperor of the Ottomans, being desirous to establish between their respective States telegraphic communications, by means of which India, connected by a sub-marine cable with the Ottoman territory at the mouth of the Shat-el-Arab, will be in telegraphic communication with Turkey, and consequently with all the other States of Europe, have agreed to conclude a Telegraphic Convention, and with that object have named as their Plenipotentiaries, that is to say:

et de l'Irlande désirant voir établir entre leurs Etats respectifs, des communications télégraphiques à la suite desquelles les Indes, reliées par un Câble sous-marin avec le territoire Ottoman à l'embouchure du Shat-el-Arab, se trouveront en communication électrique avec la Turquie et par consequent avec tous les autres Etats de l'Europe, sont convenus de conclure une Convention Télégraphique et ont à cet effet nominé pour leurs Plenipotentiaires.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Henry Lytton Bulwer, a member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath and Her Majesty's Ambassador Extraordinary and Plenipotentiary to the Sublime Porte;

And His Majesty the Emperor of the Ottomans, His Highness Mehemed Emin Aali Pasha, Minister for Foreign Affairs, decorated with the Imperial Orders of the Osmanie, of the Medjidie, and of Merit of the first class in brilliants, Grand Cross of several Foreign Orders;

S. M. le Sultan.....S. M. la Reine du Royaume Uni de la Grande Bretagne et d'Irlande.....lesquels après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme sont convenu de ce qui suit.

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE 1.

The Ottoman Government will continue, at its own cost, to the mouth of the Shat-el-Arab, the main telegraphic line of Asia now existing between Scutari of Constantinople and Bagdad, and will connect the said main line, in the direction of Khanakain, with the Persian land

ARTICLE 1.

Le Gouvernement Ottoman prolongera à ses frais jusqu'à l'embouchure du Shat-el-Arab, la grande ligne telegraphique d'Asie existant actuellement depuis Scutari de Constantinople jusqu'à Bagdad, et reliera cette grande ligne dans la direction de Khannikeen aux fils aëriens persans qui seront en com-

lines which communicate with the sub-marine cable at Bushire.

The maintenance and repairs of the said Ottoman lines will be at the charge of the Ottoman Administration.

ARTICLE 2.

On the other hand, the Government of India will lay down, at its own expense, a sub-marine telegraphic cable, which, starting from some point of the British Indian Empire and touching at Bushire, will terminate at the mouth of the Shat-el-Arab, where it will join the Ottoman land line.

The maintenance and repairs of this cable shall be at the expense of the Indian Administration.

ARTICLE 3.

His Majesty the Sultan authorises the establishment on Ottoman territory, at the mouth of the Shat-el-Arab, of a British telegraph office, with a staff, which shall not exceed in number 50 persons placed under the exclusive orders of a British station-master, and which, as well as the apparatus and all the instruments requisite for working the sub-marine line, shall be at the expense of the British Government.

ARTICLE 4.

The aforesaid British office shall be located in the same building occupied by the Ottoman station at the mouth of the Shat-el-Arab, with a view to facilitate the combined operations of the common service.

The apparatus of the Ottoman service and that of the British service at that joint station shall be placed in separate compartments, but in

munication avec le Cable sous-marin à Bushire. L'entretien et les réparations de cette ligne seront à la charge de l'Administration Ottomane.

ARTICLE 2.

Le Gouvernement des Indes posera de son côté à ses frais un câble télégraphique sous-marin partant d'un point quelconque de l'Empire Britannique des Indes et touchant à Bushire, qui aboutira à l'embouchure du Shat-el-Arab où il sera relié à la ligne aërienne Ottomane. L'entretien et les réparations de ce câble seront á la charge de l'Administration Indienne.

ARTICLE 3.

S. M. le Sultan autorise l'établissement sur le territoire Ottoman à l'embouchure du Shat-el-Arab d'un Bureau telegraphique Britannique, dont le personnel sera placé exclusivement sous les ordres d'un chef de Station Britannique et sera à la charge du Gouvernement Britannique, ainsi que les appareils et tous les instrumens requis pour le fonctionnement de la ligne sous-marine.

ARTICLE 4.

Le susdit Bureau Britannique sera placé dans le même local occupé par la Station Ottomane établie à l'embouchure du Shat-el-Arab, de façon à faciliter les operations combinées du service mixte.

Les appareils du service Ottoman et ceux du service Britannique de cette Station mixte, seront placés dans des compartimens separés, mais à proximi-

close proximity to each other, and shall not be connected.

The exchange of messages shall take place immediately on their receipt, the officers handing them to each other through a window, and the service of the British and Ottoman offices shall be permanent. The rent and cost of maintenance of the mixed telegraphic station shall be shared in equal proportions by the British and Ottoman Administrations.

ARTICLE 5.

It is well understood that the active service of the British office on Ottoman territory shall be limited to the receipt and delivery by hand to the Ottoman office of the messages arriving from India by the submarine cable; to the transmission of those which are delivered to it by the Ottoman office; and, lastly, to the superintendence and maintenance of a safe and regular submarine communication between the mouth of the Shat-el-Arab and India.

The direction-in-chief of the mixed station shall devolve on the Ottoman Administration, but without the right of interfering in the internal administration of the British office.

ARTICLE 6.

In order to ensure promptitude in the Indo-European correspondence and its regular transmission and receipt, the Ottoman Government will not fail to establish a permanent service at Bagdad and Fao, as well as at the majority of stations on the main line of Asia between Constantinople and Fao, and to appoint thereto a staff possessing a knowledge of the English language sufficient for the perfect performance of that important service.

mité l'un de l'autre, et ne seront pas reliés entr'eux. L'échange des dépêches, se fera immédiatement après reception entre les employés par un guichet de la main à la main, et le service de ces deux Bureaux Ottoman et Britannique sera permanent.

Le loyer et les frais d'entretien de la Station télégraphique mixte seront supportés par les Administrations Ottomane at Britannique en parties égales.

ARTICLE 5.

Il demeure bien entendu que le service actif de ce Bureau Britannique sur le territoire Ottoman, est restreint à la reception et à la remise de main en main au Bureau Ottoman des dépêches arrivant des Indes par le Câble sous-marin, à la transmission de celles qui lui seront remises par le Bureau Ottoman, et en dernier lieu à la surveillance et à l'entretien d'une communication sous-marine sûre et régulière entre l'embouchure du Shat-el-Arab et les Indes. La haute direction de la Station mixte, est acquise à l'Administration Ottomane.

ARTICLE 6.

Dans le but d'assurer la promptitude des correspondances Indo-Européennes et leur transmission et reception régulières, le Gouvernement Ottoman aura soin d'établir un service permanent à Bagdad, Khannikeen, et Bussorah, et dans la plupart des stations mises sur la grande ligne d'Asie depuis Constantinople jusqu'à Bussorah, et d'y instituer autant que possible, un personnel possédant la connaissance de la langue Anglaise.

Moreover, the Ottoman Government being desirous that the expeditious transit of the Indo-European messages over its territory should be rendered still more satisfactory, engages to establish at Constantinople an office of transmission devoted exclusively to the service of messages to and from India. Its officers, and especially the station master, shall be selected from those of the Ottoman telegraph officials who are thoroughly conversant with the English language.

En outre, le Gouvernement Ottoman, désirant que l'écoulement rapide des missives Indo-Européenes ait lieu sur son territoire à un degré encore plus satisfaisant, établira à Constantinople un bureau de translation affecté exclusivement au service des dépêches de provenance ou destination Indienne. Les employés de ce bureau et particulièrement le chef de Station seront choisis parmi les fonctionnaires du Télégraphe Ottoman, connaissant parfaitement la langue Anglaise.

ARTICLE 7.

The Ottoman Government will take the necessary measures to secure that one wire of the main line from Constantinople to Fao shall be always exclusively devoted to Indo-European messages. In case this wire should get out of order, or in case of a press of traffic, the official Indo-European messages may be forwarded by one of the wires intended for local traffic, but after the official despatches of the Ottoman Government. In that case private Indo-European despatches shall be forwarded together with private messages already deposited at the office and in alternative order with those messages, whatever may have been the hour at which the latter may have been deposited.

ARTICLE 7.

Le Gouvernement Ottoman prendra les dispositions necessaires pour qu'un fil de la grande ligne de Constantinople à Bussorah reste toujours exclusivement au service des dépêches Indo-Européennes. En cas de dérangement ou d'un encombrement de dépêches de ce fil, les dépêches Indo-Européennes pourront encore s'écouler, mais après les dépêches officielles du Gouvernement Ottoman, par un des fils affectés au service de la correspondance de l'Intérieur.

ARTICLE 8.

The Convention of Brussels, of June 30, 1858, * in all that relates to the details of the telegraphic service, shall be mutually observed by the two Contracting Governments in so far as it is not opposed to the terms of the present Convention.

ARTICLE 8.

Les deux Gouvernements contractans s'obligent à appliquer dans leurs rapports télégraphiques réciproques relativement à la manipulation des dépêches, á leur taxation et aux détails du service télégraphique en général, les règles prescrites par la Convention de Bruxelles

* For Convention between Belgium, France, and Prussia, see State Papers, Vol. 57, page 1095.

du 30 Juin 1858, et de l'Instruction qui en fait partie, ainsi que des modifications qui pourraient y être apportées à l'avenir avec l'assentiment du Gouvernement Britannique par les signataires de cette Convention dont la copie est annexée ci-jointe, pour faire partie intégrante de la présente convention.

ARTICLE 9.

It is agreed between the High Contracting Parties that the rates for Indo-European messages sent by the Ottoman lines in Asia throughout their whole extent from Constantinople to Fao, or to the Persian frontier in the direction of Khanakain, and *vice versâ*, shall not exceed the limit of 27½ francs for a single message sent from Constantinople to Fao, or *vice versâ*, and of 22½ francs for a single message sent from Constantinople to Khanakain, or *vice versâ*, as also that the rates for messages traversing the whole submarine line from India to Fao, or to Bushire, and *vice versâ*, shall not exceed the limit, for the former of 62½ francs, for each single despatch, and, for the latter, of 50 francs.

ARTICLE 9.

Il est convenu entre les hautes parties contractantes que la taxe des dépêches Indo-Européennes transitant par les lignes Ottomanes d'Asie sur tout leur parcours de Constantinople à Bussorah ou à la frontière persane dans la direction de Khannikeen et vice versâ ne dépassera pas la limite de vingt-cinq francs pour une dépêche simple, et même que les taxes des dépêches traversant toute la ligne sous-marine depuis les Indes jusqu'à l'embouchure du Shat-el-Arab ou jusqu'à Bushire ne dépasseront pas—les premières la somme fr. 62·50—pour dépêche simple,—et les secondes celle de fr. 50.

ARTICLE 10.

The administrations of the two Contracting Governments will communicate to each other, with the least possible delay, the tariff of their stations and frontiers, in so far as they may have reference to the Indo-Ottoman frontier of Fao. According to that tariff the rates shall be mutually accounted for in the monthly accounts of messages exchanged between the two administrations at the aforesaid frontier of Fao.

ARTICLE 10.

Les administrations des deux Gouvernements contractants se communiqueront réciproquement dans le plus bref delai possible le tarif de leurs stations et frontières par rapport à la frontière Indo-Ottomane de Bussorah. C'est d'après ce tarif que les taxes devront être bonifiées réciproquement dans les comptes mensuels des dépêches échangées entre les deux administrations par la susdite frontière de Bussorah.

ARTICLE 11.

The mutual account for telegraphic rates, expenses of postage, and of expresses, &c., shall be checked at the expiration of every month and settled quarterly. The liquidation and payment of the surplus which may be due to either administration shall take place at the close of each quarter. The accounts of each administration shall enumerate only the rates in debit: they shall be drawn up by the Ottoman Administration in francs and centimes, the total being reduced to shillings and pence; and by the British administration in shillings and pence, the total being reduced to francs and centimes. The reduction of these sums shall be calculated at the rate of—

1 pound sterling=25 francs.
1 shilling = 1 franc, 25 centimes.
1 penny =10 centimes.

ARTICLE 12.

The balance which may accrue from the quarterly liquidation, in favour of one or other of the administrations, may be paid either in Turkish pounds, in pounds sterling, or in 20-franc pieces. Should the balance be in favour of the Indian Administration, payment shall be made by Turkey into the hands of the delegate of that Administration at Constantinople; and should it be in favour of the Ottoman Administration, payment shall be made by the aforesaid delegate to the Director General of the Ottoman Telegraphs.

ARTICLE 13.

In order to facilitate and accelerate the operations relating to the

ARTICLE 11.

Le compte réciproque des taxes télégraphiques, des frais de poste d'exprès, &c., sera clôturé a l'expiration de chaque mois et reglé tous les trois mois.

La liquidation et le paiement du montant resultant en faveur de l'une ou de l'autre administration, se fera à la fin de chaque trimestre.

Les comptes de chaque administration ne comprendront que les taxes en débit; ils seront dressés par l'administration Ottomane en francs et centimes avec réduction des sommes totales en shillings et pence, et par l'administration Britannique en shillings et pence avec réduction des sommes totales en francs et centimes.

La réduction de ces sommes se fera à raison de

1 Livre sterling ... 25 francs.
1 Shilling ... 1 fr. 25
1 Penny 10

ARTICLE 12.

Le solde resultant de la liquidation trimestrielle en faveur de l'une ou de l'autre administration pourra être payé, soit en livres Turques soit en livres sterling, soit en pièces de 20 francs.

Si le solde resulte en faveur de l'administration Indienne, le paiement se fera, de la part de la Turquie, entre les mains du délégué de cette administration à Constantinople, et s'il resulte en faveur de l'Administration Ottomane, le paiement se fera par le délégué susmentionné, à la Direction Générale des Télégraphes Ottomans.

ARTICLE 13.

Dans le but de faciliter et d'accélerer les opérations concernant le rég-

reciprocal settlement of the quarterly accounts with the Central Administration of Ottoman telegraphs, the Indian Government shall be entitled to appoint a delegate to reside at Constantinopole, the seat of that administration. The Ottoman Government shall likewise be entitled to name a delegate for the same purpose, to reside at the seat of the Central Telegraphic Administration of the Indian Government. The respective delegates shall be entitled to receive from the respective Central Administrations all the information and explanations which they may require.

lement réciproque des Comptes Trimestriels avec l'Administration Centrale des Télégraphes Ottomans, le Gouvernement Indien pourra entretenir un délégué à Constantinople où se trouve le siége de la dite administration. De même le Gouvernement Ottoman pourra nommer pour le même objet un délégué auprès de l'Administration Télégraphique Centrale du Gouvernement de l'Inde.

Les délégués respectifs pourront obtenir auprès des administrations centrales respectives, tous les renseignements et les eclaircissements dont ils peuvent avoir besoin.

ARTICLE 14.

All messages to or from India may be forwarded indifferently, as may be most convenient for the service, either by the line of Bussorah or by that of Khanakain.

ARTICLE 14.

Toutes les dépêches en destination ou provenant des Indes pourront être expediées indifferement selon la convenance du service, soit par ligne de Bussorah, soit par celle de Khannikeen.

ARTICLE 15.

It is well understood that the Ottoman Government shall be in account current and shall have direct administrative relations with the Government of India in respect to all messages, whether sent by the frontier of Fao or by the Persian route of Khanakain. Thus the two Contracting Governments shall not be in account current, and shall not have direct administrative relations with Persia,* except in respect to payment for those messages only which shall have traversed the Persian lines; so that, as regards Indo-European messages, the two High Contracting Parties shall only

ARTICLE 15.

Il demeure bien entendu que le Gouvernement Ottoman ne sera en compte courant et en rapports administratifs directs avec le Gouvernement des Indes que pour les dépêches s'écoulant par la frontière de Bussorah; pour celles transitant le territoire Persan, chacun des deux Gouvernements contractants ne sera en compte courant et n'aura des rapports administratifs directs qu'avec le Gouvernement Persan.

* For Treaty between Turkey and Persia, of 28th November 1863, see State Papers, Vol. 57, page 1342.

account to the Persian Government for the amount due to it for their transit along the Persian lines between Khanakain and Bushire.

ARTICLE 16.

The present Convention shall come into operation as soon as the submarine cable shall be in communication with the land lines of Turkey and of India, and shall remain in force for three years from the day on which the ratifications are exchanged. Nevertheless, the High Contracting Parties may introduce into it, according as necessity may require, such modifications as may be considered by common agreement to be useful and indispensable.

At the end of three years the present Convention shall be deemed to be in force for an indefinite term, and until the expiration of six months reckoning from the date on which either of the Parties shall have made known to the other its intention to put an end to the same.

ARTICLE 17.

The present Convention shall be ratified, and the ratifications shall be exchanged at Constantinople as soon as possible.

Done at Constantinople, on the 3rd day of September 1864.

(L.S.) HENRY LYTTON BULWER.

(L.S.) AALI.

ARTICLE 16.

La présente Convention sera mise en execution aussitôt que le Câble sous-marin sera en communication avec les lignes de terre et de la Turquie et des Indes, et demeurera en vigueur pendant trois ans à partir du jour de l'échange des ratifications. Toutefois les hautes parties contractantes pourront y apporter au fur et à mesure que le besoin se fera sentir les modifications qui seraient d'un commun accord jugées utiles et indispensables. Le terme de trois ans expiré, la présente convention sera considerée comme étant en vigueur pour un temps indeterminé et jusqu'à l'expiration de six mois à compter du jour où la denonciation en sera faite d'une part ou d'une autre.

ARTICLE 17.

La présente Convention sera ratifiée et les ratifications seront échangées à Constantinople dans le plus bref délai possible.

Fait à Constantinople.

S. PORTE,

le 17 Fevrier 1864.

PART II.

TREATIES AND ENGAGEMENTS

RELATING TO

MASKAT (MUSCAT).*

In the middle of the seventeenth century the Maskat (Muscat) Arabs having driven the Portuguese, who had occupied the Oman Coast since 1507, from Maskat, established their ascendancy in the Persian Gulf and, by the end of the century, had gained possession of Mombasa and other ports on the African coast. In the reign of Nadir Shah the Persians invaded Oman and gained supremacy over the country for some time but were eventually expelled by Ahmad bin Said, the Arab Governor of Sohar, a town on the Batinah Coast, about 150 miles north-west of Maskat, who contemptuously rejected Nadir Shah's claims to tribute. For this service Ahmad was elected Imam in 1741 and founded the present dynasty of the Al Bu Saidis. He died in 1775 and was succeeded by his second son, Said, who, however, proved an incapable Ruler, and ten years later the power was usurped by the fifth son, Sultan. It was in 1798, during the rule of this Chief, that the first Treaty (No. XV) with Maskat was negotiated by Mahdi Ali Khan, the Company's Agent at Bushire, with a view to exclude from Maskat the prejudicial influence of the French with whom Saiyid Sultan was brought in contact through his trade with the Mauritius. When Sir John Malcolm visited Maskat on his first mission to Persia in 1800, he formed another Engagement (No. XVI) with Saiyid Sultan, stipulating for the strict observance of the previous treaty and for the residence of an English gentleman in an official capacity at Maskat.

Saiyid Sultan bin Ahmad was killed on the 14th November 1804 in a contest at sea with his enemies, the Attubis and Kawasim. The rights of his two young sons were disputed by their uncles, especially by Saiyid Kais of Sohar, who aimed at usurping the government of Oman. To oppose their uncle's pretensions the two youths put themselves in the hands of their cousin, Saiyid Badr bin Saif, who called in the Wahabis (see Persian Gulf, Vol. X), and with their help defeated Saiyid Kais and recovered Bandar Abbas and Hormuz, which had been seized by the Shaikh of Kishm.. The weakness re-

* Compiled from Records in the Foreign Office, and Records of the Bombay Government, No. XXI of New Series.

sulting from this disputed succession, gave the Wahabis a footing in Maskat, which they retained until the occupation of Hasa by the Turks. In 1800 they made their first appearance in Oman. They reduced all the sea-coast of the Persian Gulf from Basra to Dabai, released the Chiefs of Zahira and Sohar from allegiance to Maskat, and forced Saiyid Sultan to beg for a three years' truce, which they broke soon after. They would probably have conquered all Oman if they had not been stopped by the assassination of their Chief.

Saiyid Said, the second son of Saiyid Sultan, succeeded Badr bin Saif in 1807. This Chief, to whom the religious title of Imam was not conceded by the Arabs, ruled for fifty years, during which time he cultivated a close intercourse with the British Government. In 1808, smarting under the insults of the Wahabis, whose agents were forcibly converting his subjects in his very capital, he roused the Arab tribes in Oman to a combination against them. If Maskat had fallen under the Wahabis, Saiyid Said would have been drawn into the general system of piracy which they encouraged, and would have been converted from a friend into a dangerous enemy. The British Government, therefore, resolved to support him. An armament was accordingly sent towards the close of 1809, which destroyed the piratical boats at Ras-ul-Khaima, Lingah, and Laft, and bombarded and took Shinas. No arrangements, however, were made to secure permanently the advantage then obtained. Piracy was soon renewed, and it became necessary to send another expedition against the pirates in 1819, in which also Saiyid Said co-operated. With these exceptions, till the year 1822, when a Treaty (No. XVII) was concluded for the suppression of slavery, there is nothing requiring special notice in the intercourse between the British Government and Saiyid Said, who was chiefly occupied in wars with his rivals, the Kawasim, and in fruitless attempts to possess himself of the island of Bahrain.

The treaty of 1822 aimed at the suppression of the foreign slave trade with Christian nations only, and not of the trade with Muhammadan countries and within the Maskat dominions, except in cases of kidnapping; and the permission given under the treaty to British cruisers to seize slave ships east of the line defined in the treaty, applied to His Majesty's ships only, and not to vessels of the Indian Navy. In 1839, however, a Treaty of Commerce (No. XVIII) was concluded with Saiyid Said by Her Majesty's plenipotentiary at Maskat, by the 15th article of which he confirmed the treaty of 1822 for the suppression of slave trade with Christian countries, and conceded power of search and seizure to vessels of the East India Company as well as those of the Royal Navy. On the 17th December of the same year he agreed

with the Resident in the Persian Gulf to add three additional Articles (No. XIX) to the treaty of 1822, authorising the right of search, and extending the boundary laid down in the treaty of 1822 from Diu Head to Passani, the eastern boundary of the Maskat possessions on the Makran coast, so as to include the coasts of Kathiawar, Kutch, and Karachi, and upwards of four degrees westward in the limits within which his subjects were forbidden to engage in the slave-trade. In the fourth article of the Arabic version of the treaty of 1822 no mention was made of the obligation of the ruler of Maskat or his authorities to assist in the apprehension of British subjects engaged in the slave-trade, although this obligation was distinctly specified in the English version. He was therefore urged to have the omission rectified by an addition to the Arabic text. He was, however, averse from alteration being made in the treaty; but in a separate letter, dated the 18th August 1845, he bound himself, his heirs, and authorities to afford assistance, when required by persons authorised to demand it, in apprehending British subjects engaged in slave-trade.

In 1845 Saiyid Said entered into a Treaty* (No. XX) prohibiting, from the 1st January 1847, the export of slaves from his African dominions, and their importation from any part of Africa into his dominions in Asia; and agreeing to use his influence with the Chiefs of Arabia, the Red Sea, and the Persian Gulf to put a stop to the slave-trade. The treaty, however, did not prohibit the transport of slaves from one port in his African possessions to another. In consenting to this treaty he requested that three additional articles† might be added, prohibiting the search of his vessels in the limits

* An Act of Parliament, 11 and 12 Vict., Cap. CXXVIII, was passed to give effect to this treaty. See Appendix No. 4.

† ADDITIONAL ARTICLES to the AGREEMENT concluded on the 2nd October 1845, corresponding to the 29th Ramzan 1261 Hijra, proposed by HIS HIGHNESS the IMAM of MASKAT.

ARTICLE 1.

That no vessels belonging to His Highness Saiyid Said bin Sultan, the Imam of Maskat, or belonging to his subjects, be searched by English men-of-war between the boundary of Lamu to the north and Kilwa to the south, mentioned in the treaty concluded on the 2nd October 1845, corresponding with the 29th Ramzan 1261.

ARTICLE 2.

It may perhaps be reported to them (the British Government) that an individual has stolen slaves from the territories of Saiyid Said, the Sultan of Maskat, which are in Africa; unless this be proved, His Highness Saiyid Said, the Sultan of Maskat, shall not be called to account for it.

ARTICLE 3.

It is known that the vessels belonging to His Highness the Sultan of Maskat and those belonging to his subjects coming from the Arabian and Red Seas do not bring slaves from those parts to the territories of the Sultan of Maskat which are in Africa; accordingly English men-of-war shall not search nor trouble them.

within which the transport of slaves was allowed under the treaty, and of his vessels coming from the Arabian and Red Seas to Africa, and stipulating that, if slaves were stolen from the Zanzibar territories, he should not be held responsible. These Articles do not appear to have been formally agreed to; but Saiyid Said was informed, in the name of Her Majesty's Government, that British ships of war would search only such vessels under the Maskat flag as might reasonably be suspected of being engaged in slave-trade; that, therefore, the description of vessels mentioned in the articles would not be searched unless there should be good ground for suspecting them to be so engaged; and that, in any case, if they should be searched and found not to be so engaged, that fact would be ascertained in a very short space of time, and they would not be prevented for more than a quarter or half an hour from continuing their voyage.

In consequence of some discussion regarding the right of Saiyid Said to duty on goods transhipped in his ports, he issued Rules (No. XXI) in 1846 for the levy of the full duty of 5 per cent. on goods transhipped, but exempting from duty ships putting into his harbours from stress of weather, and all stores of the British Government landed at his ports.

In 1854 Saiyid Said ceded (No. XXII) to the British Crown the Kuria Muria islands on the south coast of Arabia. The islands were valuable only for the guano deposits which were found on them and which are now exhausted. In 1874 a piratical outrage was committed by the Jaaferah section of the Beni Bu Ali tribe on two trading vessels at Hellania in these islands, for which they were fined 600 dollars, and a promise of future good behaviour was exacted from them.

During the later years of his rule the affairs of Saiyid Said in his Asiatic dominions fell into much confusion, owing partly to his prolonged residence at Zanzibar,* which in 1840 he made the permanent seat of his government, and partly to the incapacity of the agents whom he left at Maskat, and latterly of his son, Saiyid Thawaini. On more than one occasion his power was saved only by the intervention of the British Government. His contests with the Wahabis in 1832 and again in 1845 and 1852 are described in the Persian Gulf Narrative (Vol. X). In 1833 Saiyid Said concluded a treaty with the United States of America,† and in 1844 with France.‡ In 1880 a

* For some account of the connection between Maskat and Zanzibar, see the article on the latter in this Volume.

† See Appendix No. 5. ‡ See Appendix No. 6.

Consul for the former and in 1881 a Consular Agent for the latter were appointed.

Saiyid Said died in 1856. In 1844 he had intimated his desire to appoint his sons Saiyid Khalid and Saiyid Thawaini as his successors in his African and Asiatic dominions respectively, and had appointed them his deputies. Saiyid Thawaini accordingly succeeded to the government of Maskat on his father's death. In virtue of his succession to the chiefship of Oman, he claimed also feudal supremacy over Zanzibar (*see* Zanzibar, in this Volume), and prepared to establish his claim by force of arms. The dispute was submitted to the arbitration of Lord Canning, who in 1861 decided (No. XXIII) that Zanzibar should be independent of Maskat, but should pay an annual subsidy of 40,000 crowns.

In 1862 an Engagement (No. XXIV) was concluded between Great Britain and France, by which both powers engaged reciprocally to respect the independence of the rulers of Maskat and Zanzibar.

In 1864 Saiyid Thawaini agreed (No. XXV) to the construction of one or more lines of telegraph through the territory of Maskat, and in 1865 a Convention (No. XXVI) was made with him for the extension of the electric telegraph through his dominions in Arabia and Makran.

In February 1866 Saiyid Thawaini was assassinated at Sohar, where he had gone to organise an expedition against the Wahabis. Grave suspicions of having been concerned in this crime attached to his son and successor Saiyid Salim, and so much alarm was created at Maskat that trade was paralysed and the town was deserted by British subjects residing there. Envoys were shortly afterwards sent by Saiyid Salim to Bombay, but they were informed that while the British Government had no wish to interfere in the domestic affairs of Oman, it was compelled, under the circumstances of the case, to suspend friendly relations with the ruler of Maskat; at the same time the treaty obligations of the British Government with the State of Maskat, which had for their special object the protection of British subjects residing in Maskat territory, were in no way abrogated, and their fulfilment would be required from every ruler of Maskat.

Subsequently, however, as the people of Maskat had apparently accepted Saiyid Salim as their legitimate Chief, it was intimated to the merchants trading with Maskat that they might resume commercial dealings with that port, a Native Agent was appointed to the place, and finally in September

1866, Saiyid Salim was recognised by the British Government as Ruler of the State. The appointment of a British officer as Political Agent was revived in the following year.

In the meantime Saiyid Turki, brother of the late Saiyid Thawaini, who had been residing at Bushire on an allowance granted to him by the British Government pending a settlement of Oman affairs, made an unsuccessful attack on Maskat. For this breach of the maritime peace his allowance was stopped, and he was subsequently warned that similar proceedings, which he was believed to be meditating in concert with the Shaikh of Dabai, would expose him and his adherents to be treated as enemies of the British Government.

In June 1867 Saiyid Turki attacked Sohar by land, but was driven off with loss; subsequently, however, he captured Matrah, the principal fort commanding the pass leading to Maskat, and, as Saiyid Salim was unable to expel him, an arrangement was effected through the mediation of the British Resident, by which Saiyid Turki was to receive a monthly allowance of 600 dollars from the Sultan on the condition that he should reside in India.

Saiyid Salim's rule however was not destined to last long. In addition to the suspicion of parricide, from which he could never entirely free himself, his preference for the Ghafiri tribe, who professed Wahabi tenets, excited the discontent of their rivals, the Hinawis, by whom the ruling family of Maskat had been principally supported. Early in 1868 an expedition was undertaken by Saiyid Salim against his uncle, the Chief of Masnaah, with whom he had a trifling dispute regarding money. Although a reconciliation was effected before hostilities actually commenced, Saiyid Salim's conduct on this occasion alienated many whose support would have been valuable, while his resources were materially diminished by the expenses of the expedition.

When, therefore, Azan bin Kais, Chief of Rostak (see *infra*) and brother-in-law of Saiyid Salim, rose in rebellion, the latter had neither friends nor money with which to resist him. In October 1868 Azan bin Kais obtained possession of the town of Maskat, and, on the flight of Saiyid Salim, whom the British Government declined to assist by force of arms, was proclaimed Chief. For some time Saiyid Salim endeavoured to rally his friends on the Arab coast and contemplated an attack by sea on the Oman ports; he was warned however against any act which might tend to a breach of the maritime peace, and Government resolved to prohibit, by force of arms if necessary, all naval operations by any party at Maskat or elsewhere. The hope which Saiyid Salim

entertained of assistance from the Wahabis was frustrated by the assassination at Shargah of Sideyri, Governor of the Wahabi outpost of Beraimi, and by his own exertions he could excite no enthusiasm for his cause among the Chiefs of the Arab coast.

During the rule of Azan bin Kais the chief power was wielded by Said bin Khulfan Al Khuleli, the head of the priestly faction among the Hinawis; his cruelties and exactions, and the severity with which he enforced compliance with the precepts of the Koran, rendered Azan bin Kais's rule unpopular at Maskat, though his authority was successfully asserted over the refractory tribes in the interior. Early in 1869 the Wahabi Amir, Abdulla bin Faisal, made a demand for tribute on Azan bin Kais. To this no attention was paid, and on the invitation of the Naim tribe of Bedouins, who had suffered from the oppression of Sideyri, Azan bin Kais attacked Beraimi in June 1869 and captured it. Preparations for its recapture were at once set on foot by the Wahabi Chief, in whose possession it had remained for many years previously, and in the first months of 1870 he was reported to be advancing on Beraimi with a considerable force. Difficulties connected with the want of water *en route*, the anticipated hostility of the Abu-Dthabi Chief, who was known to be in alliance with Azan bin Kais, and the intrigues of his brother Saud bin Faisal, combined to deter the Wahabi Chief from carrying his intentions into effect, and before the close of the year he was a fugitive, pursued by his successful brother Saud.

In the meantime the events which had taken place in Oman induced Government to withdraw its prohibition against Saiyid Turki's interference in the affairs of Oman, and in March 1869 he was informed that he might, if he should so wish, proceed to Maskat, but that no help or protection could be afforded him by the British Government in any attempts he might make to establish his power in Oman, and that no operations by sea would be permitted. Saiyid Turki remained at Bombay till March 1870, when he proceeded to Bandar Abbas and thence to the Arab coast. He was at first unsuccessful and was obliged to return to Bandar Abbas. In the following September, however, assisted with funds from Zanzibar, he again landed on the Arab coast with a few followers and soon collected a considerable force, a portion of which he placed under the command of Saif bin Sulaiman. In January 1871 Saif bin Sulaiman attacked Azan bin Kais at Matrah; both the leaders fell in the engagement, but an armistice was arranged through the intervention of the British Resident, and eventually negotiations between Saiyid Turki and

Said bin Khulfan ended in a declaration of peace between the contending parties. Said bin Khulfan died a few days afterwards.

Saiyid Turki's principal opponent was now Ibrahim bin Kais, brother of Azan bin Kais, who held the fort of Sohar. In July 1871 Saiyid Turki laid siege to Sohar and had effected a practicable breach, when an arrangement was concluded by which Ibrahim bin Kais retained possession of Sohar and the portion of coast from Sallan to Khabureh, a tract of some 30 miles in extent; and all other parts of the coast, including Sawaik and Masnaah, were made over to Saiyid Turki. Soon afterwards Ibrahim bin Kais plundered a native craft belonging to British traders and imprisoned three of the owners. As Saiyid Turki was unable to procure redress, the Resident in the Persian Gulf was directed to demand restitution of the plundered property and compensation for the imprisonment of British subjects, and in case of refusal to bombard Sohar. These claims, amounting to 2,255 dollars, were accordingly paid by Ibrahim bin Kais.

Saiyid Turki was recognised by the British Government as Ruler of Maskat in June 1871, but during that and the succeeding year his power was endangered by the intrigues of his brother, Saiyid Abdul Aziz, and his nephew, Saiyid Salim, in addition to the persistent hostility of Ibrahim bin Kais. A coalition was proposed in April 1872 between Ibrahim bin Kais and Saiyid Salim, but failed owing to the defeat of the former near Lawa and the desertion of the latter by his followers. Finding themselves unable to subvert Saiyid Turki's authority, his brother and nephew quitted Maskat territory towards the close of 1872 and proceeded to Bombay. In the spring of 1873 they left Bombay and began to intrigue against Saiyid Turki's authority in Makran. Offers had been made to them by Saiyid Turki of an allowance of 300 dollars per mensem on condition of their residing in India and abstaining from interference in Maskat affairs. These offers they declined, and in July of that year Saiyid Abdul Aziz moved on Gwadar. The attack failed, owing to the fidelity of Saiyid Turki's Governor, but a considerable amount of property belonging to British subjects was plundered. Saiyid Abdul Aziz was afterwards captured in an attempt to cross over to Oman, and detained in surveillance at Karachi. On his undertaking not to interfere in Maskat affairs or leave Karachi without permission he was set at liberty, and the allowance of 300 dollars per mensem was paid to him through the British Government. Gwadar was again attacked in December 1873, on this occasion by Saiyid Salim; the attempt however failed, and Saiyid Salim escaped into

Persian territory. He was then informed that if he surrendered unconditionally, he would be granted the same allowances as Saiyid Abdul Aziz, otherwise the offer would not be renewed, and he would be arrested wherever he might be found. He subsequently made another attempt on Oman, was arrested by H. M. S. *Daphne*, and sent as a State prisoner to the fort of Hyderabad in Sind, where he died in December 1876.

In June 1873 Saiyid Turki undertook active operations against Ibrahim bin Kais and invested Sohar. Negotiations were entered into which resulted in the surrender of Sohar and other places on the coast to Saiyid Turki; Ibrahim bin Kais receiving a sum of 5,000 dollars and a monthly allowance of 100 dollars on condition of not moving eastward of the fort of Hibi. In spite of this reverse, Ibrahim bin Kais continued to intrigue against Saiyid Turki, and in March 1874 collected a force composed principally of the Yal Saad section of the Hinawis, with which he attacked Masnaah and took possession of the fort after having plundered a considerable amount of property belonging to British subjects. As Ibrahim bin Kais refused to evacuate the fort at the demand of the Political Agent, it was bombarded, and an indemnity of 10,000 dollars as compensation to British subjects was exacted from the Yal Saad. In the meantime Saiyid Turki had hardly returned from his successful expedition against Sohar when he was compelled to make terms with Salih bin Ali El-Harithi, Azan bin Kais's former minister, who made a successful attack on Matrah, and was only induced to withdraw by the payment of a large sum of money.

The annual subsidy which, under the terms of Lord Canning's arbitration, the Ruler of Zanzibar was bound to pay to the Ruler of Maskat, was duly paid up to the date of Saiyid Thawaini's death in 1866, but Saiyid Majid, who was then Sultan of Zanzibar, objected to continue the subsidy to Saiyid Thawaini's successor, Saiyid Salim, partly on the pretext that the engagement was personal to Saiyid Thawaini, and partly on the ground of Saiyid Salim's alleged parricide. These arguments were not admitted by the British Government, which had recognised Saiyid Salim as Ruler of Maskat, but an arrangement was effected by which the subsidy was to be paid through the medium of the Political Agent in Oman.

On the expulsion of Saiyid Salim by Azan bin Kais, Saiyid Majid again declined to pay the subsidy, on the ground that a member of another branch of the family had succeeded to power. This plea ceased to have force when Saiyid Turki had succeeded in establishing his authority, and he appealed

to the British Government to procure the due observance of the terms of the arbitration. As the great obstacle to the consolidation of Saiyid Turki's power and the establishment of a peaceful administration in Oman was his want of funds, it was determined to guarantee to him the payment of the subsidy, with arrears from the date of his succession to power; and an assurance was conveyed in 1873 to him that, so long as he continued faithfully to observe his treaty engagements and manifest his friendship towards the British Government, the subsidy of 40,000 crowns would be paid to him annually during his rule. In accordance with this guarantee, the payment was regularly made, and since the death of Saiyid Turki in 1888, the subsidy has been continued to his son Saiyid Faisal who is the present Ruler of Oman. The precise arrangements in connection with the payment of the subsidy formed the subject of correspondence between the Government of India and Her Majesty's Government.

The greater portion of the money thus received by Saiyid Turki was spent in subsidising the various tribes in the interior, but the successful raid of Salih bin Ali showed how little reliance could be placed on their allegiance, and illustrated the real weakness of Saiyid Turki's authority in Oman. As a means of maintaining his position Saiyid Turki sought a reconciliation with his brother, Saiyid Abdul Aziz. Finally, terms were arranged between the brothers; Saiyid Abdul Aziz was permitted to proceed to Maskat and was associated with Saiyid Turki in the government of the country. The difficulties however with which Saiyid Turki had to contend did not disappear with the arrival of his brother: dissensions were rife between the Ghafiris and the Hinawis; the Metawwah or fanatical party in the south-east of Oman was hostile to him; and finally quarrels took place between the brothers, of which advantage was taken by the Bedouins who garrisoned Maskat to impose terms upon Saiyid Turki with which he was forced to comply. Finding himself thus powerless to control events, Saiyid Turki, after an ineffectual attempt to conduct affairs unaided, entrusted the government to Saiyid Abdul-Aziz and retired temporarily to Gwadar.

Signs of opposition to the administration of Saiyid Abdul Aziz soon became apparent; he failed to conciliate the Bedouins, and his difficulties were increased by want of funds. Within a few months of his retirement, Saiyid Turki found himself in a position to return to Maskat; accordingly in December 1875, in the absence of Saiyid Abdul Aziz, he once more took possession of the town and forts. His brother was at this time absent at Semail from

which however, soon after Saiyid Turki's return, he removed to Samad. The former place was captured in February 1876 by the Sultan, who thus completed the re-establishment of his authority, Ibrahim bin Kais alone remaining independent at the stronghold of Rostak. In the following year he made an attack on Maskat in concert with Shaikh Salih bin Ali, but after a three days' siege was repulsed and compelled to retire with heavy loss.

In 1879 Saiyid Turki, at the invitation of the Shaikhs, sent an expedition to Dhofar from which the notorious Mopla usurper, Saiyid Fadthl, had lately been expelled by the inhabitants. The district was occupied by Saiyid Turki's troops and, although two unsuccessful attempts were made by the inhabitants in 1881 and 1888 to overthrow the Sultan's rule, it still forms part of his dominions.

After 1879 the peace of Oman remained unbroken till 1883; in that year the disaffection which Saiyid Abdul Aziz, from his retreat at Samad, had been sedulously fomenting among the Sharkiyeh tribes, came to a head, and they marched upon Maskat with the Sultan's brother as leader. After some sharp fighting they were repulsed by the Sultan's troops with the assistance of the Ghafiris; and an expedition sent shortly afterwards under Saiyid Faisal bin Turki, the Sultan's second son, to punish the rebels was completely successful.

In 1886 Saiyid Turki was created an Honorary Knight Grand Commander of the Most Exalted Order of the Star of India, and at the same time the British Government declared publicly their determination to afford him active support in case of attacks on Maskat, which had the salutary effect of maintaining peace during the remainder of his life.

Saiyid Turki died on the 4th of June 1888 after a lingering illness, leaving three sons, Muhammad, Faisal, and Fahad. The second, Saiyid Faisal, who had already taken a share in the administration of the State during his father's lifetime, and shown an aptitude to govern the country, assumed power and proclaimed himself the Ruler of Oman, immediately on his father's death. In September 1888 Saiyid Faisal undertook active operations against Saiyid Ibrahim-bin-Kais with a view to reduce Rostak, but the attempt ended in total failure. Saiyid Abdul Aziz has made several attempts to overthrow Saiyid Faisal, but the latter has so far (1892) successfully maintained his position and established himself in power. In 1890, Saiyid Faisal was recognised as Sultan by the British Government, and in the same year Saiyid Abdul Aziz withdrew to Bombay. In 1891 the Sultan of Zanzibar offered him an allowance of Rupees 600 a month, on the express conditions that he did not attempt

to go to Zanzibar, or to apply to the Sultan for more money. He was advised by the Government of India to accept this offer, and was warned against disturbing the peace of either Zanzibar or Oman.

Bandar Abbas was formerly held by the Rulers of Maskat on lease * from Persia, but the lease was resumed in 1868 and has not since been renewed. (*See* Persian Gulf, Vol. X.) In 1891 the proceedings of the Persian authorities in exacting at Bandar Abbas customs dues in excess of those prescribed by treaty stipulations formed the subject of correspondence with the Government of India.

Besides their possessions on the Arabian coast, the Rulers of Maskat have held uninterrupted possession of the port of Gwadar since the close of the last century when, according to native tradition, it was conferred by Nasir Khan, Khan of Kalat, on Saiyid Sultan who had fled from Maskat after an unsuccessful attempt to subvert the authority of his brother Saiyid Said. When Azan bin Kais succeeded to power in Maskat in 1868, he sent Saiyid Saif as his Governor to Gwadar, but his fanatical opinions disgusted the inhabitants and he had to give way to Nasir bin Thawaini who had appeared off the port. After Saiyid Turki's success at Maskat in 1871, his brother Saiyid Abdul Aziz established himself at Gwadar and subsequently seized the port of Charbar, which had also been for many years in the possession of the rulers of Maskat, but had recently been occupied by Din Muhammad, Chief of Dastiari. The Persians, however, who had long asserted a claim of sovereignty over Charbar, attacked and took it in February 1872 and expelled Abdul Aziz, while Saiyid Turki availed himself of this opportunity to make himself master of Gwadar, and has ever since retained possession of it. No interference was exercised by the British Government in the proceedings of the Persian authorities, but in the attack on Charbar property belonging to British subjects was plundered, for which compensation was afterwards paid by Persia.

On the 4th November 1867 an Order in Council † was issuedm aking suitable provision for the exercise of Consular jurisdiction in Maskat.

In May 1871 Saiyid Turki issued a proclamation prohibiting the import of slaves to Maskat by sea, and in April 1873 Sir Bartle Frere, who had been deputed as Her Majesty's Special Envoy to effect arrangements for the more effectual suppression of the slave-trade, concluded a formal Treaty (No.

* *See* Appendix No. 44 in Vol. X.

† *See* Appendix No. 7.

XXVII) with him, by which he engaged for himself, his heirs and successors to prohibit absolutely the import or export of slaves within his territories, to abolish all public slave markets, and to confer freedom on all slaves entering his territories. It was moreover considered desirable that subjects of Native States in India residing in Maskat should, like British subjects under the Treaty of 1839 (No. XVIII) and the Order in Council of 1867 (*see* Appendix No. 5), be amenable to the jurisdiction of the Political Agent and Consul. An Agreement (No. XXVIII) to this effect was accordingly signed by Saiyid Turki.

In 1875 Saiyid Turki consented (No. XXIX) to observe the Customs rules issued by Sultan Said in 1846 (see *supra*, No. XXI), and to forego the duty in cases where the cargo might be transhipped to another vessel.

In 1877 an exchange of a Commercial Declaration took place between Maskat and Holland.*

In January 1880 the Sultan gave his assent to the adoption of the rules and regulations for preventing collisions at sea, &c., as published at page 81, Part I, of the *Gazette of India* of 31st January 1880, so far as Maskat vessels are concerned.

In 1891, a new Treaty of Friendship, Commerce, and Navigation (No. XXX), superseding the Treaty of 1839 (No. XVIII) was concluded between the British Government and the Sultan of Maskat.

In March of the same year, the Sultan issued a proclamation prohibiting the import into Gwadar and its dependencies of arms and ammunition.

Sohar.

The present ruling family of Maskat are, as has been already noted, descended from Ahmad bin Said, the Governor of Sohar, a town on the Batinah coast about 100 miles north-west of Maskat, who, in 1741, expelled the Persians and became the first Ruler of Maskat. Saiyid Kais of Sohar, who had attempted to supplant his nephew Saiyid Said in the government of Maskat, was killed in 1808, and his family were deprived of their patrimony. In 1830, however, his grandson Saiyid Hamud bin Azan, the cousin of Saiyid Said, taking advantage of the absence of the latter at Zanzibar regained possession of Sohar and compelled Saiyid Said to restore to him also

* *See* Appendix No. 8.

other districts on payment of tribute. His popularity in Oman was great, and, but for the intervention of the British Government, he would have succeeded in dismembering the Maskat possessions. In 1839 a reconciliation was effected between Saiyid Said and Saiyid Hamud through the mediation of the Resident in the Persian Gulf, and an Engagement (No. XXXI) was mediated between them, by which they engaged to abstain from aggressions on each other, and to admit free intercourse and trade between their respective possessions. Saiyid Said also bound himself to support the Chief of Sohar when attacked by his enemies.

By this agreement the Chief of Sohar became independent. As the general engagements for the suppression of the slave-trade in the Persian Gulf were concluded while the relations of Sohar to Maskat were still undefined, a formal agreement had not been concluded with Saiyid Hamud. But in 1848 he was invited to enter into the general arrangements, and accordingly a Treaty* (No. XXXII), similar to those concluded with the other Maritime States for the suppression of the slave-trade, was concluded on the 22nd May 1849, with his son Saiyid Saif, who was then in possession of the government. Saiyid Saif, who had usurped his father's authority, was soon afterwards put to death by him.

The treaty concluded in 1839 between Maskat and Sohar contained no article by which the British Government undertook to guarantee its conditions, but the very formal manner in which it was negotiated was considered to make it more than usually binding on both parties. Notwithstanding this, Saiyid Thawaini, who governed Maskat during his father's absence at Zanzibar, treacherously seized Saiyid Hamud at a friendly conference and laid siege to Sohar by land and sea. Failing in his attempts to take the fort, he returned to Maskat, carrying his prisoner with him. Saiyid Hamud died from the rigour of his confinement on the 23rd April 1850. Saiyid Kais, his brother, took up arms to avenge his death, and with the help of the Kawasim took Shinas and several other forts. Saiyid Said, however, returning from Zanzibar, gained over the Kawasim to his side, and defeated Saiyid Kais, from whom he took Sohar, leaving to him Rostak and Hibi and assigning him a monthly stipend of 200 crowns.

On the death of Saiyid Said, his son Saiyid Turki, who had been placed in the government of Sohar, made several unsuccessful attempts to make

* An Act of Parliament, 16 and 17 Vict., Cap. XVI, was passed to carry this treaty into effect. See Appendix No. 9.

himself independent of his elder brother Saiyid Thawaini, and to create a rebellion in Oman. Accordingly in 1862 Saiyid Thawaini seized him and placed him in confinement. He was subsequently released at the intervention of the British Government, and a monthly allowance was made to him by Saiyid Thawaini conditionally on his remaining loyal. In 1865, in consequence of Saiyid Thawaini's expressed distrust of his brother, he was informed that Saiyid Turki would be permitted to reside in India during good behaviour on any allowance he might sanction, and that unless Saiyid Turki accepted this offer the British Government would not interfere between him and his suzerain.

When Saiyid Thawaini was murdered in the following year, Saiyid Turki's life was in danger at Sohar, and he was taken off by the British Resident. The subsequent history of Sohar has been given in the narrative of Maskat affairs. Being now a part of Maskat dominions, it is governed by a Wali nominated by the Sultan.

No. XV.

Translation of the Cowlnamah, or Written Engagement from the Imam of Muscat—1798.

L. S.

Deed of Agreement from the State of the Omanian Asylum, under the approbation of the Imam, the Director, Syud Sultan, whose grandeur be eternal! to the High and Potent English Company, whose greatness be perpetuated! as comprehended in the following Articles:—

Article 1.

From the intervention of the Nawab Etmandi Adowla Mirza Mehedy Ally Khan Bahadoor Hurhmut Jung never shall there be any deviation from this Cowlnamah.

Article 2.

From the recital of the said Nawab my heart has become disposed to an increase of the friendship with that State, and from this day forth the friend of that Sircar is the friend of this, and the friend of this Sircar is to be the friend of that; and, in like manner, the enemy of that Sircar is the enemy of this, and the enemy of this is to be the enemy of that.

Article 3.

Whereas frequent applications have been made, and are still making, by the French and Dutch people for a Factory, *i.e.*, to seat themselves in either at Muscat or Goombroom, or at the other ports of this Sircar, it is therefore written that, whilst warfare shall continue between the English Company and them, never shall, from respect to the Company's friendship, be given to them throughout all my territories a place to fix or seat themselves in, nor shall they get even ground to stand upon within this State.

Article 4.

As there is a person of the French nation, who has been for these several years in my service, and who hath now gone in command of one of my vessels to the Mauritius, I shall, immediately on his return, dismiss him from my service and expel him.

ARTICLE 5.

In the event of any French vessel coming to water at Muscat, she shall not be allowed to enter the cove into which the English vessels are admitted, but remain without; and in case of hostilities ensuing here between the French and English ships, the force of this State by land and by sea, and my people, shall take part in hostility with the English, but on the high seas I am not to interfere.

ARTICLE 6.

On the occurrence of any shipwreck of a vessel or vessels appertaining to the English, there shall certainly be aid and comfort afforded on the part of this government, nor shall the property be seized on.

ARTICLE 7.

In the port of Abassy (Goombroom) whenever the English shall be disposed to establish a Factory, I have no objection to their fortifying the same and mounting guns thereon, as many as they list, and to forty or fifty English gentlemen residing there, with seven or eight hundred English Sepoys, and for the rest, the rate of duties on goods on buying and selling will be on the same footing as at Bussora and Abushehr.

Dated 1st of Jemmadee-ul-Awul 1213 Hegira, or 12th of October 1798.

L. S.

No. XVI.

L. S.

AGREEMENT entered into by the IMAM of the STATE of OMAN with CAPTAIN JOHN MALCOLM BAHADOOR, ENVOY from the RIGHT HONOURABLE the GOVERNOR GENERAL, dated the 21st of Shaban 1213 Hegira, or 18th January 1800.

ARTICLE 1.

The Cowlnamah entered into by the Imam of Oman with Mehedy Ally Khan Bahadoor remains fixed and in full force.

ARTICLE 2.

As improper reports of a tendency to interrupt the existing harmony and create misunderstanding between the States have gone abroad, and have been communicated to the Right Honourable the Governor General, the Earl of Mornington, K.P., with a view to prevent such evils in future, we, actuated by sentiments of reciprocal friendship, agree that an English gentleman of respectability, on the part of the Honourable Company, shall always reside at the port of Muscat, and be an Agent through whom all intercourse between the States shall be conducted, in order that the actions of each government may be fairly and justly stated, and that no opportunity may be offered to designing men, who are ever eager to promote dissensions, and that the friendship of the two States may remain unshook till the end of time, and till the sun and moon have finished their revolving career.

L. S.

Sealed in my presence.

(Sd.) JOHN MALCOLM,
Envoy.

Approved by the Governor General in Council on 26th April 1800.

No. XVII.

TREATY concluded with the IMAM of MUSCAT for the Suppression of Slavery—1822.

TRANSLATION.

In the name of the Most High God!

Particulars of the requisitions which were made by Captain Moresby, Commander of the Ship *Meani*, who arrived at the port of Muscat on the 9th of the sacred (month of) Zilhujjah 1237 (27th August 1822) from the Island of Mauritius, on the part of the Governor Sir Robert Farquhar Bahadur.

ARTICLE 1.

That you (the Imam) instruct all the Officers in your dominions to prevent the subjects from selling slaves to Christians of all nations.

In the name of the Most High God!

Answers to the requisitions which were made by Captain Moresby on the part of the Governor Sir Robert Farquhar Bahadur, may his glory be eternal! which (requisitions) are mentioned on the back of this paper.

ARTICLE 1.

That we did write last season to all our Officers to prohibit the sale of slaves to all the Christian nations, and we will send further instructions to them on the subject.

ARTICLE 2.

That you do issue orders to all your Officers, who are on your part throughout your dominions, as well in Zanzibar as in other places, to the effect that if they discover persons on board any Arab vessel buying slaves for the purpose of taking them to Christian countries, they (the Officers) should seize such vessel with all that she may contain, and should send to you the Nakhoda (*i.e.*, the Commander) and the crew, in order that you may punish them.

ARTICLE 2.

That we will send orders to all our Officers who are employed throughout our dominions to the effect that if they find any Arab vessel buying slaves for the purpose of taking them to Christian countries, they must seize the vessel and inflict punishment on persons connected with her, even if they be bound for the Island of Madagascar.

ARTICLE 3.

That it shall be obligatory on the crew of every vessel that shall clandestinely convey slaves to Christian countries to give, on their return to an Arab port, information to the Governor of that port, in order that he may punish the Commander, and that if they fail to give the information, all shall suffer punishment.

ARTICLE 3.

That we will instruct our Officers and notify throughout our dominions that the crew of a vessel conveying slaves for sale to Christian countries are required, on their return to an Arab port, to give information to the Governor of the port in order that he may punish the Commander, but that if they conceal (the fact), all shall suffer punishment.

ARTICLE 4.

That Your Highness give us a written order, on your part to the Governor of Zanzibar and your other Governors in that quarter, to the effect that they do allow a person to be stationed on our part in any place in those countries which we shall see fit, and that they do allow us a place for residence in order that we may obtain intelligence of any vessel that may convey slaves to Christian countries.

ARTICLE 4.

That a written order which you wish to have, permitting the stationing of a person on your part in Zanzibar and the neighbouring parts for the purpose of obtaining intelligence of the sale of slaves to Christian nations, has been granted, and will reach through the hands of the respected Captain Moresby. May his dignity endure for ever!

ARTICLE 5.

That you give us a written permisson that if we find any vessel

ARTICLE 5.

That a written permission which you wish to have, permitting you, after

laden with slaves for sale, carrying them to Christian countries, after four months from the date of such written permission, we may seize her.

ARTICLE 6.

That you do write to all your Governors that on the sailing of every vessel they shall write out a pass for her, stating clearly what port she is leaving and what she is bound to, in order that if our ships should meet a vessel having no pass, but having on board slaves for sale and proceeding in the direction of the Christian countries, they (the British ships) may seize her; such a vessel, if found within the line of the Island of Madagascar and the neighbourhood of Zanzibar and Lamoo, to be carried into Muscat for punishment by you; but if found sailing beyond the Island of Madagascar and in the sea of Mauritius, to be seized by themselves (British vessels), and this (to take place) after four months from the date of the written permission.

four months, to seize vessels conveying slaves for sale to Christian countries, will reach through the hands of the said Captain.

ARTICLE 6.

That we will write to our Governors regarding the granting of a pass to every vessel proceeding on a voyage, specifying therein the port she sails from, and the port she is bound to, and you may seize every vessel you may fall in with beyond the Island of Madagascar and in the sea of Mauritius after four months from the date of the written permission alluded to in the fifth requisition; and if any vessel be found on this side, the matter should come to us, provided she do not possess a pass from the Governor of the port of departure.

Here end the answers to the six requisitions, and they have been written by the most humble Abdul Kahir bin Syud Mahomed Ali Majid by order of his master, who commands his obedience, Syud Saeed bin Syud Sultan bin Imam Ahmed bin Saeed Al Boo Saeedee.

Written on the 17th of the sacred (month of) Zilhujjah 1237, one thousand two hundred and thirty-seven of the Hegira (4th September 1822).

This is signed by the humble Saeed bin Sultan with his own hand.

Saeed bin Sultan bin Ahmed.

TRANSLATION.

In the name of the Most High God!

Particulars of an additional requisition made by CAPTAIN MORESBY for the suppression (of the sale of) slaves carried on board vessels to Christian countries.

It is necessary to define the line beyond which we may seize Arab vessels carrying slaves to Christian countries after four months from the date of the written permission mentioned in the fifth requisition. Let it be understood that all vessels on board of which there may be slaves for sale, and which may be found by our ships beyond a straight line drawn from the Cape Delkada and passing six zains (*i.e.*, sixty miles) from Socotra on to Dieu, shall be seized by our ships, but that vessels found beyond the said line driven by stress of weather or by any other unavoidable circumstance shall not be seized.

In the name of the Most High God!

Answer to the additional requisition made by CAPTAIN MORESBY for the suppression (of the sale of) slaves carried to Christian countries.

I permit the Captains of ships belonging to the English Government to seize all Arab vessels carrying slaves to Christian countries which may be found beyond a straight line drawn from the Cape Delkada and passing sixty miles from Socotra on to Dieu * after the date of the written permission mentioned in the fifth requisition, but not to seize vessels found beyond the line which may have been driven by stress of weather or any other unavoidable circumstance.

Written by Abdul Kahir bin Syud Mahomed bin Syud Majid by order of his master, who commands his obedience, Saeed bin Syud Sultan Imam Ahmed bin Saeed Al Boo Saeedee.

Written on the 22nd Zilhujjah 1237, 9th September 1822.

TRANSLATION of the annexed letter, dated 18th August 1845, from HIS HIGHNESS the IMAM of MUSCAT, to CAPTAIN HAMERTON, relative to the fourth Article of the TREATY concluded on the 10th September 1822 by CAPTAIN MORESBY with HIS HIGHNESS the IMAM of MUSCAT.

After compliments.—Your excellent letter has reached, and your friend understood its contents; you mention that you have received a letter from the

* Here is omitted four months.

mighty Government, containing orders to you to bring to our notice that, in the fourth Article of the Treaty we concluded with Captain Moresby in the year 1822, it is mentioned in the English version that it is incumbent on us, and our heirs and Governors, to assist in apprehending English subjects engaged in the slave trade, but that such is not mentioned in the Arabic version of the Treaty, and my friend (you) considering it not necessary to alter the Treaty, nevertheless we consider it incumbent on us, our heirs and Governors, that we should assist to apprehend English subjects who may be engaged in the slave trade. Therefore whoever may be accredited from the government, and require assistance from us, shall receive it accordingly. Whatever you may require let us know, and peace be on you.

Dated 4th Shaban 1241, 18th August 1845.

No. XVIII.

Treaty of Commerce between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness Sultan Seid Saeed bin Sultan, Imam of Muscat—1839.

Preamble.—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Sultan of Muscat and its dependencies, being desirous to confirm and strengthen the good understanding which now subsists between them, and to promote by means of a convention the commercial intercourse between their respective subjects; and His Highness the Sultan of Muscat being, moreover, desirous to record in a more formal manner the engagements entered into by His Highness on the 10th of September 1822, for the perpetual abolition of the slave trade between the dominions of His Highness and all Christian nations, they have accordingly appointed as the Plenipotentiaries, that is to say, Robert Cogan, Esq., a Captain in the Naval Service of the East India Company, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, &c., &c., and Hasin bin Ebrehim, and Ali bin Naser on behalf of His Highness the Sultan of Muscat, &c., &c., who having communicated their full powers found to be in due and proper form, have agreed upon and concluded the following Articles:—

Article 1.

The subjects of His Highness the Sultan of Muscat shall be at liberty to enter, reside in, trade with and pass with their merchandize through all parts of Her Britannic Majesty's dominions in Europe and in Asia, and shall enjoy in those dominions all the privileges and advantages, with respect to

commerce or otherwise, which are or may be accorded therein to the subjects or citizens of the most favored nations; and the subjects of Her Britannic Majesty shall, in like manner, have full liberty to enter, reside in, trade with and pass with their merchandize through all parts of the dominions of His Highness the Sultan of Muscat, and shall in those dominions enjoy all the privileges and advantages, with respect to commerce or otherwise, which are or may be accorded therein to the subjects or citizens of the most favored nation.

ARTICLE 2.

British subjects shall be at liberty to purchase, sell, or hire land or houses in the dominions of His Highness the Sultan of Muscat.

The houses, ware-houses, or other premises of British subjects, or of persons actually in the service of British subjects in the dominions of His Highness the Sultan of Muscat, shall not be forcibly entered, nor on any pretext searched without the consent of the occupier, unless with the cognizance of the Consul or British Resident Agent. But such Consul or Resident Agent, on just cause being adduced by the authorities of His Highness the Sultan of Muscat, shall send a competent person, who, in concert with the Officers of His Highness the Sultan of Muscat, shall conduct the search, and shall prevent the use of unnecessary violence or of improper resistance.

ARTICLE 3.

The two high contracting parties acknowledge reciprocally to each other the right of appointing Consuls to reside in each other's dominions wherever the interests of commerce may require the presence of such Officers, and such Consuls shall at all times be placed in the country in which they reside on the footing of the Consuls of the most favored nations. Each of the high contracting parties further agrees to permit his own subjects to be appointed to consular offices by the other contracting party, provided always that the persons so appointed shall not begin to act without the previous approbation of the sovereign whose subjects they may be.

The public functionaries of either government residing in the dominions of the other shall enjoy the same privileges, immunities, and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries.

ARTICLE 4.

Subjects of the dominions of His Highness the Sultan of Muscat, actually in the service of British subjects in those dominions, shall enjoy the same protection which is granted to British subjects themselves, but if such subjects of the dominions of His Highness the Sultan of Muscat shall be convicted of any crime or infraction of the law requiring punishment, they shall he discharged by the British subject in whose service they may be, and shall be delivered over to the authorities of His Highness the Sultan of Muscat.

ARTICLE 5.

The authorities of His Highness the Sultan of Muscat shall not interfere in disputes between British subjects or between British subjects and the subjects or citizens of other Christian nations. When differences arise between a subject of the dominions of His Highness the Sultan of Muscat and a British subject, if the former is the complainant, the cause shall be heard by the British Consul or Resident Agent, who shall administer justice thereupon. But if the British subject is the complainant against any of the subjects of His Highness the Sultan of Muscat, or the subjects of any other Mahomedan power, then the cause shall be decided by the highest authority of His Highness the Sultan of Muscat, or by persons nominated by him, but in such case the cause shall not be proceeded in except in the presence of the British Consul or Resident Agent, or of some person deputed by one or other of them, who shall attend at the Court House, or where such matter shall be tried. In causes between a British subject and a native of the dominions of His Highness the Sultan of Muscat, whether tried before the British Consul or Resident Agent, or before the above-mentioned authority of His Highness the Sultan of Muscat, the evidence of a man proved to have given false testimony on a former occasion shall not be received.

ARTICLE 6.

The property of a British subject who may die in the dominions of His Highness the Sultan of Muscat, or of a subject of His Highness the Sultan of Muscat who may die in the British dominions, shall be delivered over to their heirs, or executors, or administrators of the deceased, or to the respective Consul or Resident Agent of the contracting parties, in default of such heirs, or executors, or administrators.

ARTICLE 7.

If a British subject shall become bankrupt in the dominions of His Highness the Sultan of Muscat, the British Consul or Resident Agent shall take possession of all the property of such bankrupt, and shall give it up to his creditors to be divided among them. This having been done, the bankrupt shall be entitled to full discharge of his creditors, and he shall not at any time afterwards be required to make up his deficiency, nor shall any property he may afterwards acquire be considered liable for that purpose. But the British Consul or Resident Agent shall use his endeavours to obtain, for the benefit of the creditors, any property of the bankrupt in another country, and to ascertain that everything possessed by the bankrupt at the time when he became insolvent has been given up without reserve.

ARTICLE 8.

If a subject of His Highness the Sultan of Muscat should resist or evade payment of his just debts to a British subject, the authorities of His Highness

shall afford to the British subject every aid and facility in recovering the amount due, and in like manner the British Consul or Resident Agent shall afford every aid and facility to subjects of His Highness the Sultan of Muscat in recovering debts justly due to them from a British subject.

ARTICLE 9.

No duty exceeding 5 per cent. shall be levied at the place of entry in the dominions of His Highness the Sultan of Muscat on any goods, the growth, produce, or manufacture of the dominions of Her Britannic Majesty imported by British vessels, and this duty shall be deemed to be a full payment of all import and export and tonnage duties of license to trade, of pilotage and anchorage, and of any other charge by government whatever upon the vessels or upon the goods so imported or exported. Nor shall any charge be made on that part of the cargo which may remain on board unsold; and no additional or higher duty shall be levied upon these goods when afterwards transported from one place to another in the dominions of His Highness; but the above-mentioned duty having once been paid, the goods may be sold by wholesale or retail without any further duty. No charge whatever shall be made on British vessels which may enter the ports of His Highness for the purpose of refitting or for refreshments, or to enquire about the state of the market.

ARTICLE 10.

No articles whatever shall be prohibited from being imported into or exported from the territories of His Highness the Sultan of Muscat, but the trade between the dominions of Her Britannic Majesty and those of His Highness the Sultan of Muscat shall be perfectly free, subject to the above-mentioned duty upon goods imported, and to no other; and His Highness the Sultan of Muscat hereby engages not to permit the establishment of any monopoly or exclusive privilege of sale within his dominions except in the articles of ivory and gum copal on that part of the East Coast of Africa from the port of Tangate situated in about five and a half degrees of south latitude to the port of Quila lying in about seven degrees south of the Equator, both ports inclusive; but in all other ports and places in His Highness's dominions there shall be no monopoly whatever, but the subjects of Her Britannic Majesty shall be at liberty to buy and sell with perfect freedom from whomsoever and to whomsoever they chose, subject to no other duty by government than that before mentioned.

ARTICLE 11.

If any disputes should arise in the dominions of His Highness the Sultan of Muscat as to the value of goods which shall be imported by British Merchants, and on which the duty of 5 per cent. is to be levied, the Custom Master, or other authorized Officer acting on the part of government of His Highness the Sultan of Muscat, shall be entitled to demand one-twentieth part of the goods in lieu of the payment of 5 per cent., and the Merchant shall

be bound to surrender the twentieth part so demanded whenever, from the nature of the articles, it may be practicable to do so; but the Merchant having done so, shall be subject to no further demand on account of customs on the other nineteen-twentieths of those goods in any part of the dominions of His Highness the Sultan of Muscat to which he may transport them. But if the Custom Master should object to levy the duty in the manner aforesaid by taking one-twentieth part of the goods, or if the goods should not admit of being so divided, then the point in dispute shall be referred to two competent persons, one chosen by the Custom Master and the other by the importer, and a valuation of the goods shall be made, and if the referees shall differ in opinion, they shall appoint an arbitrator, whose decision shall be final, and the duty shall be levied according to the value thus established.

ARTICLE 12.

It shall not be lawful for any British Merchant to expose his goods for sale for the space of three days after the arrival of such goods, unless, before the expiration of such three days, the importer and Custom Master shall have agreed as to the value of such goods. If the Custom Master shall not within three days have accepted one of the two modes proposed for ascertaining the value of the goods, the authorities of His Highness the Sultan of Muscat, on application being made to them to that effect, shall compel the Custom Master to choose one of the two modes by which the amount of the customs to be levied is to be determined.

ARTICLE 13.

If it shall happen that either the Queen of England or His Highness the Sultan of Muscat should be at war with another country, the subjects of Her Britannic Majesty and the subjects of His Highness the Sultan of Muscat shall nevertheless be allowed to pass such country through the dominions of either power with merchandize of every description except warlike stores, but they shall not be allowed to enter any port or place actually blockaded or besieged.

ARTICLE 14.

Should a vessel under the British flag enter a port in the dominions of His Highness the Sultan of Muscat in distress, the local authorities at such port shall afford all necessary aid to enable the vessel to refit and to prosecute her voyage; and if any such vessel should be wrecked on the coast of the dominions of His Highness the Sultan of Muscat, the authorities of His Highness shall give all the assistance in their power to recover and to deliver over to the owners all the property that can be saved from such vessel. The same assistance and protection shall be afforded to vessels of the dominions of His Highness the Sultan of Muscat, and property saved therefrom under similar circumstances in the ports and on the coast of the British dominions.

ARTICLE 15.

His Highness the Sultan of Muscat hereby renews and confirms the engagements entered into by His Highness with Great Britain on the 10th of September 1822 for the entire suppression of slave trade between his dominions and all Christian countries; and His Highness further engages that the ships and vessels of war belonging to the East India Company shall be allowed to give full force and effect to the stipulations of the said Treaty, agreeably with the conditions prescribed therein, and in the same manner as the ships and vessels of Her Britannic Majesty.

ARTICLE 16.

It is further acknowledged and declared by the high contracting parties that nothing in this Convention is intended in any way to interfere with or rescind any of the rights or privileges now enjoyed by the subjects of His Highness the Sultan of Muscat in respect to commerce and navigation within the limits of the East India Company's Charter.

ARTICLE 17.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Muscat or Zanzibar as soon as possible, and, in any case, within the space of fifteen months from the date thereof.

Done on the Island and at the Town of Zanzibar this thirty-first day of May in the year of Christ eighteen hundred and thirty-nine, corresponding with the seventeenth of the month Rubbee-ul-Awul of the Ul Hegira twelve hundred and fifty-five.

FORM of DECLARATION made on the part of the BRITISH GOVERNMENT previous to exchange of the RATIFICATIONS.

The undersigned Samuel Hennell, Esq., a Captain in the Military Service of the East India Company, and Resident in the Persian Gulf, appointed on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland to exchange Her Majesty's ratification of the Treaty of Commerce concluded at Zanzibar, on the 31st May 1839, by Robert Cogan, Esq., a Captain in the Naval Service of the East India Company on the part of Her said Majesty, and by Hassan bin Ebrehim, and Mahabat Ali bin Nasir, on the part of His Highness the Sultan of Muscat, against the ratification of the same Treaty by His Highness the Sultan of Muscat, is commanded by the Queen, in order to avoid any possible misunderstanding as to the meaning of the words contained in the ninth Article of the said Treaty, "any other charge by government whatever," to declare to Syud Mahomed Ibin Syud Shurruf, appointed by His Highness the Sultan of Muscat, to exchange His Highness's ratification, that the aforesaid words are by Her Majesty taken

and understood to mean "any other charge whatever made by the government or by any local authority of the government."

Muscat, this twenty-second day of July 1840.

L. S. (Sd.) S. HENNELL.

FORM of DECLARATION made on the part of the MUSCAT GOVERNMENT previous to exchange of the RATIFICATIONS.

The undersigned Syud Mahomed Ibin Syud Shurruf, appointed by His Highness the Sultan of Muscat to exchange His Highness's ratification of the Treaty of Commerce concluded at Zanzibar, on the 31st May 1839, by Robert Cogan, Esq., a Captain of the Naval Service of the East India Company on the part of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by Hassan Bin Ebrehim, and Mahabat Ali bin Nasir on the part of His Highness the Sultan of Muscat, against the ratification of the same Treaty by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having received from Samuel Hennell, Esq., a Captain in the Military Service of the East India Company, and Resident in the Persian Gulf, appointed to act in this matter on behalf of Her said Majesty, a declaration stating that, in order to avoid any possible misunderstanding as to the meaning of the words "any other charge by government whatever," contained in the ninth Article of the said Treaty, the aforesaid words are by Her Majesty taken and understood to mean "any other charge whatever made by the government, or by any local authority of the government," the undersigned Syud Mahomed Ibin Syud Shurruf, being duly authorized by His Highness the Sultan of Muscat, hereby accepts and adopts the said declaration in the name and on the behalf of His Highness the Sultan of Muscat.

Muscat, this twenty-second day of July 1840.

L. S. (Sd.) SYUD MAHOMED IBIN SYUD SHURRUF.

FORM of CERTIFICATE signed on the exchange of the RATIFICATIONS.

The undersigned having met together for the purpose of exchanging the ratifications of a Treaty of Commerce between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness the Sultan of Muscat, concluded and signed at Zanzibar on the 31st day of May 1839, and the respective ratifications of the said instrument having been carefully perused, the said exchange took place this day in the usual form.

In witness whereof they have signed the present Certificate of exchange and have affixed thereto their respective Seals.

Done at Muscat, the 22nd day of July 1840.

L. S. (Sd.) S. HENNELL.

L. S. „ SYUD MAHOMED IBIN SYUD SHURRUF.

TRANSLATION of the RATIFICATION of HIS HIGHNESS the IMAM of MUSCAT to the TREATY of COMMERCE.

We having duly considered the Treaty above drawn out have approved, accepted, and confirmed the several Articles and Clauses therein set forth, and by this document do hereby approve, accept, and confirm the same for ourselves, our heirs, and successors. Accordingly we do by our word promise and engage sincerely and faithfully to perform all and everything set forth and contained in the aforesaid Treaty, and further that to the utmost of our power we will allow no one to violate and infringe this engagement in any way whatsoever. In witness whereof we have directed our seal to be affixed to this document, which we have signed with our own hand in this our Port of Muscat, this 22nd day of Jemmadee-ul-Awul A. H. 1256, according to 22nd July 1840 of the Christian era.

L. S. (Sd.) SYUD SAEED.

No. XIX.

TRANSLATION of ADDITIONAL ARTICLES regarding the SUPPRESSION of the FOREIGN SLAVE TRADE entered into by HIS HIGHNESS SAEED SYUD BIN SULTAN, the IMAM of MUSCAT—1839.

I agree that the following Articles be added to the above Treaty concluded by Captain Moresby on the aforesaid date :—

ARTICLE 1.

That the government cruizers, whenever they may meet any vessel belonging to my subjects beyond a direct line drawn from Cape Delgado,

passing two degrees seaward of the Island of Socotra and ending at Pussein, and shall suspect that such vessel is engaged in the slave trade, the said cruizers are permitted to detain and search it.

ARTICLE 2.

Should it on examination be found that any vessel belonging to my subjects is carrying slaves, whether men, women, or children, for sale beyond the aforesaid line, then the government cruizers shall seize and confiscate such vessel and her cargo. But if the said vessel shall pass beyond the aforesaid line owing to stress of weather, or other case of necessity not under control, then she shall not be seized.

ARTICLE 3.

As the selling of males and females, whether grown up or young, who are "Hoor" or free, is contrary to the Mahomedan religion, and whereas the Soomalees are included in the Hoor or free, I do hereby agree that the sale of males and females, whether young or old, of the Soomalee tribe, shall be considered as piracy, and that four months from this date, all those of my people convicted of being concerned in such an act shall be punished as pirates.

Dated 10th Showal 1255 A.H., corresponding to the 17th December A.D. 1839.

Seal of SYUD BIN SULTAN.

No. XX.

AGREEMENT between HER MAJESTY the QUEEN of the UNITED KINGDOM of GREAT BRITAIN and IRELAND and HIS HIGHNESS SYUD SAEED BIN SULTAN, "the SULTAN of MUSCAT," for the termination of the EXPORT of SLAVES from the AFRICAN DOMINIONS of HIS HIGHNESS the SULTAN of MUSCAT—1845.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland being earnestly desirous that the export of slaves from the African dominions of His Highness the Sultan of Muscat should cease, and His

Highness the Sultan of Muscat, in deference to the wishes of Her Majesty and of the British nation, and in furtherance of the dictates of humanity which have heretofore induced him to enter into engagement with Great Britain to restrict the export of slaves from his dominions, being willing to put an end to that trade, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness the Sultan of Muscat having resolved to record with due form and solemnity this further restriction of the export of slaves, and Her Majesty having given due authority to Captain Hamerton, Her Representative at the Court of the Sultan of Muscat, to conclude an agreement with His Highness, accordingly His Highness Saeed Syud bin Sultan, for himself, his heirs and successors, and Captain Hamerton, on behalf of the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors, have agreed upon and concluded the following Articles:—

ARTICLE 1.

His Highness the Sultan of Muscat here engages to prohibit, under the severest penalties, the export of slaves from his African dominions, and to issue orders to his Officers to prevent and suppress such trade.

ARTICLE 2.

His Highness the Sultan of Muscat further engages to prohibit, under the severest penalties, the importation of slaves from any part of Africa into his possessions in Asia, and to use his utmost influence with all the Chiefs of Arabia, the Red Sea, and the Persian Gulf, in like manner, to prevent the introduction of slaves from Africa into their respective territories.

ARTICLE 3.

His Highness the Sultan of Muscat grants to the ships of Her Majesty's Navy, as well as to those of the East India Company, permission to seize and confiscate any vessels, the property of His Highness or of his subjects, carrying on slave trade, excepting only such as are engaged in the transport of slaves from one port to another of his own dominions in Africa between the port of Lamoo to the north and its dependencies, the northern limit of which is the north point of Kuyhoor Island in 1° 57′ (one degree and fifty-seven minutes) South Latitude, and the port of Kulwa to the south and its dependencies, the southern limit of which is the Songa Manora or Pagoda Point in 9° 2′ (nine degrees and two minutes) South Latitude, including the Islands of Zanzibar, Pemba, and Monfea.

ARTICLE 4.

This agreement to commence and have effect from the (1st) first day of January 1847 (one thousand eight hundred and forty-seven) of the year of

Christ, and the 15th day of the month of Mahaneerun 1263 (twelve hundred and sixty-three) of the Hegira.

Done at Zanzibar this 2nd (second) day of October 1845 (one thousand eight hundred and forty-five) of the year of Christ and 29th day of Ramzan 1261 (twelve hundred and sixty-one) of the Hegira.

(Sd.) ATKINS HAMERTON,
Captain.

On behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her heirs and successors.

Seal of CAPTAIN HAMERTON.

No. XXI.

RULES established by HIS HIGHNESS the IMAM of MUSCAT in April 1846, in regard to the Duties to be hereafter charged on the cargoes of vessels putting into HIS HIGHNESS's ports.

In a letter dated the 13th April 1846, Captain Atkins Hamerton, Her Majesty's Consul, and Honourable Company's Agent in the dominions of His Highness the Imam of Muscat, reported that His Highness the Imam of Muscat had ordered the following Rules to be henceforth observed in regard to the landing or transhipment of the cargoes of vessels putting into Muscat or into any of His Highness's other ports:—

ARTICLE 1.

That the full duty of 5 per cent. shall be levied on all articles transhipped from one vessel into another in all the ports and harbours belonging to His Highness the Imam.

ARTICLE 2.

That a vessel of any nation being obliged to put into any of His Highness's ports through stress of weather, or for the purpose of refit, shall not be

required to pay duty on any part of her cargo which may be landed and stored during the repair of the vessel provided it be re-embarked in her.

ARTICLE 3.

That no duty shall, under any circumstances whatever, be levied on stores the property of the British Government when landed at any of His Highness's ports.

No. XXII.

DEED of CESSION of the KORIA MORIA ISLANDS executed by HIS HIGHNESS the IMAM of MUSCAT in the presence of CAPTAIN FREMANTLE, COMMANDING HER MAJESTY'S SHIP *Juno*, under date the 14th June 1854.

From the humble Saeed bin Sultan, to all and every one who may see this paper, whether Mahomedans or others—

There has arrived to me from the powerful nation (England) Captain Fremantle, belonging to the Royal Navy of the Great Queen, requesting from me the (Jesairi bin Colfaim) Koria Moria Islands, *viz.*, Helaneea, Jibleea, Soda, Haski, and Gurzond; and I hereby cede to the Queen Victoria the above-mentioned Islands, to be her possessions, or her heirs and successors after her. In proof whereof I have hereunto affixed my signature and seal, on behalf of myself and my son after me, of my own free will and pleasure, without force, intimidation, or pecuniary interest whatsoever.

And be the same known to all to whom these presents may come.

Done at Muscat, the 17th day of the month Showal 1270, 14th July 1854.

Given under my hand,

Seal. (Signed by the IMAM.)

Done in the presence of me,

(Sd.) STEPHEN G. FREMANTLE,
Captain, H. M.'s Ship "Juno."

Muscat, the 14th July 1854.

No. XXIII.

Letter to His Highness Syud Thowaynee bin Syeed bin Sultan of Muscat—1861.

Beloved and esteemed Friend!

I address Your Highness on the subject of the unhappy differences which have arisen between yourself and your Highness's brother, the ruler of Zanzibar, and for the settlement of which Your Highness has engaged to accept the arbitration of the Viceroy and Governor General of India.

Having regard to the friendly relations which have always existed between the Government of Her Majesty the Queen and the Government of Oman and Zanzibar, and desiring to prevent war between kinsmen, I accepted the charge of arbitration between you, and in order to obtain the fullest knowledge of all the points in dispute, I directed the Government of Bombay to send an Officer to Muscat and Zanzibar to make the necessary enquiries. Brigadier Coghlan was selected for this purpose, an officer in whose judgment, intelligence, and impartiality the Government of India reposes the utmost confidence.

Brigadier Coghlan has submitted a full and clear report of all the questions at issue between Your Highness and your brother.

I have given my most careful attention to each of these questions.

The terms of my decision are as follows:—

1st.—That His Highness Syud Majid be declared ruler of Zanzibar and the African dominions of His late Highness Syud Saeed.

2nd.—That the ruler of Zanzibar pay annually to the ruler of Muscat a subsidy of 40,000 crowns.

3rd.—That His Highness Syud Majid pay to His Highness Syud Thowaynee the arrears of subsidy for two years, or 80,000 crowns.

I am satisfied that these terms are just and honourable to both of you: and as you have deliberately and solemnly accepted my arbitration, I shall expect that you will cheerfully and faithfully abide by them, and that they will be carried out without unnecessary delay.

The annual payment of 40,000 crowns is not to be understood as a recognition of the dependence of Zanzibar upon Muscat, neither is it to be considered as merely personal between Your Highness and your brother Syud Majid. It is to extend to your respective successors, and is to be held to be a final and permanent arrangement, compensating the ruler of Muscat for the abandonment of all claims upon Zanzibar, and adjusting the inequality between the two inheritances derived from your father His late Highness Syud Saeed, the venerated friend of the British Government, which two inheritances are to be henceforward distinct and separate.

I am, Your Highness's

Sincere friend and well-wisher,

(Sd.) Canning.

Fort William,
The 2nd April 1861.

To His Exalted Excellency Lord Canning, Governor General of India, etc., etc., etc.

In the name of the Great God!

After Compliments.—At a most propitious and favourable time we were honoured with the receipt of your esteemed letter and were highly gratified with its contents. What Your Excellency has stated is most satisfactory to us, more especially as regards your award betwixt us and our brother Majid. We heartily accept the same, and are at a loss how to express our regret for having occasioned you so much trouble, and our appreciation of the kindness which has been manifested towards us in this matter. We thank God for your efforts on our behalf, praying also that your good will may be rewarded and that you may never cease to be our support. We further pray that our sincere affection may always be towards the Great (British) Government, and that it may increase continually: moreover, that your exalted affection and noble solicitude may always be exercised towards us, and that we may never be deprived thereof. As regards our brother Majid, we pray God during our life time he may never experience anything from us but kindness and hearty good will. Furthermore, we rely implicitly on your arbitration between us (being carried out).

What your exalted Excellency may require in any way from your attached friend, a hint alone will suffice for its accomplishment, and we shall feel honoured in executing it.

We pray finally that you may be preserved to the highest honours and in the most perfect health. We send you the salutation of peace as the best conclusion.

From your truly sincere friend, the servant of God, who confides in him as the Giver of all good.

(Sd.) Thowaynee bin Saeed bin Sultan.

4th of Eb-Kaada 1277.

15th May 1861. L. S.

No. XXIV.

Declaration respecting the Independence of Muscat and Zanzibar—1862.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French, taking into consideration the importance of maintaining the independence of His Highness the Sultan of Muscat

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et de l'Irlande et Sa Majesté l'Empereur des Français, prenant en consideration l'importance pui s'attache au maintien de l'independence du Sultan de Muscate, Zanzibar d'une part, et du Sultan de

and of His Highness the Sultan of Zanzibar, have thought it right to engage reciprocally to respect the independence of these Sovereigns.

The undersigned, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of France, and the Minister Secretary of State for Foreign Affairs of His Majesty the Emperor of the French, being furnished with the necessary powers, hereby declare, in consequence that their said Majesties take reciprocally that engagement.

Witness whereof the undersigned have signed the present Declaration and have affixed thereto the seals of their arms.

DONE AT PARIS,
The 10th March 1862.

L. S.

L. S.

de l'autre, ont jugé convenable de s'engager reciprôquement à respecter l'independence de ces deux Princes.

Les Soussignés, Ambassadeur extraordinaire et plénipotentiaire de Sa Majesté Britannique, pres la Cour de France, et Ministre des Affaires Etrangères de Sa Majesté l'Empereur des Français étant emmis de pouvoir à cet effet, declarent en conséquence par le présent Acte, que leurs dites Majestés prennent réciprôquement l'engagement indiqué çi dessus.

En foi de quoi, les Soussignés ont signé en double la présente Déclaration et y ont opposé le cachet de leurs armes.

FAIT A PARIS,
le 10 Mars 1862.

(Sd.) COWLEY.

„ DE THOUVENAL.

No. XXV.

ARTICLES of AGREEMENT agreed to before LIEUTENANT-COLONEL LEWIS PELLY, HER BRITANNIC MAJESTY'S POLITICAL RESIDENT in the PERSIAN GULF, and LIEUTENANT-COLONEL HERBERT DISBROWE, HER BRITANNIC MAJESTY'S POLITICAL AGENT at BIRKA, MUSCAT, BY HIS HIGHNESS SYED THOWEYNEE BIN SAEED BIN SULTAN, the SULTAN of MUSCAT,—under date this 17th day of November 1864.

ARTICLE 1.

My ancient and faithful ally, the British Government, is at liberty to construct one or more lines of telegraphic communication anywhere within the territories appertaining to the State of Muscat.

ARTICLE 2.

The British Government is further at liberty to construct one or more lines of telegraphic communication in any territories which I may hold in lease from the Shah of Persia.

ARTICLE 3.

I engage for myself, my heirs, and successors, to respect and abstain from all and every interference with telegraphic operations carried on by the British Government in or near the territories of Muscat.

ARTICLE 4.

And in the event (which God forbid) of any of my subjects or dependants committing an act of aggression or trespass on the said telegraphic lines and stations, or other telegraphic material, I will immediately punish the offender, and proceed to afford full redress upon the same being brought to my notice.

ARTICLE 5.

Nothing in these Articles shall be held as conferring any dominion or sovereign right on the part of the British Government over the territory of Muscat through which the line may pass, neither of any additional dominion or right on my part as Sultan of Muscat over territory which I may hold in lease from the Shah of Persia.

ARTICLE 6.

In like manner nothing in these Articles shall be held as invalidating or derogating from the title of the British Government to the station of Bassadore, that station having been freely granted to the British Government by my late illustrious father of blessed memory, the late Imaum Syed Saeed bin Sultan, on behalf of himself, his heirs, and successors.

ARTICLE 7.

Nothing in these Articles shall be held as invalidating any Article of any Treaty entered into by myself or forefathers with our ancient and faithful ally, the British Government, from the year 1798 downwards.

Dated Birka, Muscat, 17th November 1864. Signed in our presence by Syed Thoweynee bin Saeed, Sultan of Muscat, this 17th day of November 1864, and sealed in our presence by His Highness's Minister, Hajee Ahmed, at Muscat, this 18th day of November 1864.

Seal.

(Sd.) LEWIS PELLY, *Lieut.-Col.,*
H.B.M.'s Poltl. Resdt., Persian Gulf.

„ HERBERT DISBROWE, *Lieut.-Col.,*
H. B. M.'s Poltl. Agent, Muscat.

No. XXVI.

CONVENTION between the BRITISH GOVERNMENT and HIS HIGHNESS SYUD THOWAYNEE BIN SAEED BIN SULTAN, the SULTAN of MUSCAT, for the extension of the ELECTRIC TELEGRAPH through the dominions subject to the sovereignty of HIS HIGHNESS in ARABIA and MEKRAN—1865.

ARTICLE 1.

That the British Government shall be at liberty to construct one or more telegraphic lines, and to erect Telegraph Stations, in any portion of territory subject to the sovereignty of His Highness, both in Arabia and Mekran, which shall be most convenient to them.

ARTICLE 2.

That the cost of materials, landing charges, labour, housing, provisions, &c., &c., shall be paid by the British Government, who will make any arrangement they consider most convenient regarding their own supplies, labour, &c., the Sultan of Muscat undertaking that no impediment of any sort shall be thrown in their way in collecting them; on the contrary, that every protection and assistance shall be given on his part.

ARTICLE 3.

That His Highness the Sultan of Muscat shall afford protection to the best of his ability to the lines of Telegraph, the Telegraph Stations, and the persons employed in their construction and maintenance.

ARTICLE 4.

Should any disagreements arise in the possessions of the Sultan of Muscat, situate near Arabia, between the Telegraph officials and the subjects of His Highness, the said disagreements shall be referred to the British Political Officer at Muscat, if they cannot be satisfactorily settled on the spot.

ARTICLE 5.

In like manner, should any disagreements arise in the possessions of the Sultan of Muscat, situate in Mekran, between the Telegraph officials and the subjects of His Highness, the said disagreements shall be referred to the Assistant British Political Officer at Gwadur, if they cannot be satisfactorily settled on the spot.

ARTICLE 6.

This Convention, together with any supplementary Articles that may hereafter thereunto be added, is to be considered dependent for completion and effect upon the approval of the British Government.

Done at Muscat this nineteenth day of January in the year of Christ one thousand eight hundred and sixty-five, corresponding with the twentieth day of the month Shabun of the Hegira one thousand two hundred and eighty-one, day of the week Thursday.

(Sd.) HERBERT DISBROWE, *Lieut.-Col.,*
H. B. M.'s Poltl. Agent at Muscat,
on the part of the British Govt.

No. XXVII.

TREATY between HER MAJESTY and the SULTAN of MUSCAT for the ABOLITION of the SLAVE TRADE, signed at MUSCAT APRIL 14th, 1873.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Syud Toorkee bin Saeed, Sultan of Muscat, being desirous to give more complete effect to the engagements entered into by the Sultan and his predecessors for the perpetual abolition of the Slave Trade, they have agreed to conclude a Treaty for this purpose which shall be binding upon themselves, their heirs, and successors; and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, having appointed as her Plenipotentiary Sir Henry Bartle Edward Frere, Knight Commander of the Most Honourable Order of the Bath, and Knight Grand Commander of the Most Exalted Order of the Star of India, he, having communicated to the Sultan of Muscat his full powers found in good and due form, and the aforesaid Sultan of Muscat, Syud Toorkee bin Saeed, acting on his own behalf, they have agreed upon and concluded the following Articles:—

ARTICLE 1.

The import of slaves from the coasts or islands of Africa or elsewhere into the dominions of Muscat, whether destined for transport from one port of the Sultan of Muscat's dominions to another, or for conveyance to foreign ports, shall entirely cease, and any vessels engaged in the transport or conveyance of slaves after this date shall be liable to seizure and condemnation by all such Naval and other Officers or Agents, and such Courts as may be authorized for that purpose on the part of Her Britannic Majesty; and all persons hereafter entering the Sultan's dominions and dependencies shall be free.

ARTICLE 2.

The Sultan engages that all public markets in his dominions for slaves shall be entirely closed.

ARTICLE 3.

The Sultan engages to protect, to the utmost of his power, all liberated slaves, and to punish severely any attempt to molest them or reduce them again to slavery.

ARTICLE 4.

Her Britannic Majesty engages that natives of Indian States under British protection shall, from and after a date to be hereafter fixed, be prohibited from possessing slaves, and in the meanwhile from acquiring any fresh slaves.

ARTICLE 5.

The present Treaty shall be ratified by Her Majesty, and the ratification shall be forwarded to Muscat as soon as possible.*

In witness whereof, Sir Henry Bartle Edward Frere, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and Syud Toorkee bin Saeed, Sultan of Muscat, on his own behalf, have signed the same and have affixed thereto their respective seals.

Done at Muscat this fourteenth day of April, one thousand eight hundred and seventy-three.

(L. S.) (Sd.) H. B. E. FRERE.

„ „ SYUD TOORKEE BIN SAEED.

No. XXVIII.

AGREEMENT entered into by the SULTAN of MUSCAT relative to the jurisdiction of the POLITICAL AGENT and CONSUL over subjects of NATIVE STATES in INDIA residing in the MUSCAT DOMINIONS.

Whereas it is desirable that all subjects of Native States in India residing in Muscat territories should be amenable to the jurisdiction of the Political Agent and Consul at Muscat, and it would appear that such jurisdiction is at present defective without the express consent of His Highness the Sultan: It is hereby formally declared and consented to by His Highness Syud

* Delivered to the Sultan in September 1873.

Toorkee bin Saeed on behalf of himself, his heirs and successors, that subjects of Native States of India who may commit offences within the Muscat dominions shall be amenable to the Political Agent and Consul's Court in the same way as British subjects whenever, in any particular case, the Political Agent thinks fit to exercise such jurisdiction, and that the words "British subjects" in all Treaties between the English Government and the Muscat State shall include subjects of Native Indian States.

L. S. (Sd.) TOORKEE BIN SAEED.

No. XXIX.

TRANSLATED purport of a LETTER from HIS HIGHNESS SYUD TOORKEE, SULTAN of MUSCAT, to MAJOR S. B. MILES, HER BRITANNIC MAJESTY'S POLITICAL AGENT and CONSUL, MUSCAT,—dated 3rd Mohurrum 1291=10th February 1875.

I have received your letter of the 2nd instant, and have understood its contents. I abide by the agreement made by my father with the British Government regarding the Customs duties leviable on goods landed from distressed vessels. For example, if a vessel that puts into Muscat for repairs, lands her cargo in order to undergo such repairs, and re-ships her cargo or puts it into another vessel, I forego all claim to duty for the sake of the unity between us and the British Government, and will raise no question concerning such goods, even though such were liable to duty in the time of our ancestors.

No. XXX.

TREATY of FRIENDSHIP, COMMERCE, and NAVIGATION between GREAT BRITAIN and MUSKAT—1891.

Signed at Muskat, March 19th—1891.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Highness the Seyyid Feysal bin Turki bin Saeed, Sultan of Muskat and Oman, being desirous to confirm and strengthen the friendly relations which now subsist between the two countries and to pro-

mote and extend their commercial relations, have named as their Plenipotentiaries to conclude a treaty for this purpose, that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Colonel Edward Charles Ross, Companion of the Star of India, Her Britannic Majesty's Political Resident in the Persian Gulf; and His Highness the Sultan of Muskat in person; who have agreed upon and concluded the following Articles :—

ARTICLE 1.

The Treaty concluded between the British Government and Sultan Seyyid-bin-Sultan of Muskat and Oman on the 31st May, 1839 (17 Rabia 1st, 1255), is hereby cancelled and declared void, and the present Treaty, when ratified, shall be substituted for it.

ARTICLE 2.

Subjects of Her Britannic Majesty shall, for the purposes of this Treaty, include subjects of Native States in India in alliance with Her Majesty. Such subjects shall enjoy, immediately and unconditionally, throughout the dominions of His Highness the Sultan of Muskat, with respect to commerce, shipping, and the exercise of trade, as in every other respect, all the rights, privileges, immunities, advantages, and protection of whatsoever nature, which are, or hereafter may be, enjoyed by, or accorded to, the subjects or citizens of the most favoured nation.

They shall more especially not be liable to other or more onerous duties, imposts, restrictions, or obligations of whatever description, than those to which subjects or citizens of the most favoured nation now are, or hereafter may be, subjected.

ARTICLE 3.

The two High Contracting Parties acknowledge reciprocally to each other the right of appointing Consuls to reside in each other's dominions wherever the interests of commerce may require the presence of such officers; and such Consuls shall at all times be placed, in the country in which they reside, on the footing of the Consuls of the most favoured nations. Each of the High Contracting Parties further agrees to permit his own subjects to be appointed to Consular Offices by the other Contracting Party, provided always that the persons so appointed shall not begin to act without the previons approbation of the Sovereign whose subjects they may be. The public functionaries of either Government residing in the dominions of the other, shall enjoy the same privileges, immunities, and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries.

ARTICLE 4.

There shall be perfect freedom of commerce and navigation between the High Contracting Parties; each shall allow the subjects of the other to enter all ports, creeks, and rivers with their vessels and cargoes, also to travel, reside, pursue commerce and trade, whether wholesale or retail, in each other's domi-

nions, and therein to hire, purchase, and possess houses, warehouses, shops, stores, and lands. British subjects shall everywhere be freely permitted, whether personally or by agent, to bargain for, buy, barter, and sell all kinds of goods, articles of import, or native production, whether intended for sale within the dominions of His Highness or for export, and to arrange with the owner or his agent regarding the price of all such goods and produce without interference of any sort on the part of the authorities of His Highness.

His Highness the Sultan of Muskat binds himself not to allow or recognise the establishment of any kind of monopoly or exclusive privilege of trade within his dominions to any Government, Association, or individual.

ARTICLE 5.

Subjects of Her Britannic Majesty shall be permitted, throughout the dominions of His Highness the Sultan, to acquire by gift, purchase, intestate succession, or under will, or any other legal manner, land, houses, and property of every description, whether moveable or immoveable, to possess the same; and freely to dispose thereof by sale, barter, donation, or otherwise.

ARTICLE 6.

His Highness the Sultan shall be permitted to levy a duty of entry not exceeding 5 per cent. on the value of all goods and merchandise, of whatever description, imported by sea from foreign countries into His Highness's dominions. This duty shall be paid at that port in His Highness's dominions where the goods are first landed, and, on payment thereof, such goods shall thereafter be exempt, within the Sultan's dominions, from all other customs duties or taxes, levied by, or on behalf of, the Government of His Highness the Sultan, by whatever names these may be designated, and no higher import duty shall be claimed from British subjects than that which is paid by subjects or citizens of the most favoured nation.

This duty, once paid, shall cover, from all other charges on the part of His Highness the Sultan, goods of whatever description coming from Foreign countries by sea, whether these are intended for local consumption or for transmission elsewhere in bulk or otherwise, and whether they remain in the State in which they are imported or have been manufactured.

There shall, however, be exempted from payment of all duty the following, namely:—

(1) All goods and merchandise which, being destined for a foreign port, are transhipped from one vessel to another in any of the ports of His Highness the Sultan of Muskat, or which have been for this purpose provisionally landed and deposited in any of the Sultan's Custom-houses to await the arrival of a vessel in which to be re-shipped abroad. But goods and merchandise so landed shall be exempted only, provided that the consignee or his Agent shall have, on the arrival of the ship, handed over the said goods to be kept under Customs seal, and declared

them as landed for transhipment, designating at the same time the foreign port of destination, and also provided that the said goods are actually shipped for the said foreign port as originally declared, within a period not exceeding six months after their first landing, and without having, in the interval, changed owners.

(2) All goods and merchandise which, not being consigned to a port within the dominions of the Sultan, have been inadvertently landed, provided that such goods are re-shipped within a month of being so landed and transported abroad. Should, however, such goods or merchandise, here spoken of, be opened or removed from the custody of the Customs authorities, the full duty shall then be payable on the same.

(3) Coals, naval provisions, stores, and fittings, the property of Her Majesty's Government, landed in the dominions of His Highness for the use of the ships of Her Majesty's Navy.

(4) All goods and merchandise transhipped or landed for the repair of damage caused by stress of weather or other disasters at sea, provided the cargo so discharged shall be re-shipped and taken away on board of the same vessel, or if the latter shall have been condemned, or her departure delayed, in any other manner.

ARTICLE 7.

No article whatever shall be prohibited from being imported into or exported from the territories of His Highness the Sultan of Muskat, and no export duties are to be levied on goods exported from those territories except with the consent of the Government of Her Britannic Majesty, such consent being subject to the conditions that may be laid down in the notifications intimating the same.

ARTICLE 8.

It is agreed and understood by the High Contracting Parties that, in the event of an arrangement being entered into hereafter between His Highness and the powers having Treaty relations with Muskat, and to which Great Britain shall be a consenting party, whereby vessels entering the port of Muskat shall be charged with shipping, tonnage, or harbour dues, such dues to be administered under the control of a special Board for the improvement of the harbour and construction and maintenance of lighthouses, &c.; nothing in the aforementioned provisions shall be construed so as to exempt British vessels from payment of such shipping, harbour, or tonnage dues as may hereafter be agreed upon.

ARTICLE 9.

It shall be at the option of the British subject in each case to pay the percentage duties stipulated in Article 6, either in cash, or, if the nature of the goods allows of it, in kind, by giving up an equivalent amount of the goods or produce.

In the event of payment being made in cash, the value of the merchandise, goods, or produce on which duty is to be levied, shall be fixed according to the ready money market price ruling at the time when the duty is levied. In the case of foreign imports, the value shall be fixed according to the market price at Muskat, and in that of native goods and produce by the market price at the place where the merchant shall choose to pay the duty.

In the event of any dispute arising between a British subject and the Custom-house authorities regarding the value of such goods, this shall be determined by reference to two experts, each party nominating one, and the value so ascertained shall be decisive. Should, however, these experts not be able to agree, they shall choose an umpire, whose decision is to be considered final.

ARTICLE 10.

His Highness the Sultan of Muskat engages by the present Treaty to provide and give orders to his officials that the movement of goods in transit shall not be obstructed or delayed in a vexatious manner by unnecessary Customs formalities and Regulations, and that every facility will be given for their transport.

ARTICLE 11.

British vessels entering a port in the dominions of His Highness the Sultan of Muskat, in distress, shall receive from the local authorities all necessary aid to enable them to re-victual and refit so as to proceed on their voyage.

Should a British vessel be wrecked off the coast of His Highness's dominions, the authorities of His Highness shall render all assistance in their power to the distressed vessel, in order to save the ship, her cargo, and those on board; they shall also give aid and protection to persons saved, and shall assist them in reaching the nearest British Consulate; they shall further take every possible care that the goods so recovered are safely stored, and kept for the purpose of being handed over to the owner, Captain, Agent of the ship, or British Consul, subject always to rights of salvage.

His Highness's authorities shall further see that the British Consulate is at once informed of such disaster having occurred.

Should a British vessel, wrecked on the coast of His Highness's dominions, be plundered, the authorities of His Highness shall, as soon as they come to know thereof, render prompt assistance and take measures to pursue and punish the robbers, and recover the stolen property. Likewise, should a vessel of His Highness the Sultan of Muskat, or of one of his subjects, enter a British port in distress, or be wrecked off the coast of Her Majesty's dominions, the like help and assistance shall be rendered by the British authorities.

ARTICLE 12.

Should sailors or others belonging to a British ship of war, or merchant vessel, desert, and take refuge on shore or on board of any of His Highness's ships, the authorities of His Highness the Sultan of Muskat shall, upon request

of a Consular official, or, in his absence, of the Captain of the ship, take the necessary steps in order to have them arrested and delivered over to the Consular official or to the Captain.

In this, however, the Consular officer and captain shall render every assistance.

ARTICLE 13.

Subjects of Her Britannic Majesty shall, as regards their person and property, enjoy within the dominions of His Highness the Sultan of Muskat the rights of ex-territoriality.

The authorities of His Highness the Sultan have no right to interfere in disputes with subjects of Her Britannic Majesty amongst themselves, or between them and members of other Christian nations; such questions, whether of a civil or criminal nature, shall be decided by the competent Consular authorities. The trial and also the punishment of all offences and crimes of which British subjects may be accused within the dominions of His Highness the Sultan, also the hearing and settlement of all civil questions, claims, or disputes in which they are the defendants, is expressly reserved to the British Consular authorities and Courts, and removed from the jurisdiction of His Highness the Sultan.

Should disputes arise between subjects of His Highness the Sultan or other non-Christian Power, not represented by Consuls at Muskat, and a subject of Her Britannic Majesty, in which the British subject is the plaintiff or complainant, the matter shall be brought before and decided by the highest authority of the Sultan, or some person specially delegated by him for this purpose. The proceedings and final decision in such a case shall not, however, be considered legal unless notice has been given and an opportunity afforded for the British Consul or his substitute to attend at the hearing and final decision.

ARTICLE 14.

Subjects of His Highness the Sultan, or any non-Christian nation, not represented by Consuls at Muskat, who are in the regular service of British subjects within the dominions of His Highness the Sultan of Muskat, shall enjoy the same protection as British subjects themselves.

Should they be charged with having committed a crime or serious offence punishable by law, they shall, on sufficient evidence being shown to justify further proceedings, be handed over by British employers, or by order of the British Consul, to the authorities of His Highness the Sultan for trial and punishment.

ARTICLE 15.

Should a subject of Her Majesty residing in the dominions of His Highness the Sultan of Muskat be adjudicated bankrupt, the British Consul shall

take possession of, recover, and realise all available property and assets of such bankrupt, to be dealt with and distributed according to the provisions of English Bankruptcy Law.

ARTICLE 16.

Should a subject of His Highness the Sultan of Muskat resist or evade payment of the just and rightful claims of a British subject, the authorities of His Highness the Sultan shall afford to the British creditor every aid and facility in recovering the amount due to him. In like manner the British Consul shall afford every aid and facility to subjects of His Highness the Sultan of Muskat in recovering debts justly due to them from a British subject.

ARTICLE 17.

Should a British subject die within the dominions of His Highness the Sultan of Muskat, or dying elsewhere leave property therein, moveable or immoveable, the British Consul shall be authorised to collect, realise, and take possession of the estate of the deceased, to be disposed of according to the provisions of English law.

ARTICLE 18.

The houses, dwellings, warehouses, and other premises of British subjects, or of persons actually in their regular service, within the dominions of His Highness the Sultan of Muskat, shall not be entered, or searched under any pretext, by the officials of His Highness without the consent of the occupier, unless with the cognizance and assistance of the British Consul or his substitute.

ARTICLE 19.

It is hereby agreed between the two High Contracting Parties that, in the event of an agreement being hereafter arrived at between His Highness the Sultan of Muskat and the various Powers with which His Highness shall be in Treaty relations, including Great Britain, which must be a consenting party, whereby the residents of a district or town shall, without distinction of nationality, be made subject to the payment of local taxes, for municipal and sanitary purposes, the same to be fixed and administered by or under the control of a special Board, nothing contained in this Treaty shall be understood so as to exempt British residents from the payment of such taxes.

ARTICLE 20.

Subjects of the two High Contracting Parties shall, within the dominions of each other, enjoy freedom of conscience and religious toleration, the free and public exercise of all forms of religion, and the right to build edifices for religious worship.

ARTICLE 21.

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty so far as the laws permit, excepting to those hereinafter named, that is to say, except to—

The Dominion of Canada.

Newfoundland.

The Cape of Good Hope.

Natal.

New South Wales.

Victoria.

Queensland.

Tasmania.

South Australia.

Western Australia.

New Zealand.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreigu possessions, on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative in Muskat to His Highness the Sultan within two years from the date of exchange of the ratifications of the present Treaty.

ARTICLE 22.

The present Treaty has been executed in quadruplicate, two copies being written in English and two in Arabic. These are understood to be of similar import and signification; in the event, however, of doubt hereafter arising as to the proper interpretation of the English or Arabic text of one or other of the Treaty stipulations, the English text shall be considered decisive. The Treaty shall come into operation within one month after the date when the ratifications may take place.

ARTICLE 23.

After the lapse of twelve years from the date on which the Treaty shall come into force, and on twelve months' notice given by either party, this Treaty shall be subject to revision by Plenipotentiaries appointed on both sides for this purpose, who shall be empowered to decide on and adopt such amendments as experience shall prove to be desirable.

In witness whereof Colonel Edward Charles Ross, C.S.I., on behalf of Her Majesty the Queen of Great Britain and Ireland, and Empress of India,

and His Highness Seyyid Feysal-bin-Turki, the Sultan of Muskat, on his own behalf, have signed the same and affixed thereto their respective seals.

Done at Muskat, this 19th day of March 1891, corresponding to the 8th Shaaban of the year 1308 Hijreea.

(Signed.) Edward Charles Ross,
Colonel,
Political Resident in the Persian Gulf.

Signature in Arabic of His Highness the Sultan of Muskat.

Protocol.

The undersigned, in proceeding to the exchange of ratifications of the Treaty signed at Muskat on the 19th March, 1891, between Her Majesty the Queen of Great Britain and Ireland, Empress of India, and His Highness Seyyid Feysal-bin-Turki, Sultan of Muskat, have agreed to the present Protocol, which shall have the same force and validity as if it had been inserted in the body of the Treaty itself.

It is agreed that under Article 23 of the said Treaty either of the High Contracting Parties shall be at liberty, after the expiration of twelve years from the date on which the Treaty has come into force, to terminate the said Treaty at any time on giving twelve months' notice.

In witness whereof the undersigned, duly authorized for the purpose, have signed the present Protocol, in quadruplicate, and have affixed thereto their seals.

Done at Muskat, on the 20th day of February 1892.

(Sd.) A. C. Talbot, *Lieut.-Col.,*
(L.S.) *Political Resident, Persian Gulf.*

Signature in Arabic of His Highness the Sultan of Muskat.
(L.S.)

No. XXXI.

Translation of a Treaty of Peace between His Highness Syud Saeed bin Sultan, the Imam of Muscat, and Syud Humood, the Chief of Sohar—1839.

Praise be to Him who has caused peace to be the means of adjusting the affairs of mankind, and who is the promoter of friendship in every class of life.

The object of writing this paper and these words of truth is, that peace has been established between His Highness the Imam of Muscat, Syud Saeed, the son of Syud Sultan, and the Chief of Sohar, the Honourable Syud Humood, the son of Syud Azan, through the mediation of Captain Hennell, the British Resident in the Persian Gulf, this 17th day of Showal A.H. 1255, corresponding with the 23rd December A.D., 1839, upon the following conditions :—

ARTICLE 1.

That from this day there shall be a perfect, lasting, and established peace between the two contracting parties.

ARTICLE 2.

That the subjects of the two contracting parties shall carry on a free intercourse with each other's territory for purposes of trade without binderance or molestation.

ARTICLE 3.

Whenever subjects of either of the two contracting parties remove voluntarily from the territories of the one and take up their residence in those of the other, no blame shall attach to the ruler of the territory in which they settle, and moreover it shall not be incumbent upon him to cause them to return to their original country unless he thinks proper to do so.

ARTICLE 4.

That neither of the two contracting parties shall commit any sort of aggression upon the territories of the other, neither openly nor secretly, and shall not excite others to do so.

ARTICLE 5.

In the event of either of the two contracting parties proceeding to punish any rebellious person among his own subjects, the other shall not assist or support such rebel either openly or secretly, nor shall encourage him in his rebellion by word or by letter.

ARTICLE 6.

As the district of Roostak, which belongs to Syud Humood bin Azan, is surrounded by the territory of His Highness Syud Saeed bin Sultan, the communication and road between the aforesaid district and the other territories of Syud Humood shall not be interrupted or closed.

ARTICLE 7.

In the event of an enemy arising against Syud Humood and making war upon him, His Highness Syud Saeed is to support him in every way to the utmost of his power and ability.

These are the conditions upon which this engagement has been made on both sides and with the consent of both parties, and to this the Almighty is a witness.

Dated Muscat, the 17th Showal 1255, A.H., corresponding with the 23rd December A.D. 1839.

The Seal of Syud Humood bin Azan.

The Seal of Syud Saeed bin Sultan.

No. XXXII.

Translation of an Engagement entered into by Syud Syf bin Humood, Chief of Sohar, for the abolition of the African Slave Trade in his ports—1849.

It having been intimated to me by Major Hennell, the Resident in the Persian Gulf, that certain conventions have lately been entered into by the Ottoman Porte and other powers with the British Government for the purpose of preventing the exportation of slaves from the coast of Africa and elsewhere, and it having, moreover, been explained to me that, in order to the full attainment of the objects contemplated by the aforesaid Conventions, the concurrence and co-operation of the Chiefs of the several ports situated on the Arabian coast of the Persian Gulf are required, accordingly I, Syud Syf bin Humood, Chief of Sohar, with a view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coast of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependants, such prohibition to take effect from the 29th Rujut 1265, or the 21st June A.D. 1849.

And I do further consent, that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependants, suspected of being engaged in the slave trade, they may detain and search them, and in case of their finding that any of the vessels aforesaid have violated the engagement by the exportation of slaves from the coast of Africa, or elsewhere, upon any pretext whatever, they (the Government cruizers) shall seize and confiscate the same.

Dated this 20th day of Jemmadeeood Akhir A.D. 1264, or 22nd day of May 1849.

L. S. Syud Syf bin Humood.

Approved by the Government of Bombay on 4th August 1849.

PART III.

TREATIES AND ENGAGEMENTS

RELATING TO

ADEN AND THE ADJACENT COASTS.

1.—ADEN.*

On the expulsion of the Turks in 1630, the greater part of Southern Arabia fell into the hands of the Imams of Sanaa. About 1730 the latter were, in turn, expelled from Aden and other districts by the native Arab tribes, who assumed independence.

The tribes in this region coming within the sphere of British influence are the Abdali, the Subaihi, the Akrabi, the Fadthli, the Haushabi, the Aulaki (Upper and Lower), the Yafii (Upper and Lower), the Amir of Dthali, the Alawi, the Wahidi and the Kathiri.

(*1*) *The Abdali.*

The district inhabited by this tribe is known as Lahej, and their Chief as Sulṭan of Lahej; the boundary on the west is undefined, the north-east boundary runs from Al Anad to near Bir Uwaidain, and thence towards Imad, leaving a strip of land on the sea-coast belonging to the Fadthli, and meeting the eastern British limit. [See the Shaikh Othman agreement of 1882 (No. XLII)].

The Abdali are the most civilised, but least warlike, of all the tribes in south-western Arabia.

The first political intercourse with the Chiefs of Aden took place in 1799, when a naval force was sent from Great Britain, with a detachment of troops from India, to occupy the island of Perim and prevent all communication of

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* From original papers in the Foreign Office, a Memorandum by Captain W. F. Prideaux, Assistant to the Resident at Aden, and "An account of the Arab Tribes in the vicinity of Aden," by Major F. M. Hunter and Captain C. W. U. Sealy.

the French in Egypt with the Indian Ocean, by way of the Red Sea. The island of Perim was found unsuitable for troops, and the Sultan of Lahej, Ahmad bin Abdul Karim, received the detachment for some time at Aden. He proposed to enter into an alliance, and to grant Aden as a permanent station, but the offer was declined. A Treaty (No. XXXIII), however, was concluded with the Sultan in 1802 by Admiral Sir Home Popham, who was instructed to enter into political and commercial alliances with the Chiefs on the Arabian coast of the Red Sea.

From that time there was little or no intercourse with Aden till 1837, when attention was drawn to the plunder and maltreatment of the crew of British vessels wrecked on the Aden coast. The most notable case was the plunder of the *Deria Dowlut*, the crew of which were stripped and most barbarously treated. Captain Haines, who was then employed in the survey of the Arabian coast, was instructed to demand satisfaction. He was at the same time to endeavour to purchase Aden as a coaling depôt for the steamers plying between India and the Red Sea. Sultan Mohsin, who had succeeded his uncle Sultan Ahmad in 1827, at first denied all participation in the plunder, but finding the British Commissioner firm in his demands, he eventually consented to give up part of the property, and pay compensation for the rest. A draft treaty for the cession of Aden was laid before the Sultan, to which he verbally gave his consent and promised formally to agree after consulting his Chiefs. In this draft the amount of compensation to be paid for Aden was left undetermined, but it was afterwards arranged that an annual payment of 8,700 crowns should be made. On the 22nd January 1838 Sultan Mohsin sent a letter under his seal,* engaging, after two months, to make over Aden, but stipulating that the Sultan's authority over his people in Aden should be maintained after the cession. To the continuance of the Sultan's jurisdiction the British Agent objected. The Sultan replied that he was willing to abide by the terms first offered, but if these were not accepted, his letter of the 22nd January should be returned to him. Negotiations were at this stage when a plot was laid by Ahmad, the Sultan's

* At pages 282 and 283 of a Collection of Treaties, published by Mr. Hughes Thomas in 1851 under the authority of the Government of Bombay, an extract from a letter of the Sultan of Lahej, dated 23rd January 1838, is given, which purports to complete and conclude the transaction for the transfer of Aden to the British Government. The facts, however, are, as stated in the text, that in the sequel of the letter the Sultan desired that the negotiations should be broken off if his jurisdiction in Aden were not admitted; and the bargain, owing to the subsequent course of events, was never concluded. The title of the British Government to Aden rests exclusively on conquest, and not on purchase.

son, to seize the Agent and rob him of his papers. Delivery of the property stolen from the wreck of the *Deria Dowlut* was also refused; preparations were therefore made to coerce the Sultan. On the 19th January 1839 Aden was bombarded and taken, and the Sultan and his family fled to Lahej. On the 2nd February peace was made (No. XXXIV) in the Sultan's name by his son-in-law, and on the 18th June the Sultan himself signed a Bond (No. XXXV), engaging to maintain peace and friendship with the British Government, who agreed to pay him and his heirs 6,500 dollars a year, and likewise to pay the stipends which the Sultan was bound to give to the Fadthli, Yafii, Haushabi and Amir tribes. Peace, however, was soon after broken by an unsuccessful attempt which Sultan Mohsin made in November 1839 to retake Aden, and the payments were therefore stopped. A second attack made in May 1840 was also unsuccessful, and the repulse of a third attack in July of the same year completely disheartened the Arabs for a time. In 1843 Sultan Mohsin came to Aden and sued for peace. An Engagement (No. XXXVI) was made on the 11th February 1843, which the British Government considered in the light of an agreement to be observed between the Political Agent and the Sultan, but not of a treaty to be formally ratified. In February 1844 a monthly stipend of 541 dollars was restored to the Sultan with a year's arrears, and, before paying it, another Agreement (No. XXXVII) was taken from him, binding him faithfully to observe his engagements.

Sultan Mohsin died on the 30th November 1847, leaving nine sons. He was succeeded by his eldest son Ahmad, who died on the 18th January 1849, when his next brother Ali bin Mohsin succeeded. Shortly after his accession to power, a Treaty (No. XXXVIII) of peace, friendship and commerce, which was under negotiation with his predecessor, was concluded with him. Among its other provisions, this treaty stipulated for the restoration of the monthly stipend which had been stopped in consequence of the share taken by the late Chief, Sultan Mohsin, in an attack on Aden in August 1846.

Relations with the new Chief remained on a fairly satisfactory footing till 1857, when, taking umbrage at some fancied wrongs, he entered upon a course of open hostility to the British Government. He was completely defeated by an expedition which marched against him in 1858, and the peace which followed remained unbroken till his death in 1863.

His son Fadthl (Fazl) bin Ali was elected by the tribes and elders to succeed him in the government, but no sooner had he assumed the management of affairs than intrigues were set on foot by other members of the family

with a view to his displacement. Ultimately an arrangement was effected through the mediation of the Resident at Aden and with the consent of the young Chief, by which he was succeeded in the government of the country by his uncle Fadthl bin Mohsin, fourth son of Sultan Mohsin. For the assistance rendered by Sultan Fadthl bin Mohsin in supplying forage and means of transport for the troops employed against the Fadthli tribe in 1865, he was presented with 5,000 dollars.

In 1867 the Chief consented (No. XXXIX) to the construction of an aqueduct for the supply of water from the Shaikh Othman wells to Aden, a distance of six miles.

In 1873, in consequence of repeated applications by the Sultan of Lahej for the protection of the British Government against the Turks, who had demanded his submission, had occupied a part of Zaida and Shakaa, and had sent troops to support his rebellious brother Abdulla, a force of British and Native infantry with three guns marched to Al Hauta, the capital of Lahej, to protect the Sultan. After some negotiations the Turkish troops evacuated Lahej and Shakaa, and the Sultan's two brothers and nephew surrendered unconditionally, and were conveyed as State prisoners to Aden, while their forts were dismantled. They were subsequently released and retired to Mokha. Sultan Fadthl bin Mohsin died in July 1874, and was succeeded by his nephew Fadthl bin Ali, the present Chief, who had resigned the Chiefship in his favour in 1863. The payment of the usual annual stipend of 6,492 dollars was continued to the present Chief, the amount being increased in 1882 to 19,692 dollars (No. XLII).

In July 1881 an Agreement (No. XL) was concluded between the Abdali and the Haushabi, by which a portion of the Zaida lands taken from the latter tribe in 1873 was restored to them, and a cause of constant mutual irritation was thus effectually removed. In 1881 the Abdali entered into an Agreement (No. XLI) by which the Subaihi were placed under their control, the stipends previously received by the latter being made payable to the Abdali.

On the 7th of February 1882, by a Treaty (No. XLII) with the Abdali Sultan, arrangements were made for the purchase, by the British Government, of some 35 square miles of territory attached to Shaikh Othman, between the Hiswa and Imad; the salt-pits at Shaikh Othman and the aqueduct between that place and Aden at the same time became British property. Between

May and July 1886 the Abdali Chief made repeated complaints of the hardships entailed by the Subaihi agreement, from which he wished to withdraw entirely. In August he reported that one of his garrisons had been massacred, and that all the others were surrounded by the Subaihi, and craved assistance in rescuing them. The Resident despatched 50 sabres of the Aden Troop (which had been raised in 1865 for police purposes) to support him, and also lent him rifles and ammunition. These proceedings resulted in the safe withdrawal of the garrisons; but from this date the Subaihi agreement became practically inoperative, and the various Subaihi tribes resumed their old position of independent relations with the Aden Residency.

At the close of 1886 the Abdali bought back from the Haushabi the lands referred to in the Zaida Agreement (No. XL), and the Resident thereupon intimated to both Chiefs that articles 1 and 2 of that agreement were held to be cancelled, with the exception of the words permitting the Haushabi to erect a house at Al Anad.

The total population of Lahej may be estimated at 15,000 souls. The revenues of the State, which are estimated at about 45,000 rupees per annum, are derived from a land tax, from transit duties, and from monopolies farmed by the Sultan to the highest bidders.

(2) *The Subaihi.*

The large tribe of the Subaihi occupy the country bordering on the sea from Ras Imran to Bab-al-Mandeb. They own allegiance to no paramount Chief, but are divided into a number of petty clans. They have a high reputation for courage, but it is dimmed by their character for treachery and love of plunder. After the capture of Aden several Engagements (No. XLIII) were arranged in 1839 with the Chiefs of this tribe. Until 1871 the only Chiefs enjoying stipends from the British Government were the heads of the Dubaini and Rujai clans. In that year the Mansuri clan attacked and plundered a caravan coming into Aden. A detachment of the Aden Troop, which had been raised in 1865 for police purposes, was despatched against them, and an action ensued in which one of the Chiefs and most of his party were killed. Eventually, in 1871, the Subaihi Chiefs came into Aden and tendered their submission; they also entered into Engagements (No. XLIV) to preserve the peace of the roads, to restore plundered property, and to abolish transit duties and taxes on the roads passing through their territories, in

return for monthly stipends.* An additional Engagement (No XLV) was also signed in 1871 by the Mansuri Chief, by which he admitted his responsibility for the good behaviour of the Kuraisi.

A separate Engagement (No. XLVI) was made in 1871 with the Atifi subdivision of the tribe, by which they agreed to afford protection to shipwrecked seamen of any nation, and to protect and send to Aden deserters from the garrison and shipping.

An expedition despatched in 1878 by sea and land was successful in putting a stop, for the time, to the depredations committed by the Barhemi, a sub-tribe of the Subaihi, but on the recrudescence of disorder the whole tribe was put under the control of the Abdali (*see* The Abdali, Agreement No. XLI). In 1886, however, as detailed above in the account of the Abdali, the Subaihi agreement became inoperative, the various Subaihi tribes resumed their old position of independent relations with the Aden Residency, and their stipends were restored to them.

In 1889 Protectorate Treaties (Nos. XLVII and XLVIII) were made with the Atifi and Barhemi. These were ratified on the 26th February 1890.

The number of the Subaihi is estimated at 20,000, and the revenue at about Rupees 7,000 per annum.

(3) *The Fadthli.*

The Fadthli, with whom an Engagement (No. XLIX) was concluded by the British Government in July 1839, after the capture of Aden, are one of the most powerful and warlike tribes near Aden. Their possessions lie to the north-east of that settlement, and extend for a hundred miles along the coast from the eastern limits of the Abdali near Imad to the western boundary of the Aulaki at Makatin. The Sultan of Lahej for many years paid annual subsidies to the neighbouring tribes, including the Fadthli, through whose territory the trade of the country passed, and these payments were at first continued by the British Government on condition of the Chiefs remaining in friendly alliance. Owing to the weakness, however, of the character of Sultan Ali bin Mohsin of Lahej, through whom it was the early policy of the British Agent to transact all business with the Arabs of the country round Aden, the neighbouring tribes ventured for some years to perpetrate a series of atrocities upon individual British officers and others, which the Sultan was quite unable to prevent

* The Mansuri $25, Makhdumi $30, and Rujai $40.

or punish. His efforts, indeed, to procure compliance with the demands of the British Government for satisfaction for these outrages, brought on him the hostility of his rivals the Fadthli tribe who had sheltered some of the murderers, and who endeavoured to stir up the neighbouring tribes to hostility with the British. The stipend of the Fadthli Chief, which had been assigned to him by the engagement of 1839, was stopped till he should expel the criminals who had taken refuge with him. This he did, and on the restoration of his stipend, he voluntarily signed an Agreement (No. L) to protect the roads from Aden through his territory. But the inability of the Sultan of Lahej to prevent or punish crimes committed by the adjacent tribes necessitated a change in the policy of dealing with them and the commencement of intercourse with their Chiefs direct, instead of through the Sultan as medium.

For some years after the introduction of this system the conduct of the Fadthli Chief, Ahmad bin Abdulla, was satisfactory. By his behaviour at the wreck of the *Statelie* in January 1864 he earned the approbation of the British Government, but soon afterwards, either from dissatisfaction at the amount of the reward granted to him for his services on this occasion, or out of jealousy at the intimacy of British relations with the Sultan of Lahej, he resumed his attitude of persistent hostility. Within gunshot of the fortifications of Aden he plundered a caravan, and assembled a large force with the object of destroying the crops of the Abdali, and defying the authority of the British Government.

A small body of troops was accordingly despatched against him in December 1865; he was defeated and compelled to seek safety in flight, while the troops entered the Fadthli country and destroyed several villages. The seaport of Shukra was at first spared, in hopes that the punishment already administered would prove sufficient; but some further outrages having been perpetrated by the Fadthli, another expedition left Aden, destroyed the forts inland, and returned within three days, thus showing the Fadthli that they could be approached by land or by sea with equal facility. It was decided that either the Chief or his son should enter Aden and tender unconditional submission before friendly relations could be resumed. All other overtures were declined, and in March 1867 a letter was received from the Chief, stating his wish to send his elder son to tender the submission of the tribe. A safe conduct was granted, and finally a Treaty (No. LI), embodying the prescribed terms, was signed by the Chief in 1867, the Resident agreeing on the part of the British Government that the past should be forgotten.

This treaty has been authoritatively declared to be the only one now in force. In accordance with Article 4, a relation of the Chief was deputed to reside in Aden as a permanent hostage; but on his death in 1870, this Article was allowed to remain in abeyance. Shortly after the ratification of the treaty of 1867 the stipend of the Fadthli Chief was raised from 30 dollars to 100 dollars per mensem. Sultan Ahmad bin Abdulla died in February 1870, and was succeeded by his eldest son Haidara, who was assassinated in August 1877. The latter was expelled by the tribe, who elected his son Ahmad to be their Chief. The succession was recognised by the British Government. In July 1879 Sultan Husain being found to be implicated in certain intrigues which had for their object a rebellion in the Fadthli country was arrested and deported to Bombay. He was liberated in December 1886, and his conduct since his release has given no cause for uneasiness.

In 1872 the tribe agreed (No. LII) to abolish transit duties on goods conveyed to and from Aden through their territories, in consideration of which measure the Chief's stipend was further increased to 180 dollars per mensem.

In 1881 a boundary dispute, which had long caused ill-feeling between the Fadthli and Abdali, was terminated by the conclusion of a Treaty (No. LIII) defining their respective limits.

In 1883 it was reported that the Lower Aulaki had invaded the Fadthli territory, and a force was despatched from Aden by sea and land to the assistance of the latter. No invasion having actually taken place the force was withdrawn. Shortly afterwards the Lower Aulaki invaded Fadthli territory, but the attack resulted in their complete discomfiture.

In 1888 territorial disputes arose between the Lower Yafii and the Fadthli and the former cut off the supply of the Nazia; a desultory strife continued for some time between the tribes with occasional short truces.

In August 1888 a Protectorate Treaty was concluded (No. LIV) with the Fadthli, which was ratified on the 26th February 1890.

In October 1891, in consequence of the misconduct of the Fadthli, it became necessary to impose a fine of Rupees 1,000 upon the Chief, and to suspend the payment of his stipend. The advisability of reviving the fourth article of the agreement of 1867, requiring the residence of a Fadthli representative at Aden, was also taken into consideration. In December 1891, however, on his making full submission, the punishment was in part remitted by the Government of India.

The revenue of the tribe, exclusive of the stipend from the British Government, is estimated at 10,000 dollars per annum. The population amounts to about 25,000, and the Sultan can muster about 6,800 fighting men.

(4) *The Akrabi.*

The Akrabi tribe are a subdivision of the Abdali, who, under Shaikh Mahdi, threw off allegiance to Abdul Karim of Lahej and became independent about the year 1770. The only town, or rather village, is that of Bir Ahmed. An Engagement (No. LV) was concluded in 1839 with their Chief, Shaikh Haidara Mahdi, after the capture of Aden, and it was adhered to until the date of the third attack upon the fortress in July 1840. Thenceforward for many years their attitude was one of hostility. In 1850 they murdered a seaman of the *Auckland*. This necessitated the blockade of the port of Bir Ahmed, which continued for several years, and friendly relations with the tribe were not resumed till 1857, when the Chief of the Akrabi tribe renewed (No. LVI) his professions of peace and good-will. In 1863 an Agreement (No. LVII) was made with him, by which he engaged not to sell, mortgage, or give for occupation, save to the British Government, any portion of the peninsula of Little Aden. In return he was to receive an immediate payment of 3,000 dollars, and a monthly stipend of 30 dollars.

These terms were not considered entirely satisfactory by Her Majesty's Government, and the Resident was instructed to treat for the complete and unreserved acquisition of the peninsula. After tedious negotiations, which were further protracted by the necessity of investigating the claims of other tribes to this territory, the purchase was concluded (No. LVIII) on the 2nd April 1869 for a sum of 30,000 dollars, the stipend of the Chief being at the same time raised to 40 dollars per mensem.

The animosity, always latent, between the Abdali and Akrabi, took overt form in 1887, and in August of that year the Abdali besieged Bir Ahmed in a desultory fashion. Eventually, as the British limits at Hiswa were disturbed, the Resident intervened; the Abdali evacuated Akrabi territory, and peace was restored on the 6th September.

Negotiations were commenced in 1887 for the acquisition of a strip of foreshore to connect the British limits at Al-Hiswa and Bandar Fukum. They were brought to a satisfactory conclusion by an Agreement (No. LIX), dated the 15th July 1888, the Akrabi Shaikh disposing of his title for an immediate payment of Rupees 2,000.

In 1888 a Protectorate Treaty was concluded (No. LX) with the Akrabi, similar to that arranged with several other tribes, and was ratified on the 26th February 1890.

The Akrabi inhabit the coast-line from Bir Ahmed to Ras Imran; inland their territory extends to an undefined point between Bir Ahmed and Wahat. They can muster about 250 fighting men. The present Chief, Abdulla bin Haidara Mahdi, succeeded to the Chiefship in 1858 on his father's resignation. His revenue in favourable years amounts to about 600 dollars per annum exclusive of his stipend, but in ordinary seasons it is probably not much more than 200 dollars.

(5) *The Upper Aulaki.*

The Aulaki tribe is divided into two sections, the Upper and the Lower Aulaki, each under an independent Chief. The Upper Aulaki are again subdivided, part being under the rule of Sultan Abdulla bin Awadth, who resides at Nusab, and part governed by Shaikh Am Rasas bin Farid, who is nearly as powerful as the Sultan and lives at Yeshbum.

The Aulaki inhabit the tract of country stretching from the Fadthli boundaries on the west to those of the Dhuyaibi on the east; but the ports of Irka and Lower Haura on this coast are held by independent Shaikhs of whom some account is given below.

The Sultan's revenues are roughly estimated at Rupees 16,000, and those of the Yeshbum Shaikh at Rupees 6,000.

There is no agreement or treaty with the Upper Aulaki Sultan or Shaikh.

(6) *The Lower Aulaki.*

In October 1855 the Resident at Aden entered into an Engagement (No. LXI) with Sultan Munassar bin Bubakr, Mahdi of the Lower Aulaki tribe, by which the latter bound himself to prohibit the importation of slaves into the country from Africa. He was murdered together with his son Abdulla in July 1863, and was succeeded by his cousin, Bubakr bin Abdulla, who has lately (1892) resigned the Chieftainship in favour of Salik bin Ali, a distant relative. The Government has sanctioned this arrangement and continued the stipend enjoyed by Bubakr bin Abdulla to his successor. The authority of the Lower Aulaki Chief over his tribe is somewhat limited. The late Chief was not always able to prevent the plunder of vessels wrecked on his coast. In 1871, however, he bound himself by an engagement to use

his best endeavours to prevent such outrages in future, and to protect and, if possible, convey to Aden any shipwrecked seamen who might stand in need of his assistance.

In 1883 dissensions broke out between the Fadthli and Lower Aulaki, leading to a raid on the Fadthli territory. The Lower Aulaki were defeated with considerable loss, as detailed in the account of the Fadthli (*vide supra*).

Since 1888 the Lower Aulaki Chief, whose principal residence is at Ahwar, has received a stipend of 360 dollars per annum. A Protectorate Treaty (No. LXII) was concluded with him in 1888, and was ratified on the 26th day of February 1890. His annual income is estimated at about Rupees 10,000.

(7) *Irka.*

Since 1888 the Shaikh of Irka has received a stipend of 80 dollars per annum. A Protectorate Treaty (No. LXIII) was concluded with him in that year, and was ratified on the 26th February 1890. The present Shaikh (1892) is Awadth bin Muhammad ba Das.

(8) *Lower Haura.*

The Shaikhs reside at Lower Haura, a seaport about 12 miles from Irka. Since 1888 an annual stipend of 50 dollars has been paid to them, and a Protectorate Treaty (No. LXIV) was concluded with them in that year, and was ratified on the 26th February 1890. The representative Chief at present (1892) is Shaikh Abdulla bin Muhammad ba Shahid.

(9) *The Yafii.*

This tribe is divided into two sections, the Lower and Upper Yafii. Their territory inland is very extensive, but the maritime districts east of Aden, which formerly belonged to the tribe and extended to the frontiers of Hadthramaut, were wrested from them by the Fadthli shortly before the capture of Aden. The British Government has had but little communication with the Upper Yafii, whose present Chief is Sultan Muhammad bin Ali, and no agreement or treaty has ever been made with them.

Soon after the capture of Aden an Engagement (No. LXV) was entered into in 1839 with Sultan Ali bin Ghalib, Chief of the Lower Yafii, similar to that concluded with the Abdali and Fadthli Chiefs, and has been loyally adhered to.

Sultan Ali bin Ghalib died in 1841 at a great age, and was succeeded by his son Ahmad bin Ali. He died in September 1873, and was succeeded by his son Ali bin Ahmad, who was succeeded by his brother Mohsin bin Ahmad in May 1885. He died on the 19th July 1891, and his nephew Sultan Ahmad bin Ali was elected as his successor to the Chieftainship. The Government of India sanctioned the continuance to him, with effect from the 20th July 1891, of the annual stipend of 250 dollars enjoyed by the late Sultan.

Hostilities broke out between the Yafii and the Fadthli in the year 1873, in consequence of the Yafii Chief having repudiated an engagement concluded on his behalf by his son and in the presence of the Resident at Aden, whereby he had consented to accept a royalty of 25 dollars per annum from the Fadthli Sultan for the use of water for irrigation. For this breach of faith the stipend of the Yafii Chiefs was temporarily withheld.

The Yafii are said to number 35,000 souls: their supposed gross revenues amount to Rupees 20,000 per annum, and are derived principally from a tax of 10 per cent. on produce. Neither of the Yafii Sultans levies transit duties on goods passing through his territories.

(*10*) *The Haushabi.*

On the 14th June 1839 an Engagement (No. LXVI) was entered into with Sultan Mani bin Salam of this tribe, of the same tenor as those with the Abdali, the Fadthli, and the Yafii. In the previous January a Treaty (No. LXVII) of friendship and peace had been signed by two other Chiefs of the Haushabi tribe with the British representative. Sultan Mani bin Salam, though more than once invited by the Abdali and Fadthli Chiefs to join them in their attacks upon Aden, steadily declined their overtures. He died in June 1858, and was succeeded by his nephew Obaid bin Yahya, during whose rule friendly relations were uninterruptedly maintained with the Haushabi. Obaid bin Yahya died in 1863, and was succeeded by his cousin Ali bin Mani. The relations of Sultan Ali bin Mani with the neighbouring Chiefs and the British Government were for a long time the reverse of cordial. In 1868 he cut off the supply of water from a rivulet which irrigates the Lahej territory, and destroyed the crops on lands belonging to the Sultan of Lahej, who accordingly marched against him. An action ensued in which the Haushabi Chief was defeated. In payment of the loss suffered by the Sultan of Lahej, Sultan Ali bin Mani ceded to him the town of Zaida and its lands which

had formerly belonged to Lahej, and the dispute was temporarily settled by the friendly intervention of the Resident. In October 1869 the Haushabi Chief's stipend was stopped in consequence of the outrages committed by him on the Aden road; the proximate cause of this misconduct was the tenure of Zaida by the Sultan of Lahej, who was therefore induced to make over to his rival a small portion of that district. The Haushabi Chief was not satisfied, and in 1873 commenced intriguing with the Turkish authorities at Taizz in the hope of thereby regaining possession of Zaida. Supported by Turkish troops he held for some little time a part of Zaida, but on their withdrawal from the neighbourhood of Lahej he was compelled to retire.

The Sultan of Lahej was induced by the Resident to renew his offers of a portion of Zaida to the Haushabi Chief, but as the latter insisted on receiving the fort of Shakaa, which commands the rivulet and consequently the supply of water to Lahej, the negotiations failed for the time. They were, however, renewed with success in 1881 when, as recorded above in the account of the Abdali, an Agreement (No. XL) was signed by both Chiefs. In 1886 this agreement was modified by the action of the Haushabi Chief in selling his lands at Zaida to the Abdali.

Sultan Ali bin Mani died in May 1886, and was succeeded by his son Mohsin bin Ali.

The Haushabi tribe numbers about 7,000 souls and 2,000 fighting men; there is also an independent section of the tribe known as Hawashib-al-Harur, who live on the confines of the Yafii territory, and muster about 1,000 fighting men. The annual revenue amounts to about 5,500 dollars.

(*11*) *The Alawi.*

The district occupied by the Alawi tribe is situated to the north-west of the Haushabi country. No separate engagement was entered into with this tribe after the capture of Aden, but the Chief's stipend was secured through the intervention of Sultan Mani bin Salam of the Haushabi tribe.

In 1873 a body of Turkish troops marched through the Alawi country and compelled the Chief, Shaikh Saif bin Saif, who had refused to tender allegiance to the Turkish authorities at Taizz, to submit, and to surrender his son as a hostage. The latter was eventually released in consequence of the remonstrances of Her Majesty's Ambassador at Constantinople.

Shaikh Saif bin Saif died in March 1875, and was succeeded by his

nephew Said bin Salih. The latter died on the 1st April 1892, and his eldest son Shaikh Saif bin Said was elected to the Chieftainship. The annual stipend of 60 dollars paid to the late Chief is continued to his successor.

The Alawi muster about 500 fighting men: the revenue, which amounts, approximately, to 6,000 rupees per annum, is chiefly derived from transit duties.

(12) *Dthali.*

The collection of tribes ruled over by the Amir of Dthali occupy the district north-west of the Alawi country on the high road to Sanaa. The ancestors of the present Chief are said to have been Muwallads, or half-caste slaves of the Imams of Sanaa, and to have established themselves as independent at Dthali about the beginning of the last century.

On the death of the late Chief, Shafal bin Abdul Hadi, in 1872, his nephew Ali bin Mokbil, was recognised by the British Government as his successor. In the following year he was required by the Turkish authorities to make his submission to the Porte, a Turkish Superintendent was appointed to Dthali, a detachment of Turkish troops was quartered there, and the Chief was required to give a hostage for his good behaviour who was to reside at Taizz. He was afterwards summoned by the Turks to Kataba, and imprisoned there, but effected his escape. Muhammad bin Masaid, who had been appointed Chief by the Turks in the place of his nephew Ali bin Mokbil, was killed, and his son Abdulla bin Muhammad was recognised by them as his successor. He continued to resist Ali bin Mokbil till 1878, when Turkish support having been withdrawn from his rival, Ali bin Mokbil resumed his position as Chief of the tribe, with the loss however of several of his villages which had, some voluntarily and some under pressure, yielded allegiance to the Porte.

In 1880 the Chief signed an Agreement (No. LXVIII) by which he became a British stipendiary, receiving 50 dollars per annum. This allowance was afterwards increased to double that sum.

In September 1886 Ali bin Mokbil died and was succeeded by his cousin Shaif bin Saif, to whom the stipend is continued.

In 1881 the Kotaibi tribe became restless, and began to exact dues on the Hardaba route. In 1884 it was found necessary to support the Amir with a few sabres of the Aden Troop and some sappers. They destroyed some of the Ahl-ath-Thomari forts, and the Kotaibi then tendered their submission. But they soon resumed their independent position, and it was not until 1888, when

the Resident met the Haushabi, the Dthali Amir, and others to settle a schedule of rates to be levied on kafilas, that the Kotaibi and Ahl-ath-Thomari formally recognised the Amir as their superior.

(*13*) *The Wahidi.*

The Wahidi are a Hadthramaut tribe. The territory occupied by them is bounded on the north and north-east by the lands of the Naman and Burayshi tribes, on the north-west and west by the Upper Aulaki, on the south-west by the Dhuyaibi, and on the south by the Arabian Sea. It has a sea-coast estimated at 50 miles in length, and includes the ports of Ras-al-Kalb, Bir Ali, Balahaf, and Ras-al-Majdaha.

The country may be divided into the three districts of Habban, Izzan, and Bir Ali. In 1885, Hadi bin Salih being made the principal Sultan, the Wahidi were practically united under one ruler; but the title of Sultan is borne by several subordinate Chiefs belonging to the reigning family.

Until recent years this tribe had had no dealings with the Aden Residency, but their country was visited by Captain Miles and M. Werner Munzinger, C.B., in 1870.

One of the Wahidi Sultans visited Aden in 1872, and uninterrupted communication has since been maintained between this tribe and the Aden Residency.

In 1877 Sultan Ahmad bin Husain was dethroned, and was succeeded by his son Salih bin Ahmad.

In January 1878 several of the Wahidi Sultans addressed a joint letter to the Resident, complaining that negotiations were going on between the Kaiti Chief of Shihr and Talib bin Hadi bin Talib for the sale of the port of Bir Ali to the Kaiti. The Wahidi desired the Resident to close the port of Bir Ali and hoist the British flag at Balahaf until a settlement was effected. The Resident advised Talib bin Hadi not to be so imprudent as to sell Bir Ali to the Kaiti.

Sultan Salih bin Ahmad died in 1881, and was succeeded by his cousin Abdalla bin Omar as Sultan of Habban and Izzan. The latter visited Aden in 1881, and was suitably received by the Resident. Abdalla bin Omar was dethroned in 1885, when Hadi bin Salih of Balahaf was made the principal Sultan.

In the beginning of 1882 Izzat Pasha was appointed Turkish Governor General of Yemen, and on his way from Baghdad to Hodeida to take up his

appointment, visited Balahaf and Bir Ali. No agreement of any kind passed between him and the Sultan of Balahaf; but Nasir bin Abdalla, one of the Sultans of Balahaf, apprehensive that Balahaf might be annexed by the Kaiti Chief of Shihr and Mokalla, obtained a Turkish flag, which was to be hoisted every Friday and on the approach of a foreign vessel. The Wahidi Sultan of Habban and Izzan, while denying all complicity in the matter, stated his inability to prevent the Sultans of Balahaf from flying the Turkish flag, and proclaimed his readiness to go against them with British aid.

Subsequently the Wahidi Sultan and the Sultans of Bir Ali, Balahaf and Majdaha, all wrote almost identical letters to the Resident, praying for British protection.

From the correspondence which took place in connection with this incident, it appeared that the then Wahidi Sultan of Habban and Izzan had little, if any, control over Bir Ali, Balahaf and Majdaha.

It was eventually decided to enter into closer relations with the Wahidi, and with this view Protectorate Treaties (Nos. LXIX and LXX), similar to that executed by the Chief of Sokotra, were concluded in 1888 with the Sultans of Bir Ali and Balahaf. Annual stipends of 120 dollars each were at the same time granted to Sultan Mohsin bin Salih of Bir Ali and Sultan Hadi bin Salih of Balahaf.

Sultan Hadi bin Salih of Balahaf has lately (1892) resigned the Chieftainship in favour of his younger brother Mohsin bin Salih. The Government has sanctioned this arrangement, and continued the stipend to Mohsin bin Salih.

(*14*) *The Kathiri.*

The country inhabited by this tribe was formerly extensive, reaching from the Aulaki districts on the west to the Mahri tribe on the east, and including the seaports of Mokalla and Shihr. Civil wars led to the interference of the Yafii, and much of the Kathiri territory came under the sway of the Kasadi and Kaiti, the Kathiri now possessing no seaport at all.

Some account of the tribe will be found under "Shihr and Mokalla" (*infra*). There is no treaty with them.

At the end of 1883 Sultan Abdalla bin Salih, one of the Kathiri Chiefs, visited the Resident at Aden. His principal object was to ascertain what attitude the British Government would maintain in the event of the Kathiri attacking the Kaiti with a view to repossessing themselves of the ports of Shihr and Mokalla. Abdalla bin Salih also visited Zanzibar with intent to

intrigue with the ex-Nakib of Mokalla, from whom, however, he failed to obtain any material assistance.

The Government of India in March 1884 directed that the Kathiri be warned that an attack upon Shihr and Mokalla would be viewed with grave displeasure, and that, if necessary, a gun-boat would be sent to support the Kaiti ruler. The Jamadar of Shihr and Mokalla was subsequently assured in the most public manner that Government would support him in the event of any attack on his ports.

The following is a statement of the tribes in the neighbourhood of Aden who have (1892) relations, stipendiary or otherwise, with the British Government :—

Name of Chief.	Tribe or District.	Annual Stipend in Dollars.	Salute.
1. Sultan Fadthl bin Ali	Abdali	19,692	9 guns.
2. Sultan Ahmad bin Husain	Fadthli	2,160	9 guns.
3. Shaikh Abdulla bin Haidara	Akrabi	480	
4. Sultan Mohsin bin Ali	Haushabi	648	
5. Shaikh Saif bin Said	Alawi	60	
6. Amir Shaif bin Saif	Dthali	100	
7. Sultan Ahmad bin Ali	Lower Yafii	250	
8. Sultan Salih bin Ali	Lower Aulaki	360	
9. Shaikh Awadth bin Muhammad ba Das	Irka	80	
10. Shaikh Abdulla bin Muhammad ba Shahid	Lower Haura	50	
11. Jamadar Awadth bin Omar	Kaiti	360	12 guns (personal).
12. Sultan Ali bin Abdulla bin Salim bin Tawari bin Afur	Kishn and Sokotra	480	9 guns (personal).
13. Sultan Mohsin bin Salih of Bir Ali	Wahidi	120	
14. Sultan Mohsin bin Salih of Balahaf	Wahidi	120	
15. Shaikh Said bin Ali and others	Atifi	360	
16. Shaikh Ali bin Ahmad am-Tommi and others	Barhaimi	300	
17. Shaikh Salim ba Abdalla	Rujai	480	
18. Shaikh Abdalla ba Khadir	Mansuri	300	
19. Shaikh Murshid bin Nasir	Makhdumi	360	
20. Shaikh Hasan bin Imad	Dubaini	42	

2.—SHIHR AND MOKALLA.

SHIHR and Mokalla are the two principal ports in the province called Hadthramaut on the southern coast of Arabia. Mokalla is 250 miles north-

east of Aden, and Shihr is 20 miles distant from Mokalla. The whole province was, till some 400 years ago, in the possession of the Kathiri, but disputes having arisen among the members of the ruling family towards the close of the fifteenth century, one of the claimants, Amr bin Badr, called in the Yafii, who, in return for their assistance in putting him in power, retained for themselves the ports of Shihr and Mokalla. Mokalla was till lately retained by one of their sub-tribes, the Kasadi; both places are now however in the possession of the head of another sub-tribe, the Kaiti.

Shihr and Mokalla were at one time centres of an active traffic in slaves from Zanzibar and the Dankali coast. On the 14th May 1863, Brigadier Coghlan, the Political Resident at Aden, concluded an Engagement(No. LXXI) with Salah bin Muhammad of the Kasadi sub-division of the Yafii tribe, Nakib of Mokalla, in which he agreed to abolish and prohibit the export and import of slaves. A precisely similar engagement was concluded on the same date with Ali bin Naji, of the Kaiti sub-division of the same tribe, Nakib of Shihr.

In 1866 Sultan Ghalib bin Mohsin, Chief of the Kathiris, expelled Ali bin Naji from Shihr and took possession of the fort. At this time the inland town of Shibam was held by the Kaiti tribe, and their Chief, Abdulla, being apprehensive that the capture of Mokalla would follow that of Shihr, and that his communication with the seaboard would be cut off, applied to his brothers, who were in the service of the Hyderabad State, for assistance against Sultan Ghalib bin Mohsin. A request was thereupon preferred by the Minister of the Nizam for the armed interference of the British Government on behalf of the rightful Chief of Shihr. Government, however, declined to interfere or to allow an armed expedition to be fitted out by Arabs from the Indian coast.

In April 1867, Awadth (Awaz) bin Omar, better known by his Hyderabad title of Sultan Nawaz Jang, a brother of the Kaiti Chief Abdulla, after establishing a blockade on the sea-coast, landed near Shihr, attacked Sultan Ghalib bin Mohsin, and on his flight obtained possession of the town. An attempt was made by the Kathiri Chief in December of the same year to retake the place, but he was repulsed by the Kaiti, who have since remained in unmolested possession of the port and district. Application was made by the Kathiri Chief to the British Government for permission to recover Shihr by force, but it was considered undesirable to interfere. At the same time the Nizam's Minister declared his readiness to prohibit any interference on the part of Hyderabad subjects in the affairs of Hadthramaut.

Salah bin Muhammad died in 1873 shortly after the conclusion of a

Treaty (No. LXXII) with him, by which he engaged for himself, his heirs and successors, to prohibit the import or export of slaves to or from Mokalla and its dependencies. He was succeeded by his son Omar bin Salah, who accepted an offer by the Kaiti Chief of Shihr to aid him in reducing the refractory Shaikh of Dawan. Taking advantage of his admission with 600 followers into the fort of Mokalla, the Kaiti Chief demanded payment of a debt alleged to have been due to him by the late Nakib.

It was finally arranged in 1873 by treaty* that the Nakib should cede one-half of Mokalla, of Bandar Burum, and of the district of Al-Harshiyyat in return for a payment of 2½ lakhs of dollars, from which however the debt due to the Kaiti Chief was to be deducted. In prosecution of this feud, the Kaiti, with the aid of their relatives at Hyderabad, purchased a vessel and despatched her to Aden; she was detained there under the provisions of the Foreign Enlistment Act of 1870, and not released until the Kaiti Chief had bound himself under a heavy penalty to send her at once to Bombay without touching at, or undertaking any operations against, any of the ports of Hadthramaut. This Chief further attempted to establish a blockade of Mokalla and boarded native craft suspected of being bound for that port. For the plunder of three such vessels he was compelled to pay an indemnity of Rupees 6,142, and warned of the consequences of such interference with commerce in the future.

The British Government steadily avoided interference or arbitration in the disputes between these two Chiefs, and took no action regarding them beyond asking for assurances from the Ministers of the Hyderabad State that persons in the service of the Nizam who might be convicted of taking part in the quarrel by supplying money and munitions of war to their relatives on either side, and so prolonging the strife, would be dismissed. But at length in 1876, there being no prospect of the cessation of hostilities without some authoritative interference, the Political Resident at Aden, acting under the authority of Government, visited the two Chiefs, and through his mediation a truce for two years was concluded, on the expiry of which period a further extension of one year was arranged. No permanent settlement was however effected, and eventually hostilities were resumed in 1880 and resulted in the capture of Burum by the Chief of Shihr. Being driven to extremities the Nakib of Mokalla signed the agreements drawn up by the Political Resident, and Burum was in consequence evacuated by the Jamadar of Shihr.

* See Appendix No. 10.

No sooner was the Nakib thus relieved from immediate pressure than he repudiated the terms of the settlement. The Government of India thereupon directed that the Jamadar should be replaced in possession of Burum, which was surrendered by the Nakib without further bloodshed. Finally, in November 1881, the latter gave himself up to the Commander of H. M. S. *Dragon* and was conveyed with his dependants to Aden, while the Jamadar of Shihr was put in possession of Mokalla and its dependencies. From Aden the ex-Nakib went to Zanzibar with a number of Shaikhs and followers, and in 1888 he accepted the maintenance provided for him.

In 1873 an Engagement (No. LXXIII) was concluded with the Chief of Shihr, by which he bound himself, his heirs and successors, to prohibit the import or export of slaves to or from Shihr and its dependencies.

In July 1882 an Engagement (No. LXXIV) was concluded with the Jamadar of Shihr and Mokalla by which he became a British stipendiary, an allowance of 360 dollars a year being assigned to him, his heirs and successors. At the same time the Jamadar paid over (Article 2) a sum of 100,000 dollars to the Resident at Aden for the maintenance of the ex-Nakib of Mokalla.

On the 1st May 1888 a Protectorate Treaty was concluded with the Jamadar Abdulla bin Omar and his brother Awadth bin Omar, and was ratified on the 26th February 1890 (No. LXXV).

Jamadar Abdulla bin Omar died on the 25th November 1888, and Government sanctioned the continuance of the salute and stipend to his brother Awadth bin Omar (Sultan Nawaz Jang). The Chief receives a personal salute of 12 guns.

3.—SANAA.*

About the beginning of the seventeenth century, the English obtained a firman from the Governor of Mokha for the establishment of a factory and permission to trade on payment of a duty on goods, not exceeding 3 per cent. This deed was confirmed by the Turkish Pasha of Yemen. About the same time the Dutch established a factory at Mokha, which was then the great depôt for the trade of Southern Arabia, and a century later a factory was also opened by the French. After the expulsion of the Turks in 1630 the whole of Yemen came under the government of the Imams of Sanaa;

* From Playfair's History of Yemen and Records in the Foreign Office.

but at the time of Carsten Neibuhr's visit to Sanaa in 1763, the native Arab tribes of the provinces of Aden, Abu Arish, Taizz and others, had thrown off allegiance to the Imams. In 1799, when the British Government took measures to oppose the expected invasion of India by the French, and to revive the lost trade of the Red Sea, Dr. Pringle was deputed to Sanaa with presents from the Governor General, and obtained from the Imam, Ali Mansur, orders to the Governors of Mokha, Hodaida, and Lohaiyya to give every facility to trade. Two years afterwards an effort was made by Sir Home Popham, who had been constituted Ambassador to the States of Arabia, to negotiate a commercial treaty with Sanaa; but he was treated with indignity by the Governor of Mokha, and the terms of the proposed treaty were rejected by the Imam.

At the beginning of the present century, Imam Ali Mansur suffered severely at the hands of the Wahabis, who overran and wrested from him some of the best districts of his dominions. In 1816, however, Muhammad Ali Pasha, having destroyed the Wahabi power, restored these districts to Ahmad, the son and successor of Imam Ali Mansur, in consideration of an annual tribute of 100,000 dollars. Ahmad was succeeded in 1817 by his son Abdulla, who was unable to retain the provinces which had been restored to his father.

In 1817, in consequence of a dispute in which an Arab had been temporarily detained at the factory at Mokha, the British Residency was attacked and plundered, and a British officer was dragged before the Governor, by whom he was subjected to every insult. After some delay a British squadron was sent to demand satisfaction for this outrage. On the 26th December 1820 the fort of Mokha was taken, and shortly afterwards a public apology was made for the indignity offered to the British Government, and a Treaty (No. LXXVI) was signed by the Imam of Sanaa and his Council. in 1821, defining the rights to be enjoyed by British subjects, and reducing the export duty on trade to 2¼ per cent. This treaty was framed in a slovenly and discreditable way, and it was afterwards discovered that serious discrepancies existed between the English version and the Arabic counterpart. The Imam refused to accept any modification. To preserve friendly relations, the British Government yielded every point, except one in the 6th Article. The clause in the English version of that article, which stipulated that the servants of the factory should be amenable only to the jurisdiction of the Resident, was altogether omitted in the Arabic. The Imam was informed that all other

points were conceded, but that, if he attempted to seize or punish any person, of whatever nation, in the exclusive employment of the Resident, the Resident would withdraw, and such further measures would be adopted as might seem to the British Government to be expedient.

In 1840 a Commercial Treaty (No. LXXVII) was concluded with Sharif Husain bin Ali of Mokha by Captain Moresby, similar to that concluded in the same year with the Chief of Zaila (*See* Somali Coast and Shoa *infra*). Shortly afterwards the British flag was cut down, and the duties levied from British subjects were raised to 9 per cent. As Mokha had by this time fallen under the government of the Sublime Porte, it was doubtful whether Sharif Husain had any right to conclude a treaty as a principal. The British Government also objected to certain exclusive clauses in the treaty which were directed against the trade of other European nations. The dispute was amicably adjusted through Her Majesty's Ambassador at Constantinople, but the treaty was never ratified.

For many years the country of Sanaa was in a state of absolute anarchy. In 1832 Mokha and all the sea-coast fell under the suzerainty of the Turks. It was afterwards recovered for a time, but again finally lost in 1848. Ali Mansur, who succeeded his father as Imam of Sanaa in 1834, was deposed three years after. He again succeeded to power in 1844, on the death of his uncle, only to be once more deposed in 1845 by Muhammad Yahya, a distant relative of the family. Muhammad Yahya, in 1849, swore allegiance to the Porte, and agreed to hold Sanaa as a vassal of the Sultan, paying to him half the revenues and receiving a Turkish garrison in his capital. This so incensed the inhabitants that they rose against the Turks, massacred them, and reinstated Ali Mansur, who ordered Muhammad Yahya to be put to death. Within a few months Imam Ali Mansur fell into the hands of Ghalib, the son of Muhammad Yahya, who contented himself with confiscating his property. The people of Sanaa, however, refused to acknowledge the authority of Ghalib, and elected a Governor, Shaikh Ahmad Ali Khemiah, from among their own body. Ghalib led a profligate life in an obscure village a few miles from Sanaa till 1858, when he was recalled and reinstated in the government with the title of Al-Hadi, but with merely nominal power. During the internal revolutions in Sanaa and the desultory warfare with the Turks, the Imams repeatedly endeavoured to enlist the aid and advice of the British Government in their cause. A rigid abstinence, however, was maintained from all interference in their affairs.

In 1856, nevertheless, when the Beni Asir tribe marched against Hodaida with a strong force, they were deterred from attacking it by the presence of two British ships which had been sent there for the purpose of protecting British subjects and their property. Moreover, cholera broke out in the camp of the besiegers and they retired in haste.

In 1867 the Beni Asir tribe again rebelled against the Turks and re-occupied the provinces from which they had been expelled. The disturbances were temporarily put down by Egyptian troops, but were renewed in November 1870. The Porte then preferred to deal with the revolt without the aid of the Khedive, and a force of 15,000 troops was despatched to Yemen by he Sultan. Before the arrival of this force in February 1872, the Al Asir had attacked Hodaida, but were repulsed by the Turkish garrison. The Turkish expeditionary force proceeded on arrival against Sanaa, which was captured in April 1872, since when Yemen has been administered by a Turkish Governor-General, whose head-quarters are at Sanaa. This arrangement still (1892) continues. Hasan Edib Pasha was appointed to be Governor-General in June 1891. A rebellion which took place in the course of the year was put down by the Ottoman troops.

4.—THE SOMALI COAST.

The British protectorate on the Somali coast extends from Lahadu (situated half-way between Ras Jibuti and Zaila on the south side of the Gulf of Tajoura) as far as the forty-ninth degree of east longitude close to Bandar Ziadeh.

The principal tribes along this coast are the Esa, whose limit extends from Ghubbet Kharab to the neigbourhood of Donguerita; the Habr Awal from the last-named place to about 35 miles from Berbera; and the Habr Toljaala thence to about the forty-seventh degree of east longitude. Thence a section of the Habr Gerhajis extends to the west of Wakhderia, and the Warsingli from that point to the forty-ninth degree of east longitude.

The chief ports on this coast are Zaila, Bulhar and Berbera, from the revenues of which a subsidy of Rupees 1,950 per mensem is paid by the British Government to the headmen of the various tribes with which the Agency is brought into contact. These three ports, as well as Karam in the Habr Toljaala country, are customs ports. To the east of Berbera are the Flag Ports, named Anterad, Karam, Ankor, Raguda, Shellae, Hais, Mait and Mashow.

Treaty relations with the *Habr Awal* originated so long ago as 1827. A man-of-war having been sent to the coast to exact reprisals for the plundering of a British ship trading at Berbera, the elders of the tribe entered into a Treaty of peace and commerce (No. LXXVIII) in February of that year, securing reciprocal rights to trade and protection to trading vessels. The Habr Awal agreed to compensate the Captain for his losses and to provide for the families of the men who had been killed.

In 1840, shortly after the capture of Aden, it was deemed advisable to secure a commanding position in the harbours of Tajoura and Zaila on the opposite coast. During the revolutions which convulsed Yemen after its evacuation by the Egyptians, the Chiefs of these two places, which had originally been dependent upon the Imam of Sanaa and more recently upon the Government of Egypt, had succeeded in making themselves independent, and negotiations were accordingly opened with them direct.

By Treaty (No. LXXIX) executed on the 19th August 1840, Muhammad bin Muhammad, Chief of Tajoura, bound himself not to enter into any engagement with any other European person or nation without first bringing the subject to the notice of the British Agent at Aden. At the same time the Sultan sold the island of Musa to the British Government.

By Treaty (No. LXXX) concluded in September 1840, Saiyid Muhammad-al-Bar of Zaila entered into a similar undertaking, and ceded the island of Bab.

An expedition was sent in 1854 to explore the country between Berbera and Zanzibar. On the 18th of April 1855 the party were suddenly attacked by Somali of the Esa Musa tribe; two British officers were wounded, one was killed, and the entire property of the expedition was carried off. A demand was at once made on the Habr Awal tribe for the surrender and punishment of the chief offenders, and the demand was enforced by the blockade of Berbera. The elders of the tribe endeavoured to comply with the demand, but were unable to apprehend the actual murderers, who took refuge in the interior. The British Government at last consented to withdraw the blockade on the Somali binding themselves in 1856 by a Treaty (No. LXXXI) to use their utmost efforts to deliver up the murderers, to allow free trade with their territories, to abolish traffic in slaves, and to treat with respect any British Agent who might be deputed to see that the conditions of the treaty were observed.

In 1855 the elders of the *Habr Gerhajis* and the *Habr Toljaala* tribes of Somali entered into an Engagement (No. LXXXII) with the Political Resident at Aden to prohibit the slave trade.

In 1848 Zaila and Tajoura came under the Government of the Turks, who had intervened in the disputes between the Imam of Sanaa and the Sharif of Mokha, and had taken possession of parts of the low country on the opposite coast of Arabia. They continued to hold both places till 1875, when the Porte, on certain conditions, made over its possessions on the Somali coast to the Khedive, Ismail Pasha, who had in the previous year established himself at Harrar in the interior.

In 1884, owing to internal difficulties, the Egyptian Government found it necessary to withdraw their garrisons from this region, and the Porte not being at the time prepared to make any effective assertion of its authority, Zaila came into British occupation, while the French shortly afterwards obtained possession of Tajoura.

At the same time the British Agent was authorised to enter into negotiations with the tribes, with the result that treaties were concluded on the following terms with the chiefs mentioned below :—

(1) *Habr Awal,* 14th July 1884 (No. LXXXIII). Prohibition to cede or part with territory save to the British Government; free permission to British vessels to trade with all Habr Awal ports; protection of British subjects in Habr Awal territory; abolition of slave trade; appointment of British Agents at Berbera or elsewhere in Habr Awal territories.

Habr Awal, 15th March 1886 (No. LXXXIV). Protection by Her Majesty of Habr Awal tribe and territories; prohibition of correspondence or treaty with foreign powers.

(2) *Gadabursi,* 11th December 1884 (No. LXXXV). Prohibition to cede or part with territory; free permission to British vessels to trade; protection of British subjects; abolition of slave trade; appointment of British Agents.

(3) *Habr Toljaala,* 26th December 1884 (No. LXXXVI). Prohibition to cede or part with territory; free permission to British vessels to trade and protection of wrecks and crews of the same; protection of British subjects; abolition of slave trade; appointment of British Agents.

Habr Toljaala, 1st February 1886 (No. LXXXVII). Protection by Her Majesty; prohibition of correspondence or treaty with foreign powers.

(4) *Esa*, 31st December 1884 (No. LXXXVIII). Prohibition to cede or part with territory; free permission to British vessels to trade; protection of British subjects; abolition of slave trade; appointment of British Agents.

(5) *Habr Gerhajis*, 13th January 1885 (No. LXXXIX). Prohibition to cede or part with territory; free permission to British vessels to trade; protection of British subjects; abolition of slave trade; appointment of British Agents.

Habr Gerhajis, 1st February 1886 (No. XC). Protection by Her Majesty; prohibition of correspondence or treaty with foreign powers.

(6) *Warsingli*, 27th January 1886 (No. XCI). Protection by Her Majesty; prohibition of correspondence or treaty with foreign powers; assistance to wrecks and protection of crews of wrecked vessels; abolition of slave trade; appointment of British Agents; assistance to British officers and acceptance of their advice.

In February 1887, after protracted negotiations, the English and French Governments finally came to an understanding in the matter of their respective claims upon the Somali coast. The English protectorate is admitted to extend from the forty-ninth degree of east longitude to a point at the Lahadu wells situated about half-way between Zaila and Ras Jibuti, whence the line dividing the English and French protectorates runs to Abbaswain; Biyo Kabobo, Gildessa and Harrar; the islands of Musa and Bab are included in the French protectorate by a convention settled in 1888. Neither government is to attempt any interference across the line of division thus defined between them. The caravan route from Zaila to Harrar *viâ* Gildessa is to remain open to all commerce. Both governments undertake to adopt all necessary measures for the suppression of the slave trade, and to prohibit the importation of powder and arms into the territories subject to their respective influence.

The British Government have no treaty relations with any tribes beyond the eastern boundary of their protectorate, except the Mijjertain Somalis, from whom engagements were taken in 1866 and 1884, the former (No. XCII) providing for the abolition of the slave trade, the latter (No. XCIII) for the

protection of vessels, British or foreign, wrecked upon their coasts, in return for an annual subsidy of 360 dollars.

In 1889, an Order in Council was prepared for regulating the exercise of jurisdiction and kindred matters upon the Somali Coast. But in May 1891 it was desired to defer for the time being any further steps for bringing it into effect.

5.—SHOA.

In 1840, Sahela Selassi, King of Shoa in Southern Abyssinia, expressed a desire to cultivate the friendship of the British Government, and wrote to the Government of Bombay asking to be furnished with guns and warlike stores. Shoa was then one of the most powerful and important provinces in Abyssinia. It is inhabited by the Galla tribe. At the time when Sahela Selassi made these advances, the steam navigation of the Red Sea had given an exaggerated importance to the trade of Abyssinia. It was therefore determined to send a mission to the Court of Shoa, with which country the French also appeared anxious to establish friendly connections. A commercial Treaty (No. XCIV) was concluded with the King on 15th November 1841.

The intercourse of the British Government with Menelek, the present King, has been limited to the exchange of friendly letters and presents. In January 1887 he established himself in Harrar, after defeating and expelling the ruling Amir.

6.—SOKOTRA.

The island of Sokotra lies about 150 miles off Cape Guardafui on the African coast and 500 miles from Aden. The sovereignty of the island is vested in the Ahl Afrir family of the Mahri tribe of Arabs, who inhabit Kishn on the mainland.

The connection of the British Government with Sokotra commenced in 1834, when Captain Ross, of the Indian Navy, was sent on a mission to Sokotra, and concluded an Agreement (No. XCV) with Sultan Ahmad bin Sultan of Fartash and his cousin Sultan bin Amr of Kishn, by which they consented to the landing and storage of coal on the island by the British Government.

In 1835 negotiations were undertaken through Commander Haines with the Chief, Amr bin Saad Tawari, for the purchase of the island, and in anticipation of their success a detachment of European and Native troops was sent to take possession. The Chief, however, displayed an invincible reluctance to sell the island, or even to cede a portion of it as a coaling depôt, and the troops were withdrawn.

In 1838 the Chief proposed to farm the island to the British Government, but the capture of Aden, while the proposal was under discussion, rendered it unnecessary to secure Sokotra as a coaling station.

Sultan Amr bin Saad Tawari died about 1845, and was succeeded in the Sultanate of Sokotra and Kishn by his nephew Tawari bin Ali, who in turn was succeeded by his grandson Ahmad bin Saad. The latter was succeeded by his nephew Abdulla bin Said, who was followed by his cousin Abdulla bin Salim. On the death of the latter he was succeeded by his son Ali, the present Chief, who is childless, having had three sons who have predeceased him.

In January 1876, an Agreement (No. XCVI) was concluded with the Sultan of Sokotra and Kishn, by which, in consideration of a payment of 3,000 dollars and an annual subsidy of 360 dollars, he bound himself, his heirs and successors, never to cede, sell or mortgage, or otherwise give for occupation, save to the British Government, the island of Sokotra or any of its dependencies, the neighbouring islands.

In 1886 he accepted (No. XCVII) a British protectorate, and bound himself to abstain from all dealings with foreign powers without the previous sanction of the British Government. At the same time he undertook to give immediate notice to the Resident at Aden or other British officer of any attempt by any other power to interfere with Sokotra and its dependencies.

In 1888 a similar protectorate Treaty (No. XCVIII) was concluded with Sultan Ali bin Abdulla, as head of the Mahri tribe, and an annual stipend of 120 dollars was granted to him.

The area of the island of Sokotra is about 1,000 square miles; its population, mostly Bedouin, about 5,000 souls. The revenues, which are collected in kind, amount to about 320 dollars, exclusive of the British subsidy.

The Sultan receives a personal salute of nine guns.

No. XXXIII.

His Excellency the Most Noble the Marquis Wellesley, Knight of the Most Illustrious Order of St. Patrick, one of His Majesty's Most Honourable Privy Councillors over all the British Possessions in the East Indies, being desirous of entering into a Treaty of Amity and Commerce with Sultan Ahmed bin Abdool Kureem, Sultan of Aden and its Dependencies, has named, on his part, Sir Home Popham, Knight of the Most Sovereign Order of St. John of Jerusalem, and Ambassador to the States of Arabia; and the said Sultan has named Ahmed Basaib, Prince of Aden, who having both met, and being satisfied with each other's powers, have agreed to the following Articles for the mutual benefit of their respective nations, but subject to the final ratification of His Excellency the Most Noble the Governor General of India.—1802.

Article 1.

That there shall be a commercial union between the Honourable the East India Company, or such British subjects as may be authorized by the Governor General of India, and the subjects of Sultan Ahmed Abdool Kureem.

Article 2.

The Sultan agrees to consider the ports of Aden as open for the reception of all goods brought on British ships, which goods or merchandize are to pay a duty of two per cent. and no more, for the space of ten years on the invoice or manifest of the goods, and no other charges whatever are to be exacted for anchorage, weighing or custom-house fees, by the Sultan or any of his Officers.

Article 3.

After the aforesaid term of ten years is expired, then the duties are to be raised to three per cent. and never to be made higher by the Sultan, his heirs and successors, on pain of forfeiting the friendship and commercial intercourse of the British nation. The Sultan also binds himself not to make any other charges whatever on anchorage, weighing, or custom-house fees under the penalty before mentioned.

ARTICLE 4.

The same duties of two per cent. for the first ten years, and three per cent. for ever after, are also to be paid on all goods exported from Aden, which are the produce of the Sultan's territories, or the country surrounding them; and no other charges or demands whatever are to be made on those goods by the Sultan or any of his Officers.

ARTICLE 5.

If, however, any goods are purchased by the Honourable the Company, or any British subjects in the town or the port of Aden, the produce of Africa, Abyssinia or any other country, not in the possession of the Sultan, then no duty is to be paid, as it is to be considered that such goods have paid a duty on their first being landed, and consequently the Sultan agrees that they shall not pay duty a second time.

ARTICLE 6.

The British subjects who use the ports of Aden shall have the privilege of transacting their own business, and not be obliged to commit it to the arrangement of any other person, nor forced to use any broker or interpreter whatever, unless they shall please to do so; and then such broker or interpreter to be a person of their own choice, and not subject to any control on the part of the Sultan.

ARTICLE 7.

It shall be lawful and free for the subjects of the British nation to make over their property to whomsoever they please, without any control, either in health or in sickness; and if any person, being a British subject, should die suddenly and without a will, then the whole of his property, after paying his just debts to the subjects of the Sultan, is to be vested in trust in the hands of the British Resident to be transmitted by him to the Supreme Government, or any other Presidency, for the benefit of his family and his lawful heirs.

ARTICLE 8.

That no dispute may hereafter arise about the person claiming the protection of the British flag, whether European or Native, a register shall be kept of all the British subjects residing at Aden, where every person having a certificate from either of the Presidencies in India shall, by that certificate, be registered in the office of the Cadi and the British Resident, and if he fails to register himself, he shall not be entitled to the benefits contained in the seventh Article.

ARTICLE 9.

The benefit resulting from the seventh Article is to be considered as extending to any travelling merchants, or supercargoes, being subjects of the British Government, and the crews of all the ships navigating under the

British flag, upon a certificate being produced from the Commander of such ships to which they belonged at the time of making a will, or dying without one.

ARTICLE 10.

The Sultan binds himself, his heirs and successors, to give every assistance in his power to recover the debts due from any of his subjects to the British subjects; and that after three months from the time that any British subject shall send his demand to the Cadi for his assistance and prove a just debt, that then, if it is not paid, the Cadi shall have the power to order the property of the debtor to be seized and sold for the benefit of the creditor, but if the person owing the debt to the British subject has no property, then the Cadi shall confine him in gaol till some arrangement is made which is satisfactory to the British Government.

ARTICLE 11.

If any disputes arise between registered British subjects, they are to be referred to the British Resident, who is to give his award according to the best of his judgment, founded on the laws of his own country. This award to be final in any case not exceeding two thousand dollars; but above that sum it is to be subject to an appeal in the different Presidencies of India. If, however, either party refuses to comply with this award, then the Sultan is to give power to the Cadi to imprison the party, according to the request of the Resident. This Article is introduced for the purpose of establishing the most perfect regularity and harmony between the registered subjects of the British nation and those of the Sultan.

ARTICLE 12.

All disputes between the subjects of the Sultan and those of the British nation are to be settled by the established laws of the country.

ARTICLE 13.

The Sultan agrees, for the consideration of dollars, to give over a piece of ground on the west side of the town of yards by yards, for the use and purpose of the British nation, on which the Company may erect any house or building, and completely wall it in if it shall be judged necessary to do so; and the Sultan agrees to prevent any building whatever from being made within twenty yards in front of the said Company's wall or fifteen yards on either side.

ARTICLE 14.

The British nation not to be subject to any indignities, and to have free permission to enter the town by any gate or direction, and ride or use, without the least molestation whatever, either horse, mule, ass or any other beast which they may think proper.

ARTICLE 15.

If any soldier or British subject, not being a Mahomedan, should desert and go to the Cadi or other Officer of Government and offer to embrace the Mussulman religion, then the Cadi is to make a report to the Resident that he may claim him as a British subject; but if no claim is made after the expiration of three days from the time the report is made by the Cadi or other Officer, he is to act as he pleases with the person who so deserts from his own country.

ARTICLE 16.

The Sultan to give over a peace of ground as a public burying-place for all the British subjects who may die in the territories of the Sultan, and no charge to be made for the interment of any person except such as shall be agreed on for those who assist in the funeral.

ARTICLE 17.

Any other Articles which may be proposed by either of the parties and mutually agreed on may be hereafter entered in this Treaty, and the Ambassador on the part of the British Government is ready to convey any further proposition from the Sultan to the Governor General, or enter into a contract for the purchase of any quantity of coffee, or the delivery of any British goods, on the prices which may be mutually agreed on.

The above-written seventeen Articles of Treaty having been read and mutually considered by the Plenipotentiaries on both sides and the Sultan, the Sultan has put his hand and seal to a true copy in Arabic, and the British Ambassador has set his hand and seal to this English copy, on board of His Majesty's Ship the *Ranney* in Aden Roads, this 6th day of September 1802.

(Sd.) HOME POPHAM.

No. XXXIV.

TREATY of FRIENDSHIP between the ABDALEES and ENGLISH signed by SULTAN MUHSIN'S accredited AGENT and SON-IN-LAW—1839.

Bismillah Ir-Rehman Ir-Rehim Be Minnet Allah!

From this day and the future, Syud Mahomed Houssain bin Wais bin Hamed Suffrain gives this promise to Commander Haines, gentleman, on his own head in the presence of God, that there shall be friendship and peace, and everything good between the English and Abdalees. I promise no wrong

or insult shall be done, but it shall be peace and the British Government agree to the same. Sultan Muhsin and all interior Sultans agree to this, and I am responsible; all those even on the roads to the interior shall be kept from molesting any one by me, as they were when Sultan Muhsin possessed Aden. This is agreed upon between me and Commander Haines on the part of Government, and I promise to do even more than I have hitherto done, please God. I require respect from Commander Haines in return, and more than before if possible.

(Sd.) Syud Mahomed Houssain bin Wais.

17th Zilkadah, „ Hassan Khateeb.

The 2nd February 1839. „ S. B. Haines.

Treaty between Sultan Muhsin and his Children and the English through his accredited Agent—1839.

This Treaty is formed between Syud Mahomed Houssain and Hassan Khateeb on account of the Sultan of Lahej and Commander Haines, the Agent to the Government.

On the word and promise of Sultan Muhsin, I promise that no insult or molestation shall take place on the road, or between the English and my people, and that all shall be peace and quietness; and I agree that between my people and your people there shall be no difference or oppression, and that the English agree that all shall be peace, and that all merchants shall be free to trade without oppression.

The witnesses to this are—

Rashed Abdoollah.

Hadjee Mahomed Houssain.

Shah Minnater.

Hadjee Jaffer.

(Sd.) Syud Mahomed Houssain bin Wais.

„ Hassan bin Abdoollah Khateeb.

„ S. B. Haines.

4th February 1839.

Approved by the Bombay Government on 23rd February 1839.

No. XXXV.

TRANSLATION of a BOND entered into by SULTAN MUHSIN FADHL and his sons SULTAN AHMED BIN MUHSIN FADHL, ALI, ABDOOLLAH, and FADHL, with COMMANDER HAINES, the POLITICAL AGENT at ADEN—1839.

Sultan Muhsin Fadhl and his sons named above agree, with a view to the tranquillity of their territory, the protection of the poor and weak, the security of their tribe and the safety of the roads, that the Sultan shall be answerable for any outrages committed by his people on the roads, and that they shall not offer any opposition to the British Government; that the interests of both shall be identical. The claim for the stipends due to Fadhlee, Yaffaee, Howshabee, and Ameer tribes shall be upon the British Government; Sultan Muhsin and his children, in perpetuity, and from generation to generation, shall receive from the British Government a stipend of 6,500 dollars annually, to begin from the month of Zilkaud Hegira 1254 (January-February 1839). The land from Khor Maksar to Lahej, as far as it is known to belong to the Abdalee tribe, is under the authority of the Sultan. In case of any attacks upon Lahej or the Abdalee tribe, or upon Aden or the British troops, we (the Sultan) and the British shall make a common cause. Any of our subjects entering Aden must be obedient to the British laws, and any of the British subjects, when in Lahej, must submit to our authority. If I (the Sultan) or my children proceed to and from Aden, we shall not be liable to any customs.

Dated Tuesday, 6th Rubeeoosanee Hegira 1255=18th June 1839.

Seal of Muhsin Fadhl.

Witnesses:

(Sd.) JAFFER, *Vakeel of Commander Haines.*
„ HASSAN ABDOOLLAH ALI KHATEEB.
„ ABDOOL SUTTA BIN ABDOOLLAH RUBEE.
„ ALI BA ABDULLAH.
„ ALI AHMED.

Ratified by the Right Honourable the Governor General of India on the 24th of October 1839.

(Sd.) T. H. MADDOCK,
Offg. Secy. to the Govt. of India,
with the Governor General.

No. XXXVI.

This TREATY is made by SULTAN MUHSIN FADHL, his heirs and successors, the tribes of the AZEIBEE and SELLAMEE, on their visit to ADEN on Saturday, the 27th day of Sharel Hadjel Haram 1258—1843.

Being anxious to make peace with the British Government, Captain Stafford Bettesworth Haines, in the name of the British Government, has given his consent and has made peace with Sultan Muhsin Fadhl and his adherents, and on this Treaty has Sultan Muhsin Fadhl placed his seal, and Captain Stafford Bettesworth Haines, on the part of the British Government, has set his seal. Inasmuch as peace is good and desirable for both parties, the Sultan Muhsin Fadhl, of Lahej in the name of himself, heirs, successors, and the tribes of Sellamee and Azeibee, and Captain Stafford Bettesworth Haines, on the part of Her Most Gracious Majesty Queen Victoria 1st, of Great Britain and Ireland, have made this holy agreement, that between the two governments shall exist a firm and lasting friendship that shall never be broken from the beginning unto the end of all things, and to this agreement God is witness.

ARTICLE 1.

In consideration of the respect due to the British Government, Sultan Muhsin Fadhl agrees to restore the lands and property of all kinds belonging to the late Hassan Abdoolah Khateeb, Agent to the British at Lahej, after such property shall be proven. But the Sultan Muhsin expects in return that certain revenue and territorial books styled Deiras, said to be in the possession of the Khateeb family, should be restored to the government of Lahej, and then their persons shall be safe should they wish to go inland.

ARTICLE 2.

The Sultan will, on the same consideration, and has, in the presence of witnesses, settled all claims made by Shumaiel, the Jew, and he will also attend to all claims that may be brought against him during his fifteen days' residence in Aden.

ARTICLE 3.

Such transit duties as shall be hereafter specified shall be exacted by the Sultan, who binds himself not to exceed them. The Sultan will also, by every means in his power, facilitate the intercourse of merchants, and he shall in return be empowered to levy a moderate export duty.

ARTICLE 4.

The Sultan engages to permit British subjects to visit Lahej for commercial purposes and to protect them, allowing toleration of religion, with the exception of burning the dead.

ARTICLE 5.

Should any British subject become amenable to the law, he is to be made over to the authorities at Aden; and in like manner are the subjects of the Sultan to be made over to his jurisdiction.

ARTICLE 6.

The bridge at Khor Maksar is English property, and as such shall be kept in order by them; but should it be proved that it is destroyed by the followers of the Sultan, he shall repair it.

ARTICLE 7.

The Sultan binds himself, as far as he can, to keep the roads clear of plundering parties and to protect all merchandize passing through his territories.

ARTICLE 8.

British subject may, with the permission of the Sultan, hold in tenure land at Lahej, subject to the laws of the country; and in like manner may the ryots of the Sultan hold property in Aden subject to the British laws.

ARTICLE 9.

Such articles as the Sultan may require for his own family shall pass Aden free of duty; and in like manner all presents and all government property shall pass the territories of the Sultan free from transit duty.

ARTICLE 10.

With regard to the stipend of the Sultan, it entirely rests with Captain Haines and the British Government. The Sultan considers the British his true friends; and likewise the British look upon the Sultan of Lahej as their friend.

This Treaty is concluded on the 11th day of Shahr Mohurrum Al Haram Ashoor, in the year of the Hejira 1258=11th February 1843.

Seal.

Seal.

(Sd.) S. B. HAINES, *Captain, I.N., &c.,*
Political Agent, Aden.

No. XXXVII.

The following further BOND was entered into by the SULTAN of LAHEJ on the 20th February 1844, previous to the renewal by GOVERNMENT of payment of his monthly STIPEND of five hundred and forty-one GERMAN CROWNS, which had been stopped in consequence of his having BROKEN his former ENGAGEMENTS.

ARTICLE 1.

The Right Honourable the Governor General of India having been graciously pleased to grant to me a monthly salary of 541 German crowns, so long as I continue to act honestly and amicably towards the British, in every respect adhering to the terms of my late Bond, dated 11th February 1843, especially sworn and delivered to Stafford Bettesworth Haines, Esq., Captain in the Indian Navy, and Political Agent at Aden.

ARTICLE 2.

I hereby solemnly attest the religious sincerity thereof, and moreover declare that in all things relating to the peace, progress, and prosperity of Aden, I will use every effort to avert calamity, and lend my utmost aid to support the interests of the British flag; and I will conform in all intention and purpose to the articles specified in my late Bond, dated 11th February 1843.

ARTICLE 3.

I further bind myself, by oath, that should any breach of faith or trespass on the aforesaid Bond, either as concerning myself, children, Chiefs, or any other person or persons of my tribe, or those in my pay, or any individual whomsoever in any way or by any means connected with my government or under my jurisdiction, or should one or any of the aforesaid persons be in any manner convicted of having been privy to or accessory to such breach of faith, or trespass on the Treaty, or of committing any act of plunder whatever on the roads leading into Aden from the interior, to take the whole responsibility on myself and to be answerable to the British; and if I or other above mentioned, either openly or by secret machination, protect any offender, and do not render entire satisfaction to the British, I freely and solemnly swear to relinquish all claim to the salary granted by the Right Honourable the Governor-General of India and declare myself perjured before all men.

ARTICLE 4.

I further swear that, if I do not strictly abide henceforth by the Bond dated 11th February 1843 and the above-mentioned conditions, all claim I

may have on the kindness, friendship, and generosity of the British Government is rendered null; and consequently, for any breach of truth or aggression on my part for the future, I render myself open to the severest retribution.

Dated the 20th February 1844.

Seal of the Sultan.

(Sd.) SULTAN MUHSIN FADHL.

„ S. B. HAINES, *Captain, I.N.,*
and Political Agent at Aden.

No. XXXVIII.

To secure COMMERCIAL ADVANTAGES with FRIENDLY INTERCOURSE, GOOD WILL, and LASTING PEACE to both powers, this TREATY is made, agreed to, sealed and signed by those possessing full power and authority, *viz.*, SULTAN ALI IBN MUHSIN FADHL, for himself, his heirs and successors, also for the AZEIBEE and SELLAMEE TRIBES, and all other tribes and divisions of tribes under his government, authority, or control, and STAFFORD BETTESWORTH HAINES, ESQ., CAPTAIN in the INDIAN NAVY, and POLITICAL AGENT, ADEN, being invested with full power so to do from the RIGHT HONOURABLE the GOVERNOR-GENERAL of INDIA, but it must be subject to the final ratification of the GOVERNMENT of INDIA—1849.

Inasmuch as peace and commercial intercourse and prosperity is good and desirable among all nations, and particularly advantageous to the powers above named, the Sultan Ali Muhsin Fadhl of Lahej, in the name of himself, heirs, successors, and all tribes under his government, control, and authority, and Captain Stafford Bettesworth Haines, on the part of the Right Honourable the Governor-General of India, make this agreement, that between the two governments shall exist a firm and lasting friendship which shall never be

broken, and both parties agree to and ratify, under seal and signature, the following Articles:—

ARTICLE 1.

In consideration of the respect due to the British Government, Sultan Ali Muhsin Fadhl binds himself to secure to the rightful owners all ground, household or other property, that may be within the limits of his territory belonging to the British subjects of Aden, and that their persons or agents shall be safe and respected should they proceed inland to look after and collect the rents of such property, or for any other correct purpose.

ARTICLE 2.

Sultan Ali Muhsin Fadhl engages to permit British subjects and all inhabitants of Aden to visit Lahej, or any part of his territory, for either commercial purposes or pleasure excursions; he will ensure them protection, and full toleration of religion, with the exception of burning the dead.

ARTICLE 3.

Should any British subject become amenable to the law, he is to be made over for trial and punishment to the authorities at Aden.

ARTICLE 4.

British subjects may, with the permission of the Sultan of Lahej, hold in tenure land at Lahej, or other towns or villages in his territory, subject to his law; and in like manner may the ryots of the Sultan of Lahej hold property in Aden, subject to British law and jurisdiction.

ARTICLE 5.

The bridge of Khor Maksar, and the plain between it and the mountains of Aden forming the isthmus, is British property, and no further north.

ARTICLE 6.

Sultan Ali Muhsin Fadhl binds himself to keep the roads leading to Aden clear of plundering parties, and to protect all merchandize passing through his territory, punishing, if in his power, all who plunder, molest or injure others.

ARTICLE 7.

Such articles as the Sultan of Lahej may personally require for his own household shall pass Aden free of all custom duty; and in like manner all government property shall pass the territories of the Sultan free from transit duty.

The Sultan of Labej binds himself to levy only the following transit duties within his territory upon all goods passing into Aden from the hills, *viz.*, belonging to British subjects:—

Wheat	2	per cent. upon inland value.
Jowari	2	„ „ „
Flour	2	„ „ „
Ghee	2	„ „ „
Grass and fruits of kinds	2	„ „ „
Honey	2	„ „ „
Fooah	2	„ „ „
Dholl	2	„ „ „
Senna	2	„ „ „
Gums, frankincense, etc.	2	„ „ „
Worruss	2	„ „ „
Coffee	2	„ „ „
Khaut	2	„ „ „
Vegetables, Wood, Grass and kirby	Free of duty, being the growth of the Abdalee territory.	

and 2 per cent. upon all articles not enumerated.

Articles passing out from Aden into his territory—

Outub cotton	2 per cent.
Snuff	2 „
Pepper	2 „
White and cotton cloths	2 „
Iron lead	2 „
Hookahs	2 „
Dates	2 „

and 2 per cent. on all articles not enumerated above.

ARTICLE 8.

Sultan Ali Muhsin Fadhl binds himself to encourage the growth of all kinds of European and Native vegetables for the Aden market.

ARTICLE 9.

Sultan Ali Muhsin Fadhl most solemnly attests the religious sincerity of this agreement, and moreover declares that in all things relating to the peace, progress, and prosperity of Aden, he will lend his utmost aid to support the interest of the British, and will listen to and, if possible, attend to the advice of, the British Government representative in Aden in all matters.

ARTICLE 10.

Sultan Ali Muhsin Fadhl further binds himself, by oath, that should any breach of faith or trespass on the aforesaid Bond, either as concerning himself, children, relatives, Chiefs or any other person or persons of his tribe, or those in authority under him or in his pay, or by any means connected with this Government or under his jurisdiction, or should one or any one of the aforesaid persons be in any manner convicted of having been privy to, or accessory to, such breach of faith, or trespass on the treaty, or of committing any act of plunder on the roads leading to Aden through his territory, to take the whole responsibility on himself and to be answerable to the British Government. Further, if he, or any other above mentioned, either openly or by secret machination, protect any offender, and do not render entire satisfaction to the British, and for any breach of the above articles, he freely and solemnly swears to relinquish all claims to the salary (hereafter mentioned) granted by the Right Honourable the Governor General of India and declares himself a perjured man.

ARTICLE 11.

Stafford Bettesworth Haines, Captain in the Indian Navy, and Political Agent at Aden, being duly authorised, does hereby solemnly promise, in the name of the Right Honourable the Governor General of India, to pay to Sultan Ali Muhsin Fadhl, his heirs and successors, the sum of five hundred and forty-one German crowns per month, so long as he or they continue to act with sincerity, truth, and friendship towards the British, and in every respect strictly adhering to the terms of this treaty.

This treaty is concluded and agreed to this seventh day of March, in the year of Our Lord one thousand eight hundred and forty-nine.

In witness whereof we have set our seal and signature.

Seal.

(Sd.) S. B. HAINES, *Captain, I. N.,*
Political Agent.

Ratified by the Most Noble the Governor General of India on the 30th October 1849.

(Sd.) H. M. ELLIOT,
Secretary to the Govt. of India,
with the Govr.-Genl.

No. XXXIX.

TERMS of CONVENTION entered into between SULTAN FADHL BIN MUHSIN ABDOOLLAH, on the one hand, and LIEUTENANT-COLONEL W. L. MEREWETHER, on the part of HER MAJESTY'S INDIAN GOVERNMENT, on the other, this 7th day of March 1867, in regard to an AQUEDUCT to be made between SHEIKH OTHMAN and ADEN, and, if necessary, from a more distant point, for the purpose of supplying the GARRISON and TOWN of ADEN with a sufficiency of FRESH WATER—1867.

ARTICLE 1.

The work of the aqueduct to be entirely carried out by the British Government; and in the first instance everything to make the scheme complete, including camels for the Persian wheels, to be given by the British Government.

ARTICLE 2.

When the aqueduct has been finished and it has been put into complete working order, its future maintenance to rest with the Sultan of Lahej, cost of repairs and renewal of stock being paid for by him out of his share of the profits realised by sale of the water.

ARTICLE 3.

The works at Sheikh Othman or at Dhurub, if the aqueduct is extended to the latter place, as well as the whole line of aqueduct from those places to Aden, to be watched and protected by the Sultan of Lahej.

ARTICLE 4.

The remains of the old aqueduct to be given free for use in the construction of the new work. In return for the use of the water and what he binds himself to perform, the Sultan of Lahej to receive half of the amount* realised by the sale of the water in Aden; account to be rendered and amount to be paid over monthly.

* Sale price, 1 rupee per 100 gallons.

ARTICLE 5.

Repairs, when necessary, to be executed through the Resident, who will then, before payment of monthly profits to the Sultan of Lahej, deduct the whole or a portion of the cost thereof, as he deems right.

ARTICLE 6.

A good road, 45 feet broad, clear and level, to be made by the Sultan of Lahej out of the profits from the Khor Maksar to Sheikh Othman and on

to Dhurub if the aqueduct be extended there. The road may be made under the direction of the Resident, who will recover the cost in the same manner as for repairs.

ARTICLE 7.

The British Government to make a similar road from the Khor Maksar into Aden.

ARTICLE 8.

The above to be binding on Sultan Fadhl bin Muhsin bin Abdoollah, Sultan of Lahej, and his successors.

(Sd.) FADHL BIN MUHSIN,
Sultan of Lahej.

„ W. L. MEREWETHER, *Lieut.-Col.*,
Resident, Aden.

No. XL.

AGREEMENT concluded between the ABDALI and the HAUSHABI regarding the ZAIDA lands—1881.

In the name of the Most Merciful God!

Considering it necessary to put a stop to the long-existing disagreement between the Abdali and the Haushabi since the former took Zaida from the latter, which has been the frequent cause of correspondence, bloodshed, and disputes between the above two tribes and Sultans: and whereas these two tribes and their Sultans are the friends of the British Government, which does not desire any quarrel or disagreement between its friends: and whereas a settlement of this long-standing dispute will lead to permanent peace, and remove for ever the cause of the misunderstanding and create good-feeling between both tribes, therefore Brigadier-General Francis Loch, C.B., Political Resident at Aden, being duly authorised on behalf of the British Government, doth hereby covenant with the aforesaid Fadthl bin Ali Mohsin Fadthl-al-Abdali, Sultan of Lahej, and Ali bin Mani, Sultan of the Haushabi, that these two Sultans on behalf of themselves, their heirs and successors, shall agree to the terms and conditions herein set forth.

ARTICLE 1.

Sultan Fadthl bin Ali Mohsin Fadthl will give Sultan Ali bin Mani, the Haushabi, his heirs and successors, 300 'dimds' (acres) of land at Zaida in the river Khilaf for cultivation, and will allow the said Sultan Ali bin Mani to build a house at Al-Anad, and will give him 500 for the expenditure of the said building.

ARTICLE 2.

Sultan Ali bin Mani, the Haushabi, his heirs and successors, will not be permitted to place under cultivation more than 300 acres of land in the vicinity of Zaida.

ARTICLE 3.

If the Resident sees that the fields of the Lahej district have suffered on account of waste of water caused by Sultan Ali bin Mani, the Haushabi, he will adopt proper measures towards it.

This agreement is concluded and agreed to on Thursday, this 5th day of May in the year of our Lord 1881, corresponding with the 7th day of Jomad-al-Akhir, 1298 al-Hijra.

In witness whereof we have settled our hand and seal.

(Sd.) MOHAMMED MOHSIN BIN FADTHL,
for himself and
SULTAN FADTHL BIN ALI MOHSIN,
Sultan of Lahej.

Witnesses

(Sd.) AHMED ALI MOHSIN.
„ AHMED FADTHL MOHSIN.
„ SAYYID UMAR HUSAIN AL-WAHSH,
Kadthi of Lahej.

(Sd.) FRANCIS LOCH, *Brigadier-General,*
Political Resident, Aden.

Witnesses

(Sd.) LANGTON PRENDERGAST WALSH,
Acting Second Assistant Political Resident.
„ SALEH JAFFER,
Residency Interpreter.
„ ALI MANI,
Sultan Al-Haushabi.
„ ABDALLA BA ALI SALAM.
„ MANI SALAM MANI.

Signed and sealed on the 14th July 1881 in the presence of—

(Sd.) FRANCIS LOCH, *Brigadier-General,*
Political Resident, Aden.

„ FRED. HUNTER, *Major,*
Assistant Resident.

„ SALEH JAFFER,
Residency Interpreter.

No. XLI.

The Subaihi Agreement.

Agreement entered into by the Abdali, placing the Subaihi under their control—1881.

In the name of the Most Merciful God!

As a further proof of the friendship existing between the British Government and the Sultan of Lahej, at present Fadthl bin Ali Mohsin Fadthl Al-Abdali, assisted by his uncle Mohammed Mohsin and the other descendants of the late Mohsin Fadthl, and in order that the power, authority, and greatness of the Abdali may be increased, therefore Brigadier-General Francis Loch, C.B., Political Resident at Aden, being duly authorised on behalf of the British Government, doth hereby covenant with the aforesaid Fadthl bin Ali Mohsin Fadthl Al-Abdali, Sultan of Lahej, on behalf of himself, that the Abdali Sultans and their heirs and successors shall hereafter be acknowledged as exercising sovereign authority over the territory occupied by all the tribes of the Subaihi, and including the Mansuri, Makhdumi, Rujai and Dubaini, which three former are at present stipendiaries of the British Government, but excluding such as at present acknowledge Turkish supremacy.

As another proof in furtherance of the foregoing object, Sultan Fadthl bin Ali Mohsin Fadthl Al-Abdali hereby binds himself, his heirs and successors to observe the following conditions:—

Article 1.

As soon as the said Sultan Fadthl bin Ali Mohsin Fadthl-al-Abdali shall sign this agreement, he engages to be responsible for all acts of plunder or outrages of any kind whenever committed by the Subaihi, and binds himself to make immediate and complete restoration or compensation in such cases for all wounds or loss of lives or property.

Article 2.

No treaty or agreement of any kind is to be entered into with any other State for the sale, mortgage, lease, or hire or gift of any portion of the territory now or hereafter subject to the authority of the Sultans of the Abdali without the consent of the British Government.

Article 3.

No forts or buildings are to be erected on the sea-coast without the permission of the Resident at Aden. Nor are arms, ammunition, slaves, merchandise, spirituous liquors or intoxicating drugs to be landed or embarked at any part of the coast without the sanction of the Resident being previously obtained.

ARTICLE 4.

No new taxes to be levied by the Abdali on goods passing through the Subaihi territory to Aden, nor are the Subaihi to be allowed to levy any taxes on their own account.

ARTICLE 5.

If one or more Subaihis commit outrages on the road, and the Sultan of the Abdali fail to exact the booty from them on account of their having taken refuge in Turkish territory, the Abdali Sultan will not be responsible for such people after doing his utmost in recovering the booty and in arresting the plunderers.

So long as the foregoing stipulations are complied with by the Sultans of the Abdali, the British Government will make guarantee the following arrangements and concessions :—

ARTICLE 1.

The stipend at present paid to the Makhdumi, Mansuri, Rujai and Dubaini will be handed over to the Abdali Sultan.

ARTICLE 2.

No Subaihi will be received or entertained at Aden as guests of the British Government, unless a letter of recommendation be procured from the Sultan of Lahej.

ARTICLE 3.

The Resident binds himself not to allow Sultan Ali bin Mani, the Haushabi, to divert kafillas from their customary road, which leads through Al-Hauta or the Abdali territory.

This agreement is concluded and agreed to on Thursday, the 5th day of May, in the year of Our Lord 1881, corresponding with the 7th day of Jomad-al-Akhir, 1298 Al-Hijri.

In witness whereof we have settled our hand and seal.

Signed by MOHAMMED MOHSIN FADTHL for himself and SULTAN FADTHL BIN ALI MOHSIN,
Sultan of Lahej.

Witnesses. (Sd.) AHMED ALI MOHSIN.
„ AHMED FADTHL MOHSIN.
„ OMAR HUSAIN AL-WAHSH,
Kadthi of Lahej.

(Sd.) FRANCIS LOCH, *Brigadier-General,*
Political Resident, Aden.

Witnesses. (Sd.) L. P. WALSH, *Assistant Resident.*
„ SALEH JAFFER, *Residency Interpreter.*

(Sd.) RIPON,
Viceroy and Governor-General of India.

This agreement was ratified by His Excellency the Viceroy and Governor General of India at Calcutta on the twenty-first day of January A.D. one thousand eight hundred and eighty-two.

(Sd.) CHARLES GRANT,
Secretary to the Government of India,
Foreign Department.

No. XLII.

AGREEMENT with the ABDALI SULTAN for the purchase of SHAIKH 'OTHMAN, etc.—1882.

Articles of a treaty existing between Sultan Fadthl bin 'Ali Mohsin Fadthl-al-'Abdali, Sultan of Lahej and its dependencies, on behalf of himself, his uncles and his and their heirs and successors, on the one part, and Major-General Francis Loch, Commander of the Most Honourable Order of the Bath and Political Resident at Aden, on behalf of the Government of India, on the other part.

Whereas by Article V of a treaty concluded on the 7th March 1849 between Stafford Bettesworth Haines, Captain in the Indian Navy and Political Agent at Aden, on behalf of the Government of India, and Sultan 'Ali Mohsin Fadthl, on behalf of himself, his heirs and successors, it was agreed that the bridge of Khor Maksar and the plain between it and the mountains of Aden, forming the Isthmus, are British property and no further north; and whereas a sum of dollars (541) five hundred and forty-one is under the before-mentioned treaty payable monthly to the said Sultan 'Ali Mohsin Fadthl, his heirs and successors, so long as he or they continue to act with sincerity, truth and friendship, towards the British, and adhere strictly to the terms of the aforesaid treaty; and whereas Sultan Fadthl bin 'Ali Mohsin Fadthl for himself, his uncles and his and their heirs and successors, has agreed to sell to the British Government for a sum of dollars (25,000) twenty-five thousand only and an increase, to the present subsidy of dollars (541) five hundred and forty-one, of dollars (1,100) one thousand and one hundred per mensem, of which (600) six hundred are for the profit of water and (500) five hundred for that of salt, making in all dollars (1,641) one thousand six hundred and forty-one per mensem, all that (tract of) land lying to the north of the peninsula of Aden, and bounded by a line commencing from a point on the sea-shore one and five-sixteenths of a mile due east of the north end of the Khor Maksar causeway and running north-east by north seven and a quarter miles to a point on the coast line. From hence the boundary passes from the sea westward three and a quarter miles to a point near Inad. From this point the boundary line, after passing through an imaginary point one mile north of the Wali of Shaikh 'Othman, extends to a mark on the bank of the Wadi Toban situated one mile inland. From this point the boundary runs south-south-west to the sea.

ARTICLE 1.

This therefore witnesseth that the said Sultan Fadthl bin 'Ali Mohsin Fadthl, in pursuance of the conditions of this treaty and in consideration of the sum of dollars (25,000) twenty-five thousand already received and the monthly increase of the subsidy of dollars (1,100) one thousand one hundred agreed to be paid to him by the British Government, doth hereby for himself, his uncles and his and their heirs and successors, cede and confirm unto the (hands of the) said British Government all that portion of territory as herein above described, to be retained by the said British Government for ever as a part of its territories; and the said Sultan Fadthl bin 'Ali Mohsin Fadthl does further bind himself, his uncles and his and their heirs and successors, to make no claim hereafter on the said tracts of land or any revenue derived from them.

ARTICLE 2.

And the said Major-General Francis Loch, C.B., Political Resident of Aden, being duly authorized does hereby solemnly promise in the name of His Excellency the Governor General in Council to pay to the said Sultan Fadthl bin 'Ali Mohsin Fadthl, his heirs and successors, the sum of dollars (1,641) one thousand six hundred and forty-one made up as aforesaid per mensem.

ARTICLE 3.

And the said Sultan Fadthl bin 'Ali Mohsin Fadthl on the one part and the said Major-General Francis Loch, C.B., Political Resident at Aden, being duly authorised on the other part, do declare that the convention made and signed on the 7th day of March 1867 in regard to the aqueduct between Shaikh 'Othman and Aden by Sultan Fadthl Mohsin Fadthl on the one part and Lieutenant-Colonel W. L. Merewether, Political Resident at Aden, on the other part, is hereby cancelled.

ARTICLE 4.

So long as the Sultan of Lahej possesses the right to levy the taxes on goods entering Aden by land as heretofore, he will be permitted to collect his dues as at present (he is doing) in British territory at the rates mentioned in the treaty of 1849.

ARTICLE 5.

If any soldier of the Sultan of Lahej escape to British territory, and he is required by the Sultan, the Resident will send him; and in the same manner if any of the Sultan's subjects, after committing an heinous offence of the kind for which the British Government is accustomed under similar circumstances to grant extradition, takes refuge in Shaikh 'Othman, Imad or Aden, and is required by the Sultan, and if there is reasonable ground for believing that he has committed the offence, the Resident will also send him back; and the Sultan agrees on his part to send back British soldiers or subjects who escape to Lahej or its territory from Aden or its dependencies if their extradition be demanded.

ARTICLE 6.

If the Resident require the services of any 'Abdali, he will employ him through the Sultan, and in case the 'Abdali or 'Abdalis resign, or are dismissed, and if they are replaced by other 'Abdalis, the Resident will ask for them through the Sultan.

ARTICLE 7.

And the territories of the said Sultan Fadthl bin 'Ali Mohsin Fadthl, his heirs and successors, shall remain under British protection as heretofore.

Done at Shaikh 'Othman on Monday, the sixth day of February, in the year of Our Lord one thousand eight hundred and eighty-two, corresponding with the 17th day of Rabi-al-Awwal of the year 1299 of the Hijra.

Seal.

(SIGNED IN VERNACULAR.)
Sultan of Lahej and its Dependencies.

In the presence of—

(Sd.) F. M. HUNTER, *Major,*
Assistant Resident, Aden.

,, OMAR HOOSAIN MAHMUD-AL-WAHSH.

Done at Aden on Tuesday, the seventh day of February, in the year of Our Lord one thousand eight hundred and eighty-two, corresponding with the eighteenth day of Rabi-al-Awwal of the year 1299 of the Hijra.

Seal.

(Sd.) FRANCIS LOCH, *Major-General,*
Political Resident, Aden.

In the presence of—

(Signed in vernacular.)

(Sd.) F. M. HUNTER, *Major,*
Assistant Resident, Aden.

Seal.

(Sd.) RIPON,
Viceroy and Governor-General of India.

This treaty was ratified by His Excellency the Viceroy and Governor General of India, at Calcutta, on the 7th day of March 1882.

(Sd.) C. GRANT,
Secretary to the Government of India, Foreign Department.

No. XLIII.

ENGAGEMENT entered into on the 19th February 1839 by SHEIKH MAHOMED SYUD, the MUSAIDEE, and SHEIKH JWAS ABDOOLLAH, SHEIKH MAHOMED BIN AHMED, SHEIKH KOIEL, of the MUSAIDEE TERRITORY of the SUBAIHEES, and COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between us there shall be friendship and lasting peace; our wishes shall be one of kindness. Aden shall be at peace with us, and the subjects of both countries shall be at peace. No molestation or insult shall be offered in their intercourse with each other.

(Signed by the Chieftains.)

Dated 19th February 1839.

Witnesses:

(Sd.) ABDOOL RAZZAK, *Cazee of Aden.*

„ JAFFER BIN MOOLLA ABDOOLLAH.

ENGAGEMENT of PEACE and FRIENDSHIP entered into on the 20th February 1839 by SHAIKH MAHOMMED BIN ALI BUSALEE, of the SOUTHERN SUB-DIVISION of the SUBAIHEE, with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between us there shall be lasting friendship and peace, and we agree to it in the presence of God. Our friendship shall be as one.

There shall be peace with Aden, and the subjects of my tribe and the subjects of the British shall have free intercourse, and not be molested or insulted in either's territory.

Any breach of this treaty, or of the roads to the Red Sea being infested with robbers, shall be on the head of Shaikh Mahomed bin Ali, and he will be answerable that no kafilas shall be molested. This Shaikh Mahomed bin Ali not only promises in his own district but in that of the tribe of Artefee, whom he also controls.

If property, either from Aden or from the Subee territory, wishes to pass through the other territory, it shall be respected and protected; and for any infringement Shaikh Mahomed Busalee shall be answerable.

(Sd.) SHAIKH MAHOMED BIN ALI AL-BUSALEE.

Dated 20th February 1839.

Witnessess:

(Sd.) SYUD ALOWI.

„ ALI BIN ABDOOLLAH.

„ SHEIKH ARSEL EL-MUSAIDEE.

(Sd.) S. B. HAINES.

TREATY between SYUD MAHOMED JAFFER BIN SYUD AIDROOS, CHIEF of WAHAT and all under him, and COMMANDER HAINES, AGENT of GOVERNMENT—1839.

We agree to lasting peace and friendship.

Aden is open for our free intercourse and friendship, and so is our country to each other, and both parties agree there shall be no oppression or insult.

(Sd.) SYUD MAHOMED JAFFER BIN SYUD AIDROOS.

Dated 2nd February 1839.

ENGAGEMENT entered into on the 18th February 1839 between SHEIKH JWAS BIN SALLAAM AL-ABBADEE and his tribe with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between our respective territory there shall be peace and friendship, and Aden shall be at peace with the Abbadees.

A free intercourse for barter shall be permitted without insult or oppression; and in proof of the faith of this, Sheikh Jwas bin Sallaam agrees that this people shall not molest or plunder on the roads leading to Aden, and if any such misdemeanor occurs, he will be answerable.

(Sd.) JWAS BIN SALLAAM AL-ABBADEE.

Dated 13th February 1839.

Witness:

(Sd.) SYUD ALOWI.

(Sd.) S. B. HAINES.

ENGAGEMENT of PEACE and FRIENDSHIP entered into on the 18th February 1839 by SHAIKH MEHDI BIN ALI ZABAREE with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between us and our countries there shall be peace and friendship; it shall be lasting; our interest shall be one.

We agree that Aden and the English shall be at peace with my tribe, and that the subjects of either may enter the other's territory, and shall neither be oppressed nor insulted but treated with friendship. This we promise on both sides.

Whoever may enter Aden of Shaikh Mehdi's tribe shall be respected and allowed free intercourse, attending of course to the laws.

If robbery on the roads takes place, either by Shaikh Mehdi's tribe or any other within his district, he will be responsible.

(Sd.) SHAIKH MEHDI BIN ALI.

Dated the 18th February 1839.

Witnesses:

(Sd.) MAHOMED HOUSSAIN.
SYUD ALOWI.

(Sd.) S. B. HAINES.

ENGAGEMENT entered into on the 18th February 1839 by the SHAIKH of ZAIDEE, SHAIKH SALLAH AL-MOIDEE, with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between our respective countries there shall be peace and friendship, and Aden be at peace with us. The subjects of either may enter the other's territory without being subject to insult or oppression, merely attending to the laws.

(Sd.) SHAIKH SALLAH AL-MOIDEE.

Dated the 18th February 1839.

Witness:

(Sd.) ABDOOL RAZZAK, *Cazee.*

(Sd.) S. B. HAINES.

ENGAGEMENT of FRIENDSHIP and PEACE entered into, on the 10th March 1839, by AOUN BIN YOOSOOF AL-SHERZEBEE with CAPTAIN HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

This paper is my witness, and is written by Shaikh Kasim bin Syud Sherzebee, and the interpretation is good. I am a friend and a great friend with the English; it is true and permanent friendship. I trust in God that it will never be otherwise, and that nothing wrong shall ever take place, not even the slightest insult. My people shall enter your territory, and yours mine, as friends. Whatever the English please shall be done, and there shall never be two words. I will always act upon your seal, whatever it may be. Our friendship is known to God, and He is witness to it.

(Sd.) AOUN BIN AL-YOOSOOF SHERZEBEE.

Dated the 10th March 1839.

Witnesses:

(Sd.) SYUD ALOWI BIN ZAIN BIN SYUD AIDROOS.

„ HADJEE JAFFER.

„ SHEIKH OTHMAN.

(Sd.) S. B. HAINES,
Political Agent.

No. XLIV.

TRANSLATION of an AGREEMENT entered into by certain SECTIONS of the SUBAIHEE TRIBE for the PROTECTION of the ROADS at ADEN—1871.

The reason of writing this is as follows:—

Whereas there has been much delay and inconvenience caused to travellers in their journeys to and from Aden, this agreement has been made with the Political Resident at Aden in order that henceforward facilities may be placed in the way of those who travel upon the roads.

Therefore we, whose names are hereunto subscribed, namely, Abdoollah bin Khadhar, the Mansooree, Naseer bin Khadhar, the Mansooree, Ahmed Tukkee, the Mansooree, Ibraheem Sayf, the Khaleefee, Ali bin Ahmed, the Khaleefee, Abd Ahmed bin Mahamed Saeed, the Atawee, Hasan Nooman, the Khaleefee, do hereby agree with Major-General Charles William Tremenheere, C.B.,

Political Resident at Aden, on the part of the British Government, as follows :—

ARTICLE 1.

That we hereby forego and relinquish all dues or taxes upon goods within our territory, or our roads, or in our markets, which have hitherto been levied upon travellers passing to or from Aden.

ARTICLE 2.

That it is incumbent upon us to keep the roads secure and peaceful, and if any one belonging to our tribe plunders or otherwise injures travellers, we bind ourselves both to cause the restoration of the plundered property and in addition to punish the offender.

ARTICLE 3.

That if it can be shown that we have been lax or negligent in causing the restoration of the plundered property as above written, we bind ourselves to make good the same, and it shall be within the power of the Political Resident at Aden to satisfy the claim from any stipend which may be payable to us in commutation of the dues.

ARTICLE 4.

That it shall be within the power of the Political Resident at Aden and at his discretion, to put an end to the payment of any stipend which we may receive in commutation of the dues, and in that case it shall be lawful for us to revert to the scale of dues formerly levied by us upon merchandise.

ARTICLE 5.

That should any plundering take place, or any outrages be committed within our territory by members of another tribe, we will endeavour to the utmost of our power to cause the restoration of the plundered property.

ARTICLE 6.

That there should be perpetual peace and friendship between us and the British Government and the friends and allies of the British Government.

ARTICLE 7.

That we are content to receive, in consideration of this agreement, the sum of twenty-five dollars ($25) monthly from the Political Resident at Aden.

ARTICLE 8.

This Agreement is binding upon us and our successors and upon the British Government for ever, and shall be held to be in force from the 15th day of May A.D. 1871, answering to the 25th day of Zafar A.H. 1288.

Written on the 13th day of May A.D. 1871.

Marks of—

(Sd.) HASSAN NOOMAN, the Khaleefee.
„ ABD AHMED, the Atawee.
„ ALI BIN AHMED, the Khaleefee.
„ IBRAHEEM SAYF, the „
„ AHMED TUKKEE, the Mansooree.
„ ABDOOLLAH BIN KHADHAR, the Mansooree.
„ NASIR BIN KHADAR, the Mansooree.
„ C. W. TREMENHEERE, *Resident.*

Witnessed by—

SULTAN FADHL BIN MUHSIN, of Lahej.
„ MOHAMMED BIN MUHSIN BIN FADHL.
SHEIKH SALEH BIN ALI, the Doobeynee.
„ ABDOOL KUREEM, the Mansooree.
„ SALIM BIN ABDOOLLAH, the Rajaie.

Similar engagements entered into by the Makhdoomee and Rijaie sections of the Subaihees, the stipend granted to the former being $30 and that to the latter $40 a month.

No. XLV.

TRANSLATION of a BOND executed by ABDULLAH BIN KHADHAR, of the MANSOOREE—1871.

I, Abdoollah bin Khadhar, Mansooree, do hereby agree and do bind myself with Major-General Charles William Tremenheere, C.B., Political Resident at Aden, that if any plundering or any outrage be committed by the

family of the Kuraysee in my territories, or beyond my territories, I will be security and answerable that satisfaction shall be made. I have executed this bond of my own free will, and my signature is hereunto subscribed.

Dated at Sheikh Othman, the 13th day of May A.D. 1871, answering to the 23rd day of Zafar A.H. 1288.

Witnesses:

SULTAN FADHL BIN MUHSIN BIN FADHL.

„ MOHAMMED BIN MUHSIN BIN FADHL.

SHEIKH HUSSAN NOOMAN, the Khaleefee.

„ ABD AHMED BIN MOHAMMED SAEED, the Atawee.

Mark of

(Sd.) ABDOOLLAH BIN KHADHAR.

(Sd.) C. W. TREMENHEERE,
Resident.

No. XLVI.

TRANSLATION of an ENGAGEMENT entered into by the ATAFEE CHIEFS for the PROTECTION of SHIPWRECKED BRITISH SUBJECTS—1871.

The reason of writing this is as follows:—

That we whose names are hereunto subscribed, namely, Saleh bin Kajih, the Atafee, Ali bin Yehya, the Atafee, Khadhar bin Salim, the Atafee, Saeed bin Ali bin Ali, the Atafee, Ahmed Sa'ad Sherweet, the Atafee, Sa'ad bin Sherweet, the Atafee, Nasir bin Saleh, the Beleshee, Ali bin Abdoollah, the Yusufee, do hereby agree with Major-General Charles William Tremenheere, C.B., Political Resident at Aden, as follows:—

ARTICLE 1.

That it is incumbent on us to preserve peace and foster security in our territory and upon our shores.

ARTICLE 2.

That in the event of any steamer, ship, or other vessel belonging to the British Government, or to a British subject, or to any other power, or to the subjects of any other power, being wrecked upon our shores, protection shall be accorded to her and her crew, and the latter shall receive good treatment.

ARTICLE 3.

That should the crew, as aforesaid, wish to proceed to Aden, we will protect them and conduct them in safety to that place.

ARTICLE 4.

That if any sailor belonging to any vessel which may be at anchor in Aden or the neighbouring harbours, or if any soldier belonging to the garrison of Aden, shall desert to our country, we will protect him and conduct him in safety to Aden to be dealt with there.

ARTICLE 5.

That there shall be perpetual friendship between us and the British Government and the friends and allies thereof.

Dated at Sheik Othman, the 13th day of May A.D. 1871, answering to the 23rd day of Zafar A.H. 1288.

Marks of—

(Sd.) SHEIKH SALEH BIN KAJIH, Atafee.
„ ALI BIN YEHYA, Atafee.
„ KHADHAR BIN SALIM, Atafee.
„ SALIH BIN SALIM, Atafee.
„ SALIH BIN SAEED, Atafee.
„ KAJIH BIN MUHSIN, Atafee.
„ KASSIM BIN HASSAN, Atafee.
„ SAEED BIN ALI, Atafee.
„ AWAH BIN RAJIH, Atafee.
„ NASIR BIN SALEH, Beleshee.
„ ALI BIN ABDOOLLAH, Yusufee.
„ SA'AD BIN SHERWEET, Atafee.

Witnessed by—

SULTAN FADHL BIN MUHSIN BIN FADHL, the Abdallee.

SULTAN MAHOMMED BIN MUHSIN BIN FADHL.

SHEIKH SALIM BIN GHANIM, the Somali.

ABDOOL KUREEM, the Mansooree.

SHEIKH NASIR BIN SAEED, the Makhdoomee.

(Sd.) C. W. TREMENHEERE,
Resident.

No. XLVII.

Protectorate Treaty with the Atifi—1889.

The British Government and Sa'idba Ali, 'Abdalla-ba-Ali, Ahmed bin Saleh-ba-Rajeh, Ali Mohammed, Saleh-ba-Sa'id, Abdalla Mohammed, Fara Hasan, Ali-ba-Yahya, Rajeh-ba-Hasan, Rajeh-ba-Ali, Abdalla-bin-Awadth, and Ahmed-al-Ajam, Sheikhs of the Atifi territory, being desirous of maintaining and strengthening the relations of peace and friendship existing between them,

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a Treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg and Said-ba-Ali, 'Abdalla-ba-Ali, Ahmed-bin-Saleh-ba-Rajeh, Ali Mohammed, S'aleh-ba-Sa'id, Abdalla Mohammed, Fara Hasan, Ali-ba-Yahya, Rajeh-ba-Hasan, Rajeh-ba-Ali, 'Abdalla-bin-Awadth, and Ahmed-al-Ajam, Shaikhs of the Atifi tribe aforesaid, have agreed upon and concluded the following articles:—

Article I.

The British Government, in compliance with the wish of the undersigned Shaikhs of the Atifi tribe, hereby undertakes to extend to the Atifi territory on the south coast of Arabia and situated between the territory of the Barhimi tribe and that under the authority of the Turkish Government at Shaikh Sa'id, and which territory is under their authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

Article II.

The aforesaid Shaikhs of the Atifi tribe agree and promise, on behalf of themselves, their relations, heirs and successors, and the whole of the tribe, to refrain from entering into any correspondence, agreement or treaty, with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promise to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with the Atifi territory.

Article III.

The aforesaid Shaikhs of the Atifi tribe bind themselves, their relations, heirs and successors, and the whole tribe for ever, that they will not cede, sell, mortgage, lease, hire or give, or otherwise dispose of the Atifi territory, or any part of the same, at any time, to any power, other than the British Government.

ARTICLE IV.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures and seals at Aden this seventeenth day of September one thousand eight hundred and eighty-nine.

(Sd.) A. G. F. HOGG, *Brigadier-General,*
Political Resident.

Aden, the 17th September 1889.

Witness:

(Sd.) E. V. STACE, *Lieutenant-Colonel,*
First Assistant Political Resident.

(Sd.) AHMED BA SALEH BA RAJEH.
„ ABDALLA BA 'ALI.
„ ALI MAHOMMED.
„ SALEH BA SA'ID.
„ ABDALLA MAHOMMED.
„ FARA HASAN.
„ ALI YAHYA.
„ RAJEH BA HASAN.
„ RAJEH BA 'ALI.
„ ABDALLA BIN AWADTH.
„ AHMED AL-'AJAM.

Witness:

(Sd.) A. K. S. JAFFER,
Acting Native Assistant Resident, Aden.

(Sd.) LANSDOWNE,
Viceroy and Governor General of India.

This Treaty was ratified by the Viceroy and Governor General of India in Council at Fort William on the 26th day of February A.D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Officiating Secretary to the Government of India, Foreign Department.

No. XLVIII.

Protectorate Treaty with the Barhimi—1889.

The British Government and Ali bin Ahmed Am-Tommi, Khalaf bin Tarak, Awadth bin Mohammed, Ahmed Dakam, Awadth bin Hasan, Hadi bin Haidara, Ali bin Mashkul, Awadth bin Salim, Yahya bin Khadar, Salim bin Jabir, Hasan bin Ghalib, Awadth bin Uwaid, and Abdalla Ma'azabi, Shaikhs of the Barhimi territory, being desirous of maintaining and strengthening the relations of peace and friendship existing between them,

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg and Ali bin Ahmed Am-Tommi, Khalaf bin Tarak, Awadth bin Mohammed, Ahmed Dokam, Awadth bin Hasan, Hadi bin Haidara, Ali bin Mashkul, Awadth bin Salim, Yahya bin Khadar, Salim bin Jabir, Hasan bin Ghalib, Awadth bin Uwaid, and Abdalla Ma'azabi, Shaikhs of the Barhimi tribe aforesaid, have agreed upon and concluded the following articles:—

Article 1.

The British Government, in compliance with the wish of the undersigned Shaikhs of the Barhimi tribe, hereby undertakes to extend to the Barhimi territory on the south coast of Arabia, and situated between the territories of the Akrabi and Atifi tribes, which territory is under their authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

Article 2.

The aforesaid Shaikhs of the Barhimi tribe agree and promise on behalf of themselves, their relations, heirs and successors and the whole tribe, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promise to give immediate notice to the Resident at Aden, or other British Officer, of the attempt by any other power to interfere with the Barhimi territory.

Article 3.

The aforesaid Shaikhs of the Barhimi tribe hereby bind themselves, their relations, heirs and successors, and the whole tribe for ever, that they will not cede, sell, mortgage, lease, hire or give, or otherwise dispose of, the Barhimi territory, or any part of the same, at any time, to any power, other than the British Government.

ARTICLE 4.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures and seals at Aden this twenty-first day of September one thousand eight hundred and eighty-nine.

(Sd). A. G. F. HOGG, *Brigadier-General,*
Political Resident, Aden.

ADEN:
The 21st September 1889.

Witness:

(Sd.) E. V. STACE, *Lieutenant-Colonel,*
First Assistant Political Resident.

(Sd.) ALI BIN AHMED AM-TOMMI.
„ KHALAF BIN TARAK.
„ AWADTH BIN MOHAMMED.
„ AHMED DAKAM.
„ AWADTH BIN HASAN.
„ HADI BIN HAIDARA.
„ ALI BIN MASHKUL.
„ AWADTH BIN SALIM.
„ YAHYA BIN KHADAR.
„ SALIM BIN JABIR.
„ HASAN BIN GHALIB.
„ ABADTH BIN UWAID.
„ ABDALLA MA'AZABI.

Witness:

(Sd.) A. K. S. JAFFER,
Acting Native Assistant Resident.

(Sd.) LANSDOWNE,
Viceroy and Governor General of India.

This Treaty was ratified by the Viceroy and Governor General of India in Council at Fort William on the 26th day of February A.D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Offg. Secy. to the Govt. of India, Foreign Dept.

No. XLIX.

Translation of a Bond given by Sultan Ahmed bin Abdoollah, Fadhlee.—1839.

Sultan Ahmed bin Abdoollah Fadhlee, his brothers Saleh, Nasir and Fadhl, and his cousins, do hereby agree that they enter into an agreement with their tribe, and those dependent upon them and those upon the latter, as before arranged with Commander Haines, who agrees to pay to these people the stipend which they used to receive from Sultan Muhsin Fadhl Abdalee. The agreement which has passed between them (the Sultan and Commander Haines) is, that whatever belongs to the Sultans of Abdalee, former and succeeding, and to those of Fadhlee, former and succeeding, shall be theirs; that the Abdalee shall be responsible, as stipulated, for all injuries or outrages perpetrated in Lahej, its vicinity, or within its limits, or in Aden, its roads, or its limits; and the above Sultan Ahmed for all acts of excess on the part of any of the Fadhlee, their clans, or those dependent upon them. In case Sultan Ahmed afford any assistance to any other Sultan or tribe, this agreement shall be null and void. Our (Sultan Ahmed's) hand and Sultan Muhsin's hand is one and the same. Our friends and his friends are identical. If any of the above tribe commit any plunder or depredation on the roads or in Lahej, the Bond that we possess shall be null, until we shall recover and restore the plundered property. Should any assault or murder be committed in Lahej or Aden, or on their roads, and should the act be brought home to any of the Fadhlee or their tribe, he shall be seized and is to be considered an offender. This Bond is always binding, and shall never become a dead letter. We shall draw the settled stipend every six months, and whenever there shall be any pressure of necessity, Government shall pay us a part (intermediately). The payment is to commence from the month of Zilkad Hegira 1254 (January-February 1839). Whatever is affixed for the above people shall be received by them through us or Sultan Muhsin or his children. These are the stipulations agreed to by Sultan Ahmed Fadhlee, and which are mediated by Salim bin Sheikh and Syud bin Sulah, who are the Vakeels of Sultan Ahmed. This agreement is consented to on Monday, the 26th day of Rubbee-ool-Akhir Hegira 1255 (8th July 1839). The half-yearly allowance which we shall receive from Government is 182½ cooroosh, half of which is 91⅛. The provisions which the above people are accustomed to receive must be given to them at Lahej through the Sultan or his children.

(Sd.) Sultan Ahmed bin Abdoollah bin Ahmed, Fadhlee.

Witnesses:

Moolla Jaffer, *Vakeel of Commander Haines.*

Ali bin Abdoollah bin Ahmed.

Salim bin Nasir, *Arab.*

Kazee Abdool Razzak bin Ali.

No. L.

TRANSLATION of a BOND entered into by the FADTHLI SULTAN for the SECURITY of the ROADS leading to ADEN.

Seal of Ahmed bin Abdoollah, the Fadhlee.

An honourable Bond and a great writing!

I, whose name and seal are set herein, have covenanted to the beloved Alowi bin Zain Al Aidroos upon peace and friendship between us and the Governor, William Coghlan Sahib, the Ruler of Aden; and also upon the safety of the road and security of the poor from Lahej to Aden. I am responsible for every sedition that may take place on the road on the part of all the Fadhlee tribes, either inhabitants of the hills or coast. I am answerable for it for all what goes to them on the roads of Ibian and Aden. Whatever plunder may take place upon our subjects on the coast, I will call upon Syud Alowi, and the Governor of Aden has the interposition.

If God should decree a quarrel between the Fadhlee and the Abdalees, each would know his own friend, and the English should not interfere amongst Arabs. Each would go on according to his rule and covenant, and if any one should try to make mischief betwixt us (Fadhlee and English), the saying of such enemies must not be listened to.

The Governor of Aden should abolish the invention which they have established at the gate of Aden upon the poor of our subjects and others; for the sake of the good condition of the needy, we and the English are friends upon sincerity and good-will between them and us and protection for our said friends (subjects).

I have covenanted to the beloved Alowi, and he will covenant on my behalf to the Governor, William Coghlan.

In the presence of—

SALEH BIN ABDOOLLAH.

NASIR BIN ABDOOLLAH.

FADHL BIN ABDOOLLAH.

ALI BIN AHMED AZZABDEE.

No. LI.

TRANSLATION of ARTICLES of AGREEMENT entered into by SULTAN AHMED BIN ABDOOLLAH—1867.

ARTICLE 1.

That Sultan Ahmed bin Abdoollah, on behalf of himself, his successors, and his tribe, solemnly binds himself to abstain in future from all acts of plunder and disorderly violence.

ARTICLE 2.

To maintain peace with the neighbouring tribes, friends of the British Government.

ARTICLE 3.

To protect all merchants and travellers passing through his country. Any member of the tribe acting contrary to this rule to be immediately punished.

ARTICLE 4.

That one of the sons, or a near trusted relation, of the reigning Sultan of the Fadhlee tribe shall reside in Aden, to be near the Resident and to transact business relating to the tribe.

ARTICLE 5.

On these terms being solemnly agreed to the past will be forgotten.

(Sd.) AHMED BIN ABDOOLLAH.

27th May 1867.

No. LII.

For the furtherance of PEACE and AMITY between the HIGH BRITISH GOVERNMENT and the tribe of the FADHLEES, the undersigned, MAJOR-GENERAL CHARLES WILLIAM TREMENHEERE, C.B., POLITICAL RESIDENT at ADEN, on behalf of the BRITISH GOVERNMENT, and SULTAN HAIDARA BIN AHMED BIN ABDOOLLAH, the FADHLEE, for himself and his successors, have agreed to the following conditions—1872.

ARTICLE 1.

Sultan Haidara bin Ahmed bin Abdoollah, the Fadhlee, agrees to waive his claim to transit dues and to all rights of revenue accruing from the kafilas

which enter and which leave Aden, and that the road through his territory shall be entirely free, and that there shall be no obstacles in the way of travellers upon it.

ARTICLE 2.

Major-General Charles William Tremenheere, C.B., Political Resident at Aden, on behalf of the high British Government, agrees to pay to Sthetu Haidara bin Ahmed bin Abdoollah, the Fadhlee, and to his successor the monthly sum of eighty (80) dollars, in consideration of the abolition of land transit dues as aforesaid.

ARTICLE 3.

This agreement is distinct from, and in addition to, the engagement which was concluded with the Sultan of the Fadhlee tribe on the 27th day of May 1867, and the stipend as aforesaid, that is to say, the sum of eighty dollars to be paid monthly, is over and above the stipend of one hundred dollars which is at this present time paid monthly by the high British Government to the Sultan of the Fadhlee tribe, and this engagement is to come into force, and to have effect from this date of writing, that is to say, the 6th day of May 1872, answering to the 28th day of Safar in the year of the Hijra 1289.

(Sd.) M. SCHNEIDER, *Brigadier-General,*
Political Resident, Aden.

On behalf of MAJOR-GENERAL C. W. TREMENHEERE, C.B.

Seal. (Sd.) HAIDARA BIN AHMED BIN ABDOOLLAH.

Seal.

(Sd.) NORTHBROOK,
Viceroy and Governor-General.

Ratified by His Excellency the Viceroy and Governor-General of India at Calcutta on the eighteenth day of December 1872.

(Sd.) C. U. ATTCHISON,
Secretary to the Government of India.

No. LIII.

Agreement regarding Boundaries between the 'Abdali and the Fadthli—1881.

In the name of the Most Merciful God!

Whereas there is a long-existing friendship between the British Government and the 'Abdali and Fadthli; and whereas the boundaries between these two tribes are not satisfactorily defined; and whereas this last-mentioned state of affairs has been the frequent cause of correspondence and disputes; and whereas Sultan Fadthl bin 'Ali, on the part of the 'Abdali, and Sultan Ahmed bin Husain, on behalf of the Fadthli, have agreed and consented to the settlement hereinafter set forth in the presence of Brigadier-General F. Loch, C.B., Political Resident at Aden. Now be it known to all whom it may concern, that the Fadthli limit meets the British limit at Imad, and stretches from the sea 1½ mile westward to the north-east shore of the Wadi-as-Saghir, and from thence it runs gradually upward till it reaches Hiswatal Musaiferah. The 'Abdali limit to the west is as far as Bir 'Ali and Bir Dervish.

If there are any fields at Wadi-as-Saghir belonging to the Fadthli within the limits of the 'Abdali, and if the owners of the said fields are able to prove their claim to them by certain and indisputable evidence, whether documentary or by length of possession, according to the Shariah (Mahomedan Law), such lands are to remain with the said owners, who have the right to cultivate their lands and to enjoy the same rights and privileges as are enjoyed by other subjects of the Abdali.

This agreement is concluded and agreed to on Tuesday, the 3rd day of May, in the year of Our Lord 1881, corresponding with the 5th day of Jumad-al-Akhir, 1298 Al-Hijri.

In witness whereof we have settled our hand and seal.

Signed by Mohammed Mohsin Fadthl,
for himself and
Sultan Fadthl bin 'Ali Mohsin,
Sultan of Lahej.

Witnesses:

(Sd.) Ahmed 'Ali Mohsin.

„ Sayyid 'Umar Husain-al-Wahsh.

(Sd.) Francis Loch, *Brigadier-General, Political Resident, Aden.*

Witnesses:

(Sd.) Chas. W. H. Sealy, *Captain, Assistant Resident.*

„ Saleh Jaffer, *Native Assistant and Interpreter.*

No. LIV.

Protectorate Treaty with the Fadthli—1888.

The British Government and Ahmed bin Husain the Fadthli Sultan of Shukra and the Fadthli country with their dependencies, being desirous of maintaining and strengthening the relations of peace and friendship existing between them;

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg, C.B., and Sultan Ahmed bin Husain, the Fadthli, aforesaid, have agreed upon and concluded the following articles:—

Article 1.

The British Government, in compliance with the wish of the undersigned, Sultan Ahmed bin Husain, the Fadthli, hereby undertakes to extend to Shukra and the Fadthli country with their dependencies, which are under his authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

Article 2.

The said Sultan Ahmed bin Husain, the Fadthli, agrees and promises, on behalf of himself his heirs and successors, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promises to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with Shukra and the Fadthli country and their dependencies.

Article 3.

The said Sultan Ahmed bin Husain, the Fadthli, hereby binds himself and his heirs and successors for ever, that he or they will not cede, sell, mortgage, lease, hire or give, or otherwise dispose of, the Fadthli territory, or any part of the same, at any time, to any power other than the British Government.

ARTICLE 4.

The above treaty shall have effect from this date. In witness whereof the undersigned have affixed their signature or seals at Aden this fourth day of August one thousand eight hundred and eighty-eight A.D.

(Sd.) A. G. F. HOGG, *Brigadier-General,*
Political Resident.

Witness:

(Sd.) E. V. STACE, *Lieutenant-Colonel,*
Acting First Assistant Political Resident.

(Sd.) AHMED BIN HUSAIN.

Witnesses:

(Sd.) ABDALLA BIN NASIR.
„ HUSAIN BIN AHMED.
„ M. S. JAFFER,
Native Assistant Resident, Aden.

(Sd.) LANSDOWNE,
Viceroy and Governor General of India

This treaty was ratified by the Viceroy and Governor General of India in Council at Fort Willam on the 26th day of February A.D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Offg. Secy. to the Govt. of India, Foreign Department.

No. LV.

ENGAGEMENT of PEACE and FRIENDSHIP entered into, on the 4th February 1839, by SULTAN HAIDARA BIN MEHDI, of the AKRABEES, and SHEIKH ABDOOL KUREEM BIN SALLAH MEHDI, SHEIKH FADHL BIN HAIDARA BIR AHMED, of SELA, AKRABEE CHIEFS, with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

Between the British and Akrabees there shall be peace and lasting friendship. Aden, belonging to the English, and the Akrabi tribe shall be at peace

and firm friends. If the subjects of either wish to have free intercourse in each other's territory, they shall be welcome, and receive neither molestation nor insult.

If the English wish to enter the Akrabi territory, they shall be respected and received with kindness, for they are friends. If any disturbance should take place between the subjects of either country, the culprit, if English, is to be given over to the laws of Aden, if Akrabi, to the laws of the Sultan, for punishment.

In witness of the agreement, in the presence of God.

Dated Aden, the 4th February 1839.

(Sd.) Sultan Haidara bin Mehdi.

Witnesses:

(Sd.) Syud Alowi.

„ Rashed Abdoollah.

„ Jaffer bin Moolla Abdoolah.

„ S. B. Haines.

No. LVI.

Translation of an Agreement by the Sheikh and Elders of the Akrabi Tribe.—1857.

Praise be to God, who is worthy of Praise!

Attestation and agreement from the Sheikh Abdoollah Ba Haidara Mehdi and all the elders of the Akrabees whose names are set below. We have covenanted with His Excellency the Governor, William Coghlan Sahib, Ruler of Aden, upon everlasting sincerity and the repelling of sedition in their (own) limits, and upon purity of friendship. We will do all in our power (agreeably to friendship) to protect (the interest) the English Government and its subjects, and if any of the English wish to come out to Bir Ahmed for recreation, they must inform us, and upon us rests the (their) perfect reverence and protection; any want the Governor may require, we are (his) soldiers day or night. Our country and our property are in the service of the British Government, and may our Lord continue the friendship. Ultimately

we have covenanted according to what we have explained above, and we beg God to confirm us in the fulfilment of the faithful convenants.

This is done on the 18th of Shaban 1273, 12th April 1857.

(Sd.) Abdoollah Ba Haidara Mehdi.
„ Salem Ba Haidara Medhi.
„ Abdool Kureem Silam Medhi.
„ Hadj Obaid Allah Yehia.
„ Ali bin Ahmed Ali.

Witnessed by—

Syud Mahomed bin Zain Al-Aidroos.

Syud Aidroos bin Zain Al-Aidroos.

Sheikh Ali bin Ahmed Ba Abdoollah Azab.

In presence of

(Sd.) Alowi bin Zain Al-Aidroos.

No. LVII.

Translation of an Agreement entered into by the Chief of the Akrabi Tribe regarding the sale of Jebel Ihsan— 1863.

Praise be to God alone!

The object of writing this lawful Bond is, that it is hereby covenanted and agreed betwixt Sheikh Abdoollah ba Haidara Mehdi, Chief of the Akrabi tribe, on the one part, and Brigadier William Marcus Coghlan, Governor of Aden, on behalf of Her Majesty the Queen of England, on the other part, that the said Sheikh Abdoollah ba Haidara Mehdi doth pledge himself, his heirs and successors, by this agreement never to sell, mortgage, or give for occupation, save to the British Government, any portion of the Peninsula called Jebel Ihsan, including the Khor of Bir Ahmed, Al-Ghadeer, Bundar, Fogum, and all the intermediate coast and inlets.

In consideration of which act of friendship, the said Sheikh Abdoollah ba Haidara Mehdi has received from Brigadier William Marcus Coghlan, Governor of Aden, an immediate payment of three thousand (3,000) dollars, and shall also receive from the said Brigadier Coghlan or his successors a future monthly subsidy of thirty (30) dollars, it being understood that this stipend imposes an obligation on the part of Sheikh Abdoollah ba Haidara Mehdi, his heirs and successors, to protect all traders and British subjects who pass through or reside in the Akrabi territory, and also for preserving terms

of peace and friendship betwixt the Akrabi tribe and the Governor of Aden, representing the Government of Her Majesty the Queen of England.

In token of this honourable engagement, the Brigadier William Marcus Coghlan and Sheikh Abdoollah Ba Haidara Mehdi do severally affix their hand and seal at Aden on Friday, the twenty-third day of January, in the year of Christ one thousand eight hundred and sixty-three, corresponding with the third day of Shaban in the year of the Hegira one thousand two hundred and seventy-nine.

(Sd.) Abdoollah Ba Haidara Mahdi,

„ W. M. Coghlan, *Brigadier,*

Political Resident, Aden.

In presence of—

(Sd.) Mahomed Ba Haidara.

„ Alowi bin Zain Al Aidroos.

„ Aidroos bin Zain.

„ H. Rassam,

Assistant Political Resident, Aden.

No. LVIII.

Translation of an Engagement entered into by the Sheikh of the Akrabi Tribe for the sale of Little Aden—1869.

The cause of writing this lawful deed is as follows :—

That a Treaty and engagement is made between Sheikh Abdoollah Ba Haidara Mehdi, Sheikh of the Akrabi tribe, on the one part, and General Sir Edward Russell, Resident of Aden, on behalf of the Honourable British Government, on the other.

To wit, the abovementioned Sheikh Abdoollah Ba Haidara Mahdi on his part binds himself by these presents to have sold and delivered over in perpetuity to the British Government the Peninsula called Jebel Ihsan *alias* Jebel Hussan and the Khor of Bir Ahmed and Al-Ghader and Bunder Fokum, and all and whatsoever is comprised on the seashore in the matter of harbours or ports between the said Khor (of Bir Ahmed) and Bundar Fogum; and moreover the said Abdoollah Ba Haidara Mahdi binds himself, his heirs and successors, by these presents, never to sell or pledge or give up any one for residence, excepting to the British Government, any portion whatsoever of Jebel Ras Imran, or the land on the border of the bay between Ras Imran and Jebel Ihsan or Hussan; and in consideration of what is aforementioned, the said Sheik Abdoollah Ba Haidara Mahdi has received from General Sir Edward

Russell, Resident at Aden, the sum of thirty thousand German crowns, being the amount of purchase-money agreed upon by the said Abdoollah Ba Haidara Mehdi, and this sum of thirty thousand German crowns is over and above the sum of three thousand Garman crowns which Brigadier William Marcus Coghlan stipulated for and paid to the said Sheikh Abdoollah Ba Haidara Mehdi on the 23rd day of January 1863, in accordance with the Treaty that was made on that date, and payment of these said three thousand German crowns then well and truly made to the said Abdoollah Ba Haidara Mehdi.

In witness that the terms of this Treaty are truly and justly binding on Sheikh Abdoollah Ba Haidara Mehdi on behalf of himself, his heirs and successors, as to the sale, and on General Sir Edward Russell, Resident at Aden, on behalf of the Honourable British Government, as to the purchase, both have hereunto set their signatures and seals, at Aden, this 2nd day of April A.D. 1869, equivalent to 21st day of the month Zhil Hujj A. H. 1285.

(Sd.) Abdoollah Ba Haidara Mahdi.
„ E. L. Russell, *Major-General,*
Resident at Aden.

In presence of—

(Sd.) Alowi bin Zain Al Aidroos.
„ G. R. Goodfellow, *Captain,*
Assistant Resident, Aden.

Articles of Treaty and engagement between Sheikh Abdoolah Ba Haidara Mehdi and Sir Edward Russell, Resident at Aden, that the honour and respect which is due to Abdoollah Ba Haidara Mehdi from the British Government continue, and that from the present date an increase of dollars 10 to the present subsidy of 30 dollars be paid, (making) a total of dollars 40 (per mensem), and that Abdoolah Ba Haidara (be permitted to) levy transport dues on whatever may be landed from the bunders which he has sold this day according to a Treaty drawn up with Sir Edward Russell on behalf of the British Government should the goods so landed thence pass through his territory, *viz.*, Bir Ahmed, and all claims of Sultan Fadhlee, or of Sultan Ahmed, the Fadhli, upon Bir Ahmed, the Resident is to take upon himself, and this is what is agreed upon.

This second day of April 1869, equivalent to 21st day of Zhil Hujj 1825.

(Sd.) E. L. Russell, *Major-General,*
Resident at Aden.

„ Abdoollah Ba Haidara Mahdi.

Witnesses :

(Sd.) Alowi bin Zain Al Aidroos.
„ Aidroos bin Zain Al Aidroos.
„ G. R. Goodfellow, *Captain,*
Assistant Resident, Aden.

No. LIX.

Agreement for the purchase of land from the Akrabi Sheikh—1888.

This agreement made this 15th day of July one thousand eight hundred and eighty-eight A.D., corresponding to 5th al-Ka'ada one thousand three hundred and five, between Sheikh 'Abdalla ba Haidara Mahdi, Sheikh of the Akrabi tribe, on the one part, and Brigadier-General A. G. F. Hogg, C.B., Political Resident, Aden, on behalf of the Government of India, on the other part.

Whereas a tract of land belonging to the said Sheikh 'Abdala ba Haidara Mahdi, lying between the village of Hiswa and Little Aden and Bandar Fogum, is required by the Government of India to secure British jurisdiction over the entire shores of the harbour of Aden and for other reasons; and whereas the said Sheikh 'Abdalla ba Haidara Mahdi has agreed to sell to the Government of India the said tract of land for a sum of rupees two thousand; this therefore witnesseth that in pursuance of this agreement, and in consideration of the sum of rupees two thousand paid by the said Government of India to Sheikh 'Abdala ba Haidara Mahdi, the receipt whereof the said Sheikh 'Abdalla ba Haidara Mahdi doth hereby acknowledge, and for the same doth hereby release the Government of India, the said Shaikh 'Abdalla ba Haidara Mahdi doth hereby grant and confirm unto the Government of India all that tract of land described as under, that is to say, a strip of land of the breadth of half a mile extending along the shore from the Tuban river westward past Little Aden to Bundar Fogum, and to be defined thus by a line commencing from the second pillar from the shore on the boundary line now dividing British from Akrabi territory, and which pillar is situated at a distance of about half a mile from the shore, thence running parallel to the sea-shore in a westerly direction, passing the British boundary of Little Aden at a distance of half a mile, and meeting the shore of Bundar Fogum at a distance of half a mile from the British boundary of Little Aden.

The tract of land thus ceded to the Government of India is bounded thus:

North—Akrabi territory.

South—The sea and the British territory of Little Aden.

East—British territory.

West—The Sea of Bunder Fogum.

The said strip of half a mile in breadth to be measured from high water mark and to include all shores, bays, and bunders on the seaside of the said tract, to have and to hold the said tract of land as the property of the Government of India in perpetuity without any let or hindrance or any claim or demand by the said Sheikh 'Abdalla ba Haidara Mahdi or his heirs and successors, or by any of his tribesmen or any other person or persons whomsoever.

In witness whereof the said parties to these presents have hereunto set their hands and seals the day, month, and year above written.

(Sd.) A. G. F. Hogg,
Brigadier-General,
Political Resident, Aden.

(Sd.) Abdalla ba Haidara Mahdi.

Witnesses—

(Sd.) × Mark of Shaikh 'Ali ba Haidara.

(Sd.) Fadthl ba Haidara Mahdi.

(Sd.) M. S. Jaffer,
Native Assistant Resident.

Witness—

(Sd.) E. V. Stace,
Acting First Assistant
Political Resident.

N. B.—In the original the agreement is in parallel columns of English and Arabic.

No. LX.

Protectorate Treaty with the Akrabi—1888.

The British Government and 'Abdalla ba Haidara Mahdi, the 'Akrabi Sheikh of Bir Ahmed with its dependencies, being desirous of maintaining and strengthening the relations of peace and friendship existing between them,

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a Treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg, C.B., and Sheikh 'Abdalla ba Haidara Mahdi, the 'Akrabi aforesaid, have agreed upon and concluded the following articles:—

Article 1.

The British Government, in compliance with the wish of the undersigned, Sheikh 'Abdalla ba Haidara Mahdi, the 'Akrabi, hereby undertakes to extend to Bir Ahmed with its dependencies, which are under his authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

Article 2.

The said Sheikh 'Abdalla ba Haidara Mahdi, the 'Akrabi, agrees and promises on behalf of himself, his heirs and successors, to refrain from entering into any correspondence, agreement or treaty, with any foreign native or power, except with the knowledge and sanction of the British Government; and further promises to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with Bir Ahmed and its dependencies.

ARTICLE 3.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures or seals at Bir Ahmed this 15th day of July 1888.

(Sd.) A. G. F. HOGG, *Brigadier-General,*
Political Resident, Aden.

Witnesss:

(Sd.) E. V. STACE, *Lieut.-Col.,*
Acting First Assistant Political Resident.

(Sd.) ABDULLA BA HAIDARA MAHDI.

Witnesses:

Mark × of SHEIKH 'ALI BA HAIDARA.

(Sd.) FADTHL BA HAIDARA MAHDI.

„ M. S. JAFFER.
Native Assistant Resident.

(Sd.) LANSDOWNE,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor General of India in Council at Fort William on the 26th of February A.D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Officiating Secretary to the Government of India,
Foreign Department.

No. LXI.

TRANSLATION of an AGREEMENT entered into by the OWLAKEE CHIEFS for the SUPPRESSION of the SLAVE TRADE—1855.

In the name of the Most Merciful God and Him we implore!

The reason of writing this Bond is, that, influenced by motives of humanity and by a desire to conform to the principles on which the great English Government is conducted, we lend a willing ear to the proposals of our sincere friend Brigadier W. M. Coghlan, Governor of Aden, that we shall covenant with him and with each other to abolish and prohibit the exportation of slaves from any part of Africa to any other place in Africa or Asia or elsewhere under our authority.

We, whose names and seals are set to this Bond, do therefore in the sight of God and of men solemnly proclaim our intention to prohibit the exportation of slaves from Africa by every means in our power; we will export none ourselves, nor will we permit our subjects to do so, and any vessel found carrying slaves shall be seized and confiscated and the slaves shall be released.

Peace.

Signatures.

Witnessed by Syud Mahomed bin Abd-oor-Rahman Al-Zufferi.

SULTAN MUNASSAR BIN BOO BEKR BIN MAHDI, the Owlakee, done at Hour, dated 14th October 1855.

SULTAN ABU BEKR BIN ABDOOLLAH BIN MAHDI, the Owlakee; same date and place.

Similar engagements were entered into by—

Witnessed by Omar bin Ahmed bin Syud Bashtiabeeoh.

ALI MAHOMED ZAID, elder of the Habr Gerhagis, tribe of Somalis, at Mait; done the 5th Zuffer 1272, corresponding with the 17th October 1855,

HIRSEE ALI MAHOMED, elder of the Habr Gerhagis, tribe of Somalis, at Mait; done the 5th Zuffer 1272, corresponding with the 17th October 1855.

And by

MAHMOOD MAHOMED, elder of the Habr Taljala tribe, at Hais; 5th Zuffer 1272, corresponding with 17th October 1855.

ABOO BEKR BIN MAHOMED, elder of the Habr Taljala tribe, at Raccoda; done the 5th Zuffer 1272, corresponding with the 17th October 1855.

ABD OMAR, elder of the Habr Taljala tribe, at Unkor; done the 6th day of Zuffer 1272, corresponding with the 18th October 1855.

ALI AHMED, elder of the Habr Taljala tribe, at Unkor; done the 6th Zuffer 1272, corresponding with the 18th October 1855.

HASSUN YOUSEF, elder of the Habr Taljala tribe, at Kurrum; done the 6th day of Zuffer 1272, corresponding with the 18th October 1855.

MAHOMED LEBAN, Chief of the Habr Taljala tribe, at Kurrum; done the 6th Zuffer 1272, corresponding with the 18th October 1855.

YOUSEF OTHMAN, elder of the Habr Taljala tribe, at Ain Tarad; done the 7th Zuffer 1272, corresponding with the 19th October 1855.

AHMED ABOO BEKR MAHOMED LEBAN, elder of the Habr Taljala tribe, at Ain Tarad; done the 7th Zuffer 1272, corresponding with 19th October 1855.

No. LXII.

PROTECTORATE TREATY with the LOWER AULAKI—1888.

The British Government and Bubakr bin 'Abdalla bin Mahdi, the reigning Sultan of the Lower 'Aulaki tribe, on behalf of himself and his heirs and

successors, and on behalf of his cousin Nasir bin 'Ahmed and his heirs and successors:

And 'Abdalla bin Bubakr bin 'Abdalla, on behalf of himself and his relations, 'Ahmed bin Bubakr, and Mahdi bin Bubakr and 'Ahmed bin Nasir and Nasir bin 'Ahmed and his and their heirs and successors:

And Bubakr bin Nasir bin 'Ali bin Mahdi, on behalf of himself and his relations, 'Awadth bin Nasir bin Ali, and Madhi bin 'Ali bin Nasir, and 'Abdalla bin 'Ali bin Nasir, and Saleh bin 'Ali bin Nasir, and 'Alawi bin 'Ali bin Nasir, and Ghalib bin 'Ali bin Nasir, and 'Ahmed bin 'Abdalla bin Nasir, and Nasir bin 'Abdalla bin Nasir, and his and their heirs and successors:

And Nasir bin Bubakr bin Nasir bin Bubakr bin Madhi, on behalf of himself and his relations, 'Ali bin Mohammed bin Bubakr, and Nasir bin Mohammed bin Bubakr, and 'Awadth bin Mahammed bin Bubakr, and Bubakr bin Mohammed bin Bubakr, and 'Abdalla bin Manassar bin Nasir, and 'Ali bin Manassar bin Nasir, and Nasir bin Saleh bin Husain, and 'Awadth bin 'Abdalla bin Farid, and Manassar bin Ali bin Farid, and his and their heirs and successors:

And Mahdi bin 'Ali bin Nasir bin Mahdi, on behalf of himself and his relations, Bubakr bin 'Abdalla bin Nasir, and Hassan bin 'Abdalla bin Nasir, and Bubakr bin Nasir bin 'Ali, and Mahdi bin Nasir bin Mahdi, and Bubakr bin Nasir bin Mahdi, and Saleh bin Nasir bin Mahdi, and his and their heirs and successors:

All being Sultans of the Lower 'Aulaki tribe, and all being desirous of maintaining and strengthening the relations of peace and friendship existing between them,

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg, C.B., and Bubakr bin 'Abdalla bin Mahdi, on behalf of himself his heirs and successors and on behalf of his cousin Nasir bin 'Ahmed, his heirs and successors:

And 'Abdalla bin Bubakr bin Abdalla, on behalf of himself and his relations, 'Ahmed bin Bubakr, and Mahdi bin Bubakr, and 'Ahmed bin Nasir, and Nasir bin 'Ahmed, their heirs and successors:

And Bubakr bin Nasir bin 'Ali bin Mahdi, on behalf of himself and his relations, 'Awadth bin Nasir bin 'Ali, and Mahdi bin 'Ali bin Nasir and 'Abdalla bin 'Ali bin Nasir, and Saleh bin Ali bin Nasir, and 'Alawi bin Ali bin Nasir, and Ghalib bin 'Ali bin Nasir, and 'Ahmed bin Abdalla bin Nasir, and Nasir bin 'Abdalla bin Nasir, their heirs and successors:

And Nasir bin Bubakr bin Nasir bin Bubakr bin Madhi, on behalf of himself and his relations, 'Ali bin Mohammed bin Bubakr, and Nasir bin Mohammed bin Bubakr, and Awadth bin Mohammed bin Bubakr, and Bubakr bin Mohammed bin Bubakr and Abdalla bin Manassar bin Nasir, and Ali bin Manassar bin Nasir, and Nasir bin Saleh bin Husain, and Awadth bin Abdalla bin Farid, and Manassar bin Ali bin Farid, their heirs and successors:

And Madhi bin Ali bin Nasir bin Madhi, on behalf of himself and his relation Bubakr bin Abdalla bin Nasir, and Hassan bin Abdalla bin Nasir and Bubakr bin Nasir bin Ali, and Mahdi bin Nasir bin Madhi, and Bubakr bin Nasir bin Madhi, and Saleh bin Nasir bin Madhi, their heirs and successors, have agreed upon and concluded the following articles :—

ARTICLE 1.

The British Government, in compliance with the wishes of the aforesaid Sultans of the Lower Aulaki tribe, hereby undertakes to extend to Ahwar and its dependencies, which are under the authority and jurisdiction of the Lower Aulaki tribe, the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The aforesaid Sultans of the Lower 'Aulaki tribe agree and promise, on behalf of themselves and their heirs and successors, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promise to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with Ahwar and its dependencies.

ARTICLE 3.

The above treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures or seals, at Aden, this second day of June one thousand eight hundred and eighty-eight.

ADEN,
The 2nd June 1888.

(Sd.) A. G. F. HOGG, *Brigadier-General,*
Political Resident, Aden.

Witness :

(Sd.) E. V. STACE, *Lieut.-Col.,*
Acting First Asst. Pol. Resident.

The 2nd June 1888.

(Sd.) SULTAN BUBAKR BIN ABDALLA BIN MAHDI.
„ ABDALLA BIN BUBAKR BIN ABDALLA.
„ BUBAKR BIN NASIR BIN 'ALI.
„ NASIR BIN BUBAKR.

Mark or + MAHDI BIN ALI BIN NASIR.

Witnesses :

(Sd.) AHMED BIN BUBAKR.
Mark of + MAHDI BIN ALI.
Mark of + O'ALAWI BIN ALI.
(Sd.) ABDAL MAJID BIN BUBAKR.
„ M. S. JAFFER,
Native Assistant Resident, Aden.

(Sd.) LANSDOWNE,
Viceroy and Governor General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Fort William on the 26th day of February A.D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Offg. Secy. to the Govt. of India,
Foreign Dept.

No. LXIII.

PROTECTORATE TREATY with the IRKA—1888.

The British Government and 'Awadth bin Mohammed ba Dàs, Sheikh of Irka and its dependencies, being desirous of maintaining and strengthening the relations of peace and friendship existing between them.

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg, C.B., and 'Awadth bin Mohammed ba-Dàs, Sheikh of 'Irka and its dependencies, aforesaid, have agreed upon and concluded the following articles:—

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned, Sheikh 'Awadth bin Mohammed ba Dàs, hereby undertakes to extend to 'Irka and its dependencies, which are under his authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The said Sheikh 'Awadth bin Mohammed ba Dás agrees and promises, on behalf of himself, his heirs and successors, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promises to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with 'Irka and its dependencies.

ARTICLE 3.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures or seals at 'Irka this twenty-seventh day of April one thousand eight hundred and eighty-eight.

(Sd.) A. G. HOGG, *Brigadier-General,*
Political Resident, Aden.

Witness:

(Sd.) C. E. GISSING,
Commander, Royal Navy,
Her Majesty's "Osprey."

(Sd.) SHEIKH 'AWADTH MOHAMMED BA-DÀS,
Shaikh of 'Irka.

Witness:

(Sd.) M. S. JAFFER,
Native Assistant Resident, Aden.

(Sd). LANSDOWNE.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Fort William on the 26th day of February A. D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Officiating Secretary to the Government of India,
Foreign Department.

No. LXIV.

PROTECTORATE TREATY with the LOWER HAURA—1888.

The British Government and Abdalla bin Mohammed ba Shaled and his brothers Ahmed bin Mohammed, Said bin Mohammed, and 'Ali bin Mohammed, Sheikhs of Lower Haura and its dependencies, being desirous of maintaining and strengthening the relations of peace and friendship existing between them.

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg, C.B., and Sheikh 'Abdalla bin Mohammed ba Shahid and his brothers 'Ahmed bin Mohammed,

Said bin Mohammed and 'Ali bin Mohammed, aforesaid, have agreed upon and concluded the following articles:—

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned, 'Abdalla bin Mohammed ba Shahid, and his brothers 'Ahmed bin Mohammed, Said bin Mohammed and 'Ali bin Mohammed, Sheikhs of Lower Haura and its dependencies, hereby undertake to extend to Lower Haura and its dependencies, which are under their authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The said Abdalla bin Mohammed ba Shahid and his brothers Ahmed bin Mohammed, Said bin Mohammed and Ali bin Muhammed, agree and promise, on behalf of themselves and their heirs and successors, to refrain from entering into any correspondence, agreement or treaty, with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promise to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with Lower Haura and its dependencies.

ARTICLE 3.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures or seals at Lower Haura this twenty-eighth day of April one thousand eight hundred and eighty-eight.

(Sd.) A. G. F. HOGG., *Brigadier-General,*
Political Resident, Aden.

Witness:

(Sd.) C. E. GISSING, *Commander, Royal Navy,*
Her Majesty's "Osprey."

(Sd.) SHEIKH ABDALLA BIN MOHAMMED BA SHAHID,
Owner of Haura, Lower.

Mark of AHMED BIN MOHAMMED.
„ SAID BIN MOHAMMED.
„ ALI BIN MOHAMMED.

Witness:

(Sd.) M. S. JAFFER,
Native Assistant Resident, Aden.

(Sd.) ALI BIN SAHIB BIN ABD-AS-SAMAD,

(Sd.) LANSDOWNE,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Fort William on the 26th day of February A.D. one thousand eight hundred and ninety.

(Sd) W. J. CUNINGHAM,
Offg. Secy. to the Government of India,
Foreign Department.

No. LXV.

ENGAGEMENT of FRIENDSHIP and PEACE entered into, on the 12th February 1839, by SHEIKH ARSEL BIN HYDEE BIN AHMED, MUSAIDEE of a district of the YAFFAEES, and the accredited Agent from the ancient Chieftain SULTAN ALI GHALIB, of the YAFFAEES, with COMMANDER HAINES, of the INDIAN NAVY, on behalf of the HONOURABLE EAST INDIA COMPANY.

We agree that there shall be peace and friendship between us, and that the English at Aden shall be at peace with us. Should the subjects of either country enter the other's territory, they shall not be molested or insulted but be considered as friends.

If kafilas from the Yaffaee district wish to enter Aden by the Gar Wallah territory for trade, they shall not be molested, but the property respected by both parties, and the owners allowed free intercourse and barter. They may export from Aden, and they shall be respected.

Dated Aden, the 21st Februury 1839.

(Sd.) SHEIKH HASIL BIN HADEE BIN AHMED.

Witness:

(Sd.) ALI ABDOOLLAH SYUD ALOWI.

LITERAL TRANSLATION of a TREATY concluded by SULTAN ALI GHALIB and his son AHMED BIN ALI GHALIB, of the tribe of YAFFAEE AL EFEFEE.—1839.

In the name of God, the Merciful, the Clement!

We faithfully agree, on the part of ourselves and those who are subordinate to them, those of the tribe of Yaffaee and those who are dependent on them, and of the tribe of Mureedea and Sayeedeh and those dependent on them, and for Commander Haines, Governor of Aden, for all and every

belonging to them, on Sultan Muhsin Fuzil Obaid Ali, Commander Haines, Governor of Aden, and representative of the Company, and in the manner that went, the Sultan Obaid Ali, past and future, and those of the tribe who are gone and are coming, that they shall possess their own property, and that whatever they have shall be theirs, and whatever loss is occasioned to them in Lahej or round about it, or in its environs, or in Aden, or on the road of Aden, are included in the same Treaty concluded by Obaid Ali, and if any injury is occasioned by the tribe of Yaffaee or by its dependants, Ali Ghalib shall be responsible, and if at any time Ali Ghalib will render assistance to any one of the Sultans, or any one of the other tribes, the Treaty confirmed by God will be violated between us and him, and our hand and the hand of Sultan Muhsin shall be as one, and our friends and the friends of the Sultan shall be the same. If any of the above shall be plundered on the road of Lahej the Treaty will be infringed; and if anything which we have is broken or taken away, and if any one makes war in Lahej, or kills any one in Lahej, or in Aden, or on the road of Aden, and it shall be known that that man is of the tribe of Yaffaee or one of its dependants, he (Sultan Ali Ghalib) will be responsible. This Treaty of God which we have will never become old, but be always held to be new. We shall take what is agreed upon every six months, commencing the 1st Zilkad 1254 Hegira (18th January 1839), and what is agreed upon will be taken by us, or by the Sultan, or by his son. This is what has been agreed upon and settled by Sultan Ali Ghalib and his son Ahmed bin Ali Ghalib, and has been agreed to by their representatives Hasil bin Ahmed bin Hadee and Hyder bin Ahmed, who have been sent by them, and they are the representatives of Ali Ghalib, and this is concluded this 25th day of Rubbee-ool-Awul 1255 Hegira (8th June 1839).

Witnesses:

(Sd.) Syed Mahomed bin Zain bin Boo Bekr,
„ Kazee Abdool Ruza bin Ali Saad bin Musudod,
„ Hasil bin Ahmed bin Wadee, *of the tribe of Mooredee, Vakeels of Ali Ghalib.*
„ Mahomed Ali Yehia.
„ Jaffer Moonshee, *of the Company's Government.*
Hyder bin Ahmed Yaffaee, *Vakeel of Ali Ghalib.*

No. LXVI.

Translation of a Bond entered into by Sultan Mana bin Salam, of the Howshabee, and his son Salam bin Mana, of the Howshabee—1839.

Sultan Mana bin Salam, of the Howshabee, and his son Salam bin Mana, of the Howshabee, declare of their own accord that they enter into an agree-

ment with all those under them, belonging to Howshabee, their clans, and all those dependent upon them, the Chief of Haroor-ool-Awajeer, and the whole Howshabee, as before arranged with Commander Haines, Governor of Aden, who sincerely agrees to pay the allowances received by them from Sultan Muhsin Fadhl Abdalee. What has been arranged between them (Commander Haines and the Sultan) is that whatever belongs to the Sultans of Abdalee, former and succeeding, and to those of the Howshabee, former and succeeding, shall be theirs respectively.

The Abdalee shall be responsible, as is agreed upon, for all outrages committed in Lahej, its neighbourhood, or within its limits, or in Aden, its roads, or within its boundaries, and Mana bin Salam for those perpetrated by the Howshabee, their clans, or those subject to them. In case Mana render any assistance to any other Sultan or tribe, this Bond is to be considered null and void. Our (Sultan Mana's) hand is the same as that of Sultan Muhsin Fadhl, and our friend is identical with Sultan Muhsin. In the event of any plunder by any of the above tribes on the roads or in Lahej, the Bond which we have shall be considered null until we make restitution of whatever may be carried away. Should any one commit an assault or murder in Lahej or Aden, or on the roads, and should such person be proved to be one of the Howshabee or of their clans, he shall be seized and considered an offender. This Bond is binding and lasting. We shall receive our allowance from Government every six months, or a part, if necessary, after two months. This is to commence from the month of Zilkad, Hegira 1254 (January-February 1839). The above people shall receive the allowance fixed for them through us or the Sultan (Muhsin) or his children. These are the stipulations agreed upon by Sultan Mana bin Salam and Salam bin Mana, and which are mediated by Abee Muhsin bin Wugees bin Kassim Suffeean, who is Vakeel of the Howshabee. These points are agreed to on Friday, the 2nd Rubee-oos-Sanee, Hegira 1255 (14th June 1839). The allowance fixed for the Howshabee is 628 Cooroosh Fransa per annum, half of which is 314 Cooroosh.

Witnesses:

MAHOMED HOUSSAIN BIN WAIS BIN KASSIM SUFFEEAN JAFFER,
Translator.

KAZEE ABDOOL RAZZAK BIN ALI.

ALI BIN ABDOOLLAH ALI.

No. LXVII.

TREATY of FRIENDSHIP and PEACE between the ENGLISH and HAZZABEE TRIBE.—1839.

Bismillah Ir-Rehman Ir-Rehim Be Minnet Allah!

This agreement is between the Hazzabees for peace. On the part of Sheikh Abdoollah Hazzaab, Sheikh Hamed bin Abdoollah Hazzeeb Mukee

Hazzabee, and Commander Haines, the English Agent, on the part of Government. We are now friends, and promise peace and friendship, great and lasting friendship, and that our hearts and wishes are one.

Further, that there shall be peace and friendship with Aden, and that if any of our subjects or the subjects of Britain pass into each other's territory, neither party shall be insulted or injured; we are one. If the subjects of either do wrong, they are to be given over for punishment by their own laws.

In the presence of—

(Sd.) Syud Alowi bin Aidroos Ali Bin Boo Bekr Rashed Abdoollah.

„ Sheikh Mahomed bin Abdoollah Huzzeeb Mukee Hazzabee.

15th Zilkadeh, *31st January 1839.* „ S. B. Haines.

No. LXVIII.

Translation of an Agreement signed by Amir Ali Mokbil, of Dthali (Zhali), on the 2nd October 1880 and ratified by His Excellency the Viceroy and Governor-General of India on the 1st May 1881.

I, Amir Ali Mokbil of Zhali, of my own free will and accord, agree and bind myself, my heirs and successors, to keep peace and friendship in perpetuity with the Great British Government, to keep all the roads leading through my territory to Aden safe and undisturbed, to protect the poor and the weak on the same, and to be answerable for any outrage or wrongdoings committed by the tribes Rudfan and Halimein and all the tribes subject to me. I will do all in my power to preserve safety on the road to my utmost ability. In consideration of the above, a sum of $50 (fifty) to be paid to me by the great English Government annually, half of which, *viz.*, $25 (twenty-five) to be paid every six months, and this payment to be continued from generation to generation. If I, my children, relations, Sheikh or elders, proceed to and from Aden, they should be respected and treated according to their position and dignity. God is the best witness.

Dated Aden, 2nd October 1880, corresponding to 27th Shawal 1297.

(Sd.) Ali [Seal.] Mokbil.

(Sd.) G. L. GOODFELLOW,
Acting Political Resident.

No. LXIX.

Protectorate Treaty with the Wahidi Sultan of Bir Ali—1888.

The British Government and Mohsin bin Saleh bin Mohsin, Saleh bin Ahmed bin Saleh, Abdalla bin Ahmed bin Saleh, Nasir bin Husain bin Mohsin, Bubakr bin Husain bin Mohsin, Saleh bin Abdalla bin Saleh bin Mohsin, Ali bin Abdalla bin Saleh bin Mohsin, and Nasir bin Talib bin Hadi, Sultans of the Wahidi tribe, being desirous of maintaining and strengthening the relations of peace and friendship existing between them:

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg, C.B., and Mohsin bin Saleh bin Mohsin, Saleh bin Ahmed bin Saleh, Abdalla bin Ahmed bin Saleh, Nasir bin Husain bin Mohsin, Bubakr bin Husain bin Mohsin, Saleh bin Abdalla bin Saleh bin Mohsin, Ali bin Abdalla bin Saleh bin Mohsin, and Nasir bin Talib bin Hadi, aforesaid, have agreed upon and concluded the following articles:—

Article 1.

The British Government, in compliance with the wish of the undersigned, Mohsin bin Saleh bin Mohsin, Saleh bin Ahmed bin Saleh, Abdalla bin Ahmed bin Saleh, Nasir bin Husain bin Mohsin, Bubakr bin Husain bin Mohsin, Saleh bin Abdalla bin Saleh bin Mohsin, Ali bin Abdalla bin Saleh bin Mohsin, and Nasir bin Talib bin Hadi, Sultans of the Wahidi tribe, hereby undertakes to extend to Bir Ali and its dependencies, which are under their authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

Article 2.

The said Mohsin bin Saleh bin Mohsin, Saleh bin Ahmed bin Saleh, Abdalla bin Ahmed bin Saleh, Nasir bin Husain bin Mohsin, Bubakr bin Husain bin Mohsin, Saleh bin Abdalla bin Saleh bin Mohsin, Ali bin Abdalla bin Saleh bin Mohsin, and Nasir bin Talif bin Hadi, agree and promise on behalf of themselves and their heirs and successors to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promise to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with Bir Ali and its dependencies.

ARTICLE 3.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures or seals at Bir Ali this thirtieth day of April one thousand eight hundred and eighty-eight.

(Sd.) A. G. F. HOGG, *Brigadier-General,*
Political Resident, Aden.

Witness :
C. E. GISSING, *Commander, R.N.,*
Her Majesty's "Osprey."

(Sd.) MOHSIN BIN SALEH.
„ SALEH BIN AHMED.
„ ABDALLA BIN AHMED.
„ NASIR BIN HUSAIN.
MARK OF BUBAKR HUSAIN.

(Sd.) SALEH BIN ABDALLA.
„ ALI BIN ABDALLA.
„ NASIR BIN TALIB.

Witness :
M. S. JAFFER,
Native Assistant Resident, Aden.

(Sd.) LANSDOWNE,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Fort William on the 26th day of February A.D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Offg. Secy. to the Govt. of India, Foreign Department.

No. LXX.

PROTECTORATE TREATY with the WAHIDI SULTAN of BALAHAF—1888.

The British Government and Hadi bin Saleh bin Nasir bin Abdalla bin Ahmed bin Hadi, on behalf of himself and his brothers Nasir bin Saleh,

Ahmed bin Saleh, Mohsin bin Saleh, Husain bin Saleh, and Hason bin Saleh, and Saleh bin Abdalla bin Ahmed bin Nasir bin Abdalla bin Ahmed bin Had on behalf of himself and his brothers Ahmed bin Ali and Bubakr bin Nasir, Chiefs of the Wahidi tribe, being desirous of maintaining and strengthening the relations of peace and friendship existing between them:

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg, C.B., and Had bin Saleh bin Nasir bin Abdalla bin Ahmed bin Hadi, on behalf of himself and his brothers Nasir bin Saleh, Ahmed bin Saleh, Mohsin bin Saleh, Husain bin Saleh and Hason bin Saleh; and Saleh bin Abdalla bin Ahmed bin Nasir bin Abdalla bin Ahmed bin Nasir bin Abdalla bin Ahmed bin Hadi on behalf of himself and his brothers Ahmed bin Ali and Bubakr bin Nasir, aforesaid, have agreed upon and concluded the following Articles:—

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned, Hadi bin Saleh bin Nasir bin Abdalla bin Ahmed bin Hadi, on behalf of himself and his brothers Nasir Bin Saleh, Ahmed bin Saleh, Mohsin bin Saleh, Husain bin Saleh, and Hason bin Saleh, and Saleh bin Abdalla bin Ahmed bin Nasir bin Abdalla bin Ahmed bin Hadi on behalf of himself and his brothers Ahmed bin Ali and Bubakr bin Nasir, Chiefs of the Wahidi, hereby undertakes to extend to Balahaf and its dependencies, which are under their authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The said Hadi bin Saleh bin Nasir bin Abdalla bin Ahmed bin Hadi, on behalf of himself and his brothers Nasir bin Saleh, Ahmed bin Saleh, Mohsin bin Saleh, Husain bin Saleh, and Hason bin Saleh, and Saleh bin Abdalla bin Ahmed bin Nasir bin Abdalla bin Ahmed bin Hadi on behalf of himself and his brothers Ahmed bin Ali and Bubakr bin Nasir, agree and promise, on behalf of themselves, their heirs and successors, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promise to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with Balahaf and its dependencies.

ARTICLE 3.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures or seals at Bunder Balahaf this thirtieth day of April one thousand eight hundred and eighty-eight.

(Sd.) A. G. F. HOGG, *Brigadier-General,*
Political Resident, Aden

WITNESS:
C. E. GISSING, *Commander, R.N.,*
Her Majesty's "Osprey."

(Sd.) HADI BIN SALEH.
,, SALEH BIN ABDULLA.

WITNESS:
(Sd.) M. S. JAFFER,
Native Assistant Resident, Aden.

(Sd.) LANSDOWNE,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Fort William on the 26th day of February A.D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Officiating Secretary to the Government of India,
Foreign Department.

No. LXXI.

ENGAGEMENT entered into by the NUKEEB of MACULLA for the ABOLITION of the SLAVE TRADE—1863.

In the NAME of the MOST MERCIFUL GOD, and HIM we implore!

The reason of writing this Bond is that, influenced by motives of humanity and by a desire to conform to the principles on which the great English Government is conducted, we lend a willing ear to the proposals of our sincere friend, Brigadier William Marcus Coghlan, Governor of Aden; that we shall covenant with him to abolish and prohibit the export or import of slaves from or to any part of our territory to any other place in Africa or in Asia, or elsewhere.

Therefore I, whose name and seal are set to this Bond, do in the sight of God and of men solemnly proclaim my determination to prohibit the export or import of slaves by every means in my power. I will neither export nor import any myself, nor will I permit any subjects to do so; and any vessel belonging to my subjects found carrying slaves shall be seized and confiscated by me or by any ship belonging to Her Majesty the Queen of England, and the slaves shall be released. Peace!

This covenant is to have effect at the expiration of one year from this date. Peace!

(Sd.) SILAH MAHOMED.

„ W. M. COGHLAN,
Political Resident, Aden.

At Maculla, 14th May 1863.

Witnesses:

(Sd.) OMAR BA SALIM KAISAN.

„ H. RASSAM,
Assistant Political Resident.

Dated 25th Zhee Alkada 1279.

A precisely similar engagement was concluded on the same date with Ali bin Nujee, the Nukeeb of Shehr.

Approved and ratified by the Viceroy and Governor-General on 29th June 1863.

No. LXXII.

ENGAGEMENT entered into by the NUKEEB of MACULLA for the ABOLITION of the SLAVE TRADE in his DOMINIONS, signed at Maculla—7th April 1873.

Whereas under date 14th May 1863 A.D. (25th Dhil-kaada 1279 A.H.) a solemn Agreement was entered into by me, Silah bin Mahomed, Nukeeb of Maculla, with Brigadier William Marcus Coghlan, covenanting to abolish and prohibit the export or import of slaves from or to any part of my territory, from or to any other place whether in Africa or in Asia or elsewhere: And whereas His Excellency Sir Henry Bartle Edward Frere, G.C.S.I., K.C.B., Her Britannic Majesty's Special Envoy, has now impressed on me the advantages of adhering in perpetuity to the terms of the said Agreement: Therefore and accordingly, I, Silah bin Mahomed, Nukeeb of Maculla aforesaid, on behalf of myself, my heirs and successors, do hereby solemnly confirm and engage to be bound by the terms of the aforesaid Agreement of 14th May 1863.

Done at Maculla this seventh day of the month of April in the year of our Lord one thousand eight hundred and seventy-three.

(Sd.) H. B. E. Frere, *Special Envoy.*

„ Silah Mahomed.

Witnesses:

(Sd.) Lewis Pelly, *Colonel,*
Poltl. Resdt. in the Persian Gulf.

(Sd.) C. B. Euan Smith, *Major,*
Private Secy. to Sir B. Frere.

No. LXXIII.

Engagement executed by the Jemadar of Shehr for the abolition of the Import or Export of Slaves to and from the port of Shehr and its Dependencies—1873.

This seventeenth day of November A.D. 1873, answering to the twenty-sixth day of Ramadhan A.H. 1290, I, Abdullah bin Omar Al Kayatee, Ruler of Shehr, engage with the great English Government to abolish and prohibit the import and export of slaves to or from the port of Shehr and all the dependencies thereof from or to any other place in Africa or Asia or elsewhere; and whereas His Excellency Sir Henry Bartle Edward Frere, G.C.S.I., K.C.B., Her Britannic Majesty's Special Envoy, has impressed upon me the advantage of adhering in perpetuity to the terms of the agreement entered into by Ali bin Najee, Nukeeb of Shehr, with Brigadier William Marcus Coghlan, on the 14th day of May A.D. 1863, answering to the twenty-fifth day of Dhil Kaada A.H. 1279 thereof, I and my brothers, Awadh and Saleh, on behalf of ourselves, our heirs and successors, do hereby solemnly confirm and engage to be bound by the terms of that Agreement.

(Sd.) Abdoolla bin Omar Al Kayatee.
Awuz bin Omar Al Kayatee.
Sultan Noor Ahmed Bahadur.
} (in Arabic.)

(Sd.) W. F. Prideaux, *Asstt. Resident, Aden.*

(Sd.) J. W. Schneider, *Brigr.-Genl., Poltl. Resident at Aden.*

Seal.

(Sd.) Northbrook.

Ratified by His Excellency the Viceroy and Governor-General of India, at Calcutta, on the eleventh day of February 1874.

(Sd.) C. U. AITCHISON,
Secy. to the Govt. of India, Foreign Dept.

No. LXXIV.

AGREEMENT entered into between the BRITISH GOVERNMENT, represented by BRIGADIER-GENERAL JAMES BLAIR, V.C., POLITICAL RESIDENT at ADEN, on the one part, and ABDALLA BIN UMAR BIN AWADTH AL-KAYTI, on behalf of himself and his brother AWADTH BIN UMAR, on the other part—1882.

Whereas by means of assistance afforded to him by the British Government, Abdalla bin Umar bin Awadth al-Kayti and Awadth bin Umar, his brother, were enabled in the month of October one thousand eight hundred and eighty-one to take possession of the ports of Burum and Mokalla and of the territory occupied by the Nakib Umar bin Salah al-Kasadi; and whereas other favours have from time to time been shown them by the British Government; and whereas the British Government has agreed to pay the said Abdalla bin Umar and his brother Awadth bin Umar, their heirs and successors, the annual sum of $360 (three hundred and sixty dollars).

ARTICLE 1.

Now these presents witness that the parties hereto mutually undertake and agree with each other in manner following (that is to say) :—

The said Abdalla bin Umar bin Awadth al-Kayti binds himself and his brother, and his and their heirs and successors not to sell or mortgage or otherwise dispose of his possessions of Shihr, Mokalla, Burum and the territories thereto appertaining on the Hadthramut Coast of Arabia, or any part of such possessions and territories to any person or power other than the British Government, nor to pay allegiance to, or own the superiority of, any such power without the express consent of the British Government.

ARTICLE 2.

As the territories formerly possessed by the Nakib Omar bin Salah al-Kasadi at Mokalla have passed into the hands of the said Abdalla bin Umar bin Awadth al-Kayti, and as the said Abdalla bin Umar bin Awadth al-Kayti has paid over $100,000 (one hundred thousand dollars) to the British

Political Resident at Aden for the maintenance of the said Nakib Umar bin Salah al-Kasadi, the said sum shall be expended at the discretion of the Resident at Aden in behalf of the said Nakib Umar bin Salah al-Kasadi.

ARTICLE 3.

Abdalla bin Umar bin Awadth al-Kayti, on behalf of himself and his brother Awadth bin Umar and his and their heirs and successors, agrees to abide by the advice, and to conform to the wishes, of the British Government in all matters relating to his dealings with the neighbouring Chiefs and with foreign powers.

ARTICLE 4.

So long as Abdalla bin Umar bin Awadth al-Kayti and his said brother, their heirs and successors, continue to fulfil the stipulations hereinbefore contained, the British Government shall pay to the said Abdalla bin Umar and his said brother, their heirs and successors, the annual sum of three hundred and sixty dollars, the first of such payments to be made on the first day of April next.

Done at Mokalla this twenty-ninth day of May one thousand eight hundred and eighty-two, corresponding to the twelfth day of Rajab one thousand two hundred and ninety-nine of the Hijra.

(Signed in Arabic.)

ABDALLA BIN UMAR BIN AWADTH BIN ABDALLA AL-KAYTI,
Jamadar of Mokalla and Shihr.

(Sd.) JAMES BLAIR,
Political Resident, Aden.

Witness :

(Sd.) C. W. H. SEALY.

Witness :

(Sd.) SALEH MAHOMED.

Seal.

(Sd.) RIPON,
Viceroy and Governor-General of India.

This Agreement was ratified by His Excellency the Viceroy and Governor-General of India at Simla on the twenty-sixth day of July A. D. one thousand eight hundred and eighty-two.

(Sd.) C. GRANT,

Secretary to the Government of India,
Foreign Department.

No. LXXV.

PROTECTORATE TREATY with JAMADAR ABDULLA BIN UMAR and AWADTH BIN UMAR—1888.

The British Government and 'Abdalla bin 'Umar bin 'Awadth al-Ka'yti, on behalf of himself and his brother 'Awadth bin 'Umar al-Ka'yti, being desirous of maintaining and strengthening the relations of peace and friendship existing between them—

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg, C.B., and ' Abdalla bin ' Umar bin 'Awadth al-Ka'yti, on behalf of himself and his brother 'Awadth bin ' Umar al-Ka'yti, aforesaid, have agreed upon and concluded the following Articles:—

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned, 'Abdalla bin ' Umar bin 'Awadth al-Ka'yti, on behalf of himself and his brother 'Awadth bin ' Umar al-Ka'yti, hereby undertakes to extend to Mokalla and Shihr and their dependencies, which are under their authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The said ' Abdulla bin Umar bin 'Awadth al-Ka'yti agrees and promises, on behalf of himself and his brother 'Awadth bin 'Umar al-Ka'yti, and his and their heirs and successors, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promises to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with Mokalla and Shihr and their dependencies.

ARTICLE 3.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures or seals at Shihr this first day of May one thousand eight hundred and eighty-eight.

(Sd.) 'ABDULLA BIN 'UMAR BIN 'AWADTH BIN
in Arabic.) 'ABDULLA AL-KA'YTI.

(Sd.) A. G. J. HOGG, *Brigadier-General,*
Political Resident.

Witness:
M. S. JAFFER,
Native Assistant Resident.

Witness.
C. E. GISSING, *Commander, R.N.,*
Her Majesty's "Osprey."

(Sd.) LANSDOWNE,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Fort William on the 26th day of February A.D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Officiating Secretary to the Government of India,
Foreign Department.

No. LXXVI.

TREATY concluded with the IMAM of SENAA on 15th January 1821.

In explanation of the Articles which were settled between the Umeer Futtuh-oolla, the Agent for the Imam Mehdi, the Chief of Senaa, the City of Sam, and between the Agent of the English Government, Agha Mr. Bruce Khan, in the year 1236, and from the birth of Jesus 1821 :—

English Version.

ARTICLE 1.

That the Resident shall have a guard of the same strength as is allowed at Bagdad, Bussorah, and

Translation of the Arabic Counterpart.

ARTICLE 1.

That the Resident (Vakeel) who may be stationed on the part of the English Government at the port of Mokha shall

Bushire, of thirty men, to support his respectability.

(Sd.) Wm. Bruce,
Govt. Agent.

Article 2.

That the Resident shall be exempt from all compliances degrading to the character of the representative of the British Government; that he shall have full liberty to ride on horseback when and where he pleases; have free ingress and egress to all the gates of Mokha, amongst others of Sheikh Shadelley, from which Europeans have hitherto been excluded for some years past; and shall have all the same liberty and freedom they have at Bushire, Bussorah, Bagdad, and Muscat.

(Sd.) Wm. Bruce,
Govt. Agent.

Article 3.

A piece of ground to be allotted for a cemetery; and none of those under the British Government and flag to be spoken to or insulted on account of their religion.

(Sd.) Wm. Bruce,
Govt. Agent.

have with him (*lit.* there shall be with him) thirty military from out of their army, like the Residents (Vakeels) at Busrah, Bagdad, and Ubooshuhur (Busheer).

It is finished besides this.

Signed by six witnesses.

Article 2.

That the Resident (Vakeel) who may be stationed in the factory on the part of the British Government shall have (*lit.* there shall be to him) respect, attention, dignity and character near the Governor; and those who are dependants of the British Government may ride on horse, &c., and they may ride in any other mode as they may feel inclined. He may go out of the cities and into the cities for pleasure, refreshing his spirits; and he may go out through the whole of the gates, especially out of the Shadullee. He may go out mounted on horses, &c., and he may enter mounted, being independent in his own mind (meaning as he pleases). It is necessary that there shall not be any to hinder him, nor any person shall say a word to him; and to him (there shall be) respect as at the other ports, Bagdad, Busrah, Ubooshuhur, and the port of Muscat.

It is finished besides this.

Signed by the six Members of the Mokha Council.

Article. 3.

The dead of the English, that the Almighty and Supreme God orders their souls to be snatched away, there shall be a place appointed and set apart for them that they may bury their dead in it; no one shall say to them, "the practice of your 'sect is such or such;' it is not good."

It is finished besides this.

Signed by the six Members.

ARTICLE 4.

The Resident to have free permission to proceed to Senaa and communicate with His Highness the Imam whenever he may deem it necessary to do so, the Dola on these occasions furnishing a guard or escort if it should be deemed requisite.

(Sd.) WM. BRUCE,
Govt. Agent.

ARTICLE 4.

The Agent (Vakeel) of the English Government who is stationed at the port of Mokha, if it should please his mind to go out, he may go out to Senaa to His Highness the Imam Mehdi for recreation of the mind No one shall hinder him, and the Hakim of Mokha shall grant of his own army an escort for a safeguard on the road, and there is nothing contrary to him.

It is finished besides this.

Signed by the six Members.

ARTICLE 5.

That the anchorage duty of (400 G. C.) four hundred German crowns shall henceforth cease on British ships, which has hitherto been levied on all merchant ships when they landed cargoes. Hereafter no duty on this account shall be paid whether cargo is landed or not, the same as His Majesty's ships and the Honourable Company's vessels of war.

(Sd.) WM. BRUCE,
Govt. Agent.

ARTICLE 5.

The merchant ships which are dependent on the English Government, there was a custom that they should pay 400 rials as anchorage duty; but from this day it ceases; there is nothing (leviable) on them; their situation is that of the Government vessels and the King's ships. If its cargo should be brought on shore, there is nothing (leviable) on them of the 400 rials. This affair was discussed and fixed without being referred to Senaa, on the condition of the cessation of hostilities and the removal of the blockade of the port.

It is finished besides this.

Signed by the six Members.

ARTICLE 6.

All subjects of the British Government trading to Mokha, and particularly the merchants of Surat, shall do so under the protection of the British flag (if of the Islam faith, and wish to settle their disputes according to the Mahomedan Sharah, they shall be at liberty to do so, a person on the part of the Resident attending), and all differences among themselves shall be decided by the

ARTICLE 6.

That all merchants who are the dependants of the English Government, under their protection and under their flag, may transact their affairs (trade) at the Bunder of Mokha, especially the natives of Surat. If there be Mussulmen among them, and disputes should happen between them, and any of them may desire (to have) the law (Mussulman), no opposition is to be made to them (meaning to their wishes).

Resident; in the event of any of the Imam's subjects being concerned in the dispute, by an Agent on the part of the Resident (or himself if he pleases) and the Governor conjointly; if the Imam's subject is wrong, the Governor shall punish him; if on the contrary, the Resident. Also that all the dependants of the factory of every denomination, from broker downwards, shall be wholly under the protection of the British flag and control of the Resident, who shall alone possess the power of punishing them and redressing all complaints against them.

This sixth Article has been expressly admitted by separate grant to Captain Bruce by His Highness the Imam.

(Sd.) Wm. Bruce,
Govt. Agent.

Article 7.

That the export duty on the British trade shall be hereafter 2¼ per cent., the same as the French, and not 3½ as hitherto, and that the import duty shall be the same to the English and all their subjects, and no more shall be levied than 2¼ per cent. upon imports and exports.

This Article is expressly granted by separate Firman from His Highness as a particular mark of his friendship to the British nation.

(Sd.) Wm. Bruce,
Govt. Agent.

Mokha,
15th January 1821.

(True copy.)
(Sd.) Wm. Bruce,
Govt. Agent.

Whenever there may be (any dispute) between the people ("Jumaut") of Resident and the subjects of Mokha, a person may come (be present) on the part of the Resident before the Hakim of Mokha, who will observe in what manner the wrong has been committed, and by whom. If the native of the country be in the wrong, the Hakim of Mokha is to punish him; but if the crime or wrong should have been committed by the English military ("Uskur"), then the Resident is to punish them.

This Article, the sixth, is one of the two which were referred to the Imam Mehdi for his consideration, and the Shureef's answer having arrived, was (given into) the hands of Mr. Bruce, a copy being retained by the Umeer Futteh-oolla; and on receipt of the answer, there was an argument between Mr. Bruce and the Umeer Futteh-oolla, the (substance of) which is written above.

Article 7.

In regard to duties on what is exported from the port of Mokha, two dollars and a quarter shall be paid on one hundred, as the French, who pay two dollars and a quarter on the hundred; and the imports into the port of Mokha shall be like that for the English Government and for the English merchants.

This seventh Article is (one) of the two Articles which were referred for the consideration and decision of His Highness the Shureef Medhi, and to which the answer returned by the Shureef was as follows:—

"We have reduced the duties three-quarters of a dollar per cent. out of three dollars, and this is upon all goods imported into the port in the name of the English Cirkar and their merchants; there is not (to be) more (required)

Signed and sealed by Umeer Futteh-oolla and all the Members of the Mokha Council to each separate Article, as also by Captain Bruce.

Approved.

(Sd.) JOHN KISH LUMLEY,

Capt. of H. M.'s Ship "Topaze" and Senior Officer.

from them than two and a quarter dollars per cent. alone, both upon goods imported and on goods exported, and this is as a mark of our regard and respect for the said two (the English Government and their merchants) and for the preservation of the intercourse and friendship between us both, as was (the case) with those who existed before us (in former times).

"Dated Rubbee-oo-Sanee 1236 of the Hijra, A.D. 1821."

Signed by the six Members.

No. LXXVII.

COMMERCIAL TREATY entered into between SHARIF HUSSAIN BIN ALI BIN HAIDAR UL HUSAINI, GOVERNOR of MOKHA, for himself and posterity, and CAPTAIN ROBERT MORESBY, of the INDIAN NAVY, on the part of the HON'BLE the EAST INDIA COMPANY.

It being advantageous to both parties to enter into a treaty of peace and commerce, and that a mutual good understanding should exist between each other, Sharif Husain bin Ali bin Haidar ul Husaini and Captain Robert Moresby, of the Indian Navy, being fully authorized to do so, agree to the following Capitulations and Articles:—

1st.—That friendship and peace shall be lasting between the States of Mokha and its dependencies and the British Government.

2nd.—That the English nation, and all vessels lawfully sailing under the British flag having merchandize of any description, shall be respected and permitted without the slightest prejudice or molestation of their persons or effects to enter and trade in the port or ports of Mokha and its dependencies, English-born subjects paying a duty of 2½ per cent. upon all produce, other British subjects paying duty according to the records of former treaties and custom, and the subjects of the Sharif of Mokha shall pay the usual duty as heretofore paid in British ports.

3rd.—The port of Mokha and the adjacent ports under the Government of Mokha are to be open to the introduction and reception of all goods, merchandize, etc., brought in ships or vessels lawfully trading under the British flag. Further, Sharif Husain bin Ali bin Haidar ul Husaini will endeavour

all in his power to introduce British produce into the interior States of Mokha and its dependencies.

4th.—Sharif Husain bin Ali bin Haidar ul Husaini, Governor of Mokha engages at all times to respect and regard the friendly advice of any authorize, person belonging to the English Government, and agrees not to enter into any treaty or bond with any other European nation or person, without, in the first instance, bringing the subject to the notice of the British Government or authorities at Aden, so that the same may in no manner prove detrimental to his friends, the English, and their commerce. In return for these conditions the English Government will observe the interests of the States of Mokha and its dependencies, and do all in their power to assist in improving its commercial resources connected with these Articles. The Sharif of Mokha and its dependencies is allowed to trade with any European nation, and Sharif Husain bin Ali bin Haidar ul Husaini engages never to enter into any agreements or bond with any other European power, and should he find any European or Native power at enmity or war with the English, he will cease communicating with such powers.

5th.—Any subjects of either power having committed crime or offence is to be brought before the Judge or Kazi through the Government Agent; should it not be settled at this tribunal, the British Agent and the Governor of the place will decide upon the case.

6th.—Sharif Husain bin Ali bin Haidar ul Husaini engages to respect and protect any merchants or other British subjects residing in his territories, provided the sanction of this Government be previously obtained, the British Government guaranteeing the same privilege to their people of Mokha and its dependencies.

7th.—In entering into any bond or treaty, or trading with either European or other power, Sharif Husain bin Ali bin Haidar ul Husaini engages that no bond or treaty shall be acceded to or acquiesced in by him, which will either at the present or any future period prove detrimental to the interest of the English, either in a political or commercial point of view, and in return for such agreement the British promise they will act in no manner which may bear an evil tendency towards the States of Mokha.

8th.—We, Sharif Husain bin Ali bin Haidar, ratified the above Articles for the benefit of both powers.

In witness whereof we, this 1st day of September 1840, corresponding with the 3rd of Rajab 1256 of the *Hijra*, have attached our seals.

Translation of a treaty by J. Kalehatoon.

(Sd.) Robert Moresby,
Captain, Indian Navy.

Mokha, *1st Sept. 1840.*

N. B.—At the conclusion of the 7th Article it is inserted by Sharif Husain that he does not wish any injuries to the British Government either from French or other European powers or Muhammad Ali Pasha, and he will consider the enemies of the English are his and his theirs.

No. LXXVIII.

ARTICLES OF FRIENDSHIP and COMMERCE made between J. J. GORDON BREMER, ESQ., C.B., CAPTAIN of HIS BRITANNIC MAJESTY'S SHIP *Tamar*, representing the ENGLISH NATION in NORTHERN AFRICA, and the SHEIKHS of the TRIBE of HABR OWUL—1827.

ARTICLE 1.

It is agreed that from henceforth there shall be peace and friendship between the subjects of His Majesty the King of England and the Sheikhs of the Habr Owul tribe and their men and all other inhabitants of the coast of Africa over which they have authority and influence.

ARTICLE 2.

It is agreed that any vessels bearing the English flag which may come to the port of Berbera (or any other port under the authority of the Sheikhs of the Habr Owul tribe) for the purpose of trade shall not be molested or injured, but shall receive every protection and support from the said Sheikhs; that they shall be at liberty to enter into any trade they may think fit to choose; and that they shall be at liberty to depart from the said port at their pleasure without impediment, injury, or molestation.

ARTICLE 3.

It is agreed that in like manner any vessels or persons belonging to the said Sheikhs of Habr Owul tribe which shall come into any port belonging to His Majesty the King of England shall receive protection and support, and be treated in all respects the same as other vessels or persons trading to those ports.

ARTICLE 4.

It is agreed that as an equivalent for the value of the British Brig *Marianne* and her cargo, which was plundered in the port of Berbera, there shall be paid by the said Sheikhs of the Habr Owul tribe to the said Captain J. J. Gordon Bremer, C.B., or to some person duly authorized by him to receive it, the sum of fifteen thousand Spanish Dollars, or produce to the same amount, in three equal payments, that is to say, five thousand Dollars, or produce to that amount, this year 1827 and of the Hijra 1242, and the same sum in each of the two following years, that is to say, on or before the conclusion of the trading season in the month of April, or two hundredth day of the Nowroz.

ARTICLE 5.

Two lascars belonging to the British Brig *Marianne* having been killed when the said vessel was plundered and destroyed, the Sheikhs of the Habr Owul tribe do hereby agree to pay the sum of
Dollars for the support of the families of the murdered men, according to the Mahomedan law in such cases.

Confirmed and sealed at Berbera, in Africa, on the 6th day of February in the year of our Lord Jesus Christ 1827 and of the Hijra 1242, the 19th day of the moon Rujub.

(Sd.) J. J. GORDON BREMER.
M. E. BAGNOLD, L. S.

Witness: *Poltl. Agent, Witness.*

SHURMARKAY ALI SAULEH.

(Signed) by Ismail Gella for himself and Omar Kadim Hussin Ban and Ismail Goled, Sheikhs of Habr Owul tribe.

Approved by the Bombay Government on 10th May 1827.

No. LXXIX.

COMMERCIAL TREATY entered into between SULTAN MOHAMMED BIN MOOHOOMUD of TAJOURA and CAPTAIN ROBERT MORESBY, of the INDIAN NAVY, on the part of the HON'BLE EAST INDIA COMPANY—1840.

It being advantageous to both parties to enter into a Treaty of Peace and Commerce, and that a mutual good understanding should exist between each other, more especially so since Aden has become a British port; We, Sultan Mohammed bin Moohoomud and Captain Robert Moresby, of the Indian Navy (being fully authorised so to do), agree to the following Capitulations and Articles:—

ARTICLE 1.

That friendship and peace shall be lasting between the State of Tajoura and its dependencies and the British Government.

ARTICLE 2.

That the English nation and all vessels lawfully sailing under the British flag having merchandise of any description on board shall be respected and permitted, without the slightest prejudice or molestation to their persons

or effects, to enter and trade in the port and all ports under the Government of Tajoura, paying a duty of 5 per cent. upon all produce. The subjects of the Sultan of Tajoura shall also be permitted the same privileges at all British ports.

ARTICLE 3.

The port of Tajoura and the adjacent ports under the Government of Sultan Mohammed bin Moohoomud are to be open for the introduction and reception of all goods brought in ships or vessels lawfully trading under the British flag. Further, the Sultan of Tajoura will endeavour all in his power to introduce British produce into the interior States of Eiffat, Shooah, and Abyssinia, and in return the authorities at Aden will endeavour to encourage interior export trade through Tajoura.

ARTICLE 4.

Sultan Mohammed bin Moohoomud of Tajoura engages at all times to respect and regard the friendly advice of any authorised person belonging to the British Government, and agrees not to enter into any other Treaty or Bond with any other European nation or person, without in the first instance bringing the subject to the notice of the Government authorities at Aden, so that the same may in no way prove detrimental to his friends the English or their commerce. In return for these conditions the British Government will observe the interests of the State of Tajoura, and do all in their power to assist in improving their commercial resources.

ARTICLE 5.

Any subject of either power having committed a crime or offence is to receive sentence awarded by their own laws and regulations.

ARTICLE 6.

Sultan Mohammed bin Moohoomud of Tajoura engages to protect and respect any British subject residing in his territories, provided the sanction of his government be previously obtained, the British guaranteeing the same privilege to the people of Tajoura and its dependencies.

ARTICLE 7.

In entering into any bond or treaty or trading with either European or other powers, Sultan Mohammed bin Moohoomud engages that no bond or treaty shall be acceded to or acquiesced in by him, which will either at the present or at any future period prove detrimental or injurious to the interests of the British either in a political or commercial point of view, and in return for such agreement the English promise that they will act in no manner which may have an evil tendency towards the States of Tajoura.

ARTICLE 8.

We, Sultan Mohammed bin Moohoomud and Captain Robert Moresby, of the Indian Navy, having met and being mutually satisfied with each other's powers have ratified the above Articles for the benefit of both powers.

In witness whereof, we, this 19th day of August, in the year of our Lord one thousand eight hundred and forty, corresponding with the 22nd day of Jumandi-el-Akhar, in the year of the Hijra one thousand two hundred and fifty-six, have attached our seals and signatures.

Witness.

ABDUL ROUSSOUL,
Agent to the British Government.
HADJI SHOOMARKHI,
Shaik of Berbera.

(Sd.) MORESBY, *Capt., I.N.,*
Comdg. the H. C. Steam Frigate "Sesostris."

August 19, 1840.

The Signature or MOHAMMED-BIN MOOHOOMUD, Sultan of Tajoura.
BENYEETA-BIN MOHAMMED LOUZW,
MAHOMMED ESAAKH.
ABOU BEKIR SHAIM.
MOHAMMED SABBARH.
ABOU BEKIR MEEJAHN.
MOHAMMED-BIN AHMED.

No. LXXX.

COMMERCIAL TREATY entered into between SYED MAHOMED BAR, GOVERNOR of ZEYLA, for himself and posterity, and CAPTAIN ROBERT MORESBY, of the INDIAN NAVY, on the part of the HON'BLE EAST INDIA COMPANY—1840.

It being advantageous to both parties to enter into a treaty of peace and commerce and that lasting friendship and good-will should exist between each other, we, Syed Mahomed Bar, Governor of Zeyla, and Captain Robert Moresby, of the Indian Navy, on account of the Hon'ble East India Company, being fully authorized to do so, agree to the following capitulations and articles:—

ARTICLE 1.

That the English nation and all vessels, ships, and boats lawfully sailing under the British flag commanded by European or Native subjects of the English, having merchandize of any description, shall be respected and permitted without the slightest prejudice or molestation to their persons or effects

to enter and trade in the port of Zeyla and all other ports under the Governor of Zeyla, paying a duty of 5 per cent. upon all produce. The subjects of the Governor of Zeyla shall also pay the same duty in all English ports.

ARTICLE 2.

The Governor of Zeyla will endeavour in his power to introduce British property and merchandize into the interior States of Zeyla, and engages at all times to protect, respect, and regard the person or persons of English and their subjects and friendly advice of any authorized person or Agent belonging to the British Government, who, while at Zeyla, to be respected and regarded. The English on their part allow the same to be done in their Port of Aden or elsewhere, and to assist the trade from Zeyla.

ARTICLE 3.

The Governor of Zeyla engages not to enter into any treaty or bond with any other European nation or person, or allow other Europeans to settle in his territories, or pass through in any numbers, without bringing the subject in the first instance to the notice of the British Government at Aden, so that the same may be in no manner detrimental to his friends the English or their commerce, in return for which the English will do all in their power to assist the Governor of Zeyla in improving his commercial resources.

ARTICLE 4.

Any subjects of either power having committed crime or offence are to be punished by their own laws and customs of the country they belong to.

ARTICLE 5.

Syed Mahomed Bar makes over the island called Aubad near Zeyla to the English Government for the harbour of their ships and vessels without any prohibition whatever.

We, Syed Mahomed Bar, Governor of Zeyla, and Captain Robert Moresby, of the Indian Navy, on the part of the English Government of India, do ratify and agree to keep faithfully the above articles that peace and friendship may be lasting between us. In witness whereof we have set our names and seals.

MOCHA,
The 3rd September 1840.

(Sd.) R. MORESBY, *Captain,*
Comdg. H. C. Steam Frigate
"Sesostris."

No. LXXXI.

ARTICLES of PEACE and FRIENDSHIP concluded between the HABR AWAL TRIBE of SOMALIES, on the one part and BRIGADIER WILLIAM MARCUS COGHLAN, POLITICAL RESIDENT at ADEN, on behalf of the HON'BLE EAST INDIA COMPANY, on the other—1856.

Whereas on the 19th of April 1855, corresponding with the 1st of Shaban 1271, a treacherous attack and murder was perpetrated at the Port of Berbera by a party of the Habr Awal tribe upon a party of British officers about to travel in that country with the consent, and under the protection, of the Elders of the tribe, in consequence of which outrage certain demands were made by the Government of India and enforced by a blockade of the Habr Awal coast, and whereas it has become apparent that the said tribe has fulfilled those conditions to the utmost of its ability and has prayed to be relieved from the blockade. Therefore it is agreed—

ARTICLE 1.

That the Elders of the Habr Awal will use their best endeavours to deliver up Anali, the murderer of Lieutenant Stroyan.

ARTICLE 2.

That until this be accomplished, the sub-tribe Esa Moosa, which now shelters, and any other tribe which may hereafter shelter, harbour or protect, the said Anali, shall be debarred from coming to Aden.

ARTICLE 3.

That all vessels sailing under the British flag shall have free permission to trade at the Port of Berbera, or at any other place in the territories of the Habr Awal; and that all British subjects shall enjoy perfect safety in every part of the said territories, and shall be permitted to trade or travel there under the protection of the Elders of the tribe. In like manner shall the members of the Habr Awal tribe enjoy similar privileges at Aden or in any other part of the British possessions.

ARTICLE 4.

The traffic in slaves throughout the Habr Awal territories, including the Port of Berbera, shall cease for ever; and any slave or slaves who contrary to this engagement shall be introduced into the said territories shall be delivered up to the British; and the Commander of any vessel of Her Majesty's or the

Hon'ble East India Company's Navy shall have the power of demanding the surrender of such slave or slaves and of supporting the demand by force of arms if necessary.

ARTICLE 5.

The Political Resident at Aden shall have the power to send an Agent to reside at Berbera, during the season of the fair, should he deem such a course necessary, to see that the provisions of this agreement are observed, and such Agent shall be treated with the respect and consideration due to the representative of the British Government.

ARTICLE 6.

That on a solemn promise being given by the Elders of the Habr Awal faithfully to abide by the articles of this agreement, and to cause the rest of the tribe to do so likewise, and to deliver up to the Political Resident at Aden any party who may violate it, the blockade of the Habr Awel coast shall be raised and perpetual peace and friendship shall exist between the British and the Habr Awal.

Done at Berbera this seventh day of November one thousand eight hundred and fifty-six of the Christian era, corresponding with the eighth day of Rahlee Awul one thousand two hundred and seventy-two of the Hijra.

Mark	(1)	MAHOMED ARRALEH,	*Ayal Yoonus.*
,,	(2)	AHMED ALI BOOKERI,	
,,	(3)	NOOR FARRAH,	
,,	(4)	AHMED GHALID,	*Ayal Ahmed.*
,,	(5)	MAHOMED WAIS,	
,,	(6)	MUGGAN MAHOMED,	
,,	(7)	ROBBLIE HASSAN,	*Makahil.*
,,	(8)	ATEYAH HILDER,	
,,	(9)	FARRAH BENIN,	
,,	(10)	AWADTH SHERMARKI,	*Ayad Hamood.*

Signed in my presence at Berbera on the 7th November 1856.

(Sd.) R. L. PLAYFAIR,
Assistant Political Resident, Aden.

(Sd) W. M. COGHLAN,
Political Resident.

Aden, 9th November 1856.

Ratified by the Right Honourable the Governor-General in Council, at Fort William, this twenty-third day of January 1857.

(Sd.) CANNING.
„ GEO. ANSON.
„ J. DORIN.
„ J. LOW.
„ J. P. GRANT.
„ B. PEACOCK.

By order,

(Sd.) G. F. EDMONDSTONE,
Secretary to the Government of India.

No. LXXXII.

ENGAGEMENT entered into by the ELDERS of the HABR GERHAJIS and HABR TOLJAALA TRIBES of SOMALIS—1855.

In the name of the Most Merciful God, and Him we implore!

The reason of writing this bond is that, influenced by motives of humanity and by a desire to conform to the principles on which the great English Government is conducted, we lend a willing ear to the proposals of our sincere friend Brigadier W. M. Coghlan, Governor of Aden, that we shall covenant with him and with each other to abolish and prohibit the exportation of slaves from any one part of Africa to any other place in Africa or Asia, or elsewhere, under our authority.

We, whose names and seals are set to this Bond, do therefore in the sight of God and of man solemnly proclaim our intentions to prohibit the exportation of slaves from Africa by every means in our power; we will export none ourselves, nor will we permit our subjects to do so, and any vessel found carrying slaves shall be seized and confiscated and the slaves shall be released.

PEACE.

Signatures.

No. 1. SULTAN MANASSIR BIN BOO BEKR BIN MEHDI, the Oulaki, done at Aour, dated 14th October 1855.

No. 2. SULTAN ABOO BEKR BIN ABDULLA BIN MEHDI, the Oulaki, same date and place.

PEACE.

Signatures.

No. 3. SEYED MAHOMED-BIN-ABADER-RAHMAN El TIFFERI, as witness to Nos. 1 and 2.

No. 4. ALI MAHOMED (ZAID Elder of the HABR GERHAGIS tribe of SOMALIS at Mail, done the 5th Suffer 1272, corresponding with the 17th October 1855.

No. 5. HIRSEE ALI MAHOMED, Elder of the HABR GERHAGIS tribe of Somalis at Mail, done the 5th Suffer 1272, corresponding with the 17th October 1855.

No. 6. OMAR-BIN-AHMED-BIN SAID BA-SHITICH as witness to Nos. 4 and 5 (Mahamood).

No. 7. MAHAMOOD-MAHOMED, Elder of the HABR TALJALA tribe at Aais, 5th Suffer 1272, corresponding with 17th October 1855.

No. 8. ABOO BEKR-BIN MAHOMED, Elder of the HABR TALJALA tribe at Rasoda, done the 5th Suffer 1272, corresponding with the 17th October 1855.

No. 9. ABDOO OMAR, Elder of the HABR TALJALA tribe at Unkur, done the 6th day of Suffer 1272, corresponding with the 18th October 1855.

No. 10 ALI AHMED, Elder of the HABR TALJALA tribe at Unkur, done the 6th Suffer 1272, corresponding with the 18th October 1855.

No. 11. HASSUN YAUSEF, Elder of the HABR TALJALA tribe at Kurrum, done the 6th day of Suffer 1272, corresponding with the 18th October 1855.

No. 12. MAHOMED LEEBAN, Chief of the HABR TALJALA tribe at Kurrum, done the 6th Suffer 1272, corresponding with the 18th October 1855.

No. 13. YOOSEF OTHMAN, Elder of the HABR TALJALA tribe at Ain Tarad, done the 7th Suffer 1272, corresponding with the 19th October 1855.

No. 14. AHMED ABOO BEKR MAHOMED SEEBAN, Elder of the HABR TALJALA tribe at Ain Tarad, done the 7th Suffer 1272, corresponding with 19th October 1855.

(True copy of translation.)

(Sd.) BRIGADIER,

Acting Political Resident and Consul.

No. LXXXIII.

Treaty with the Habr Awal—1884.

Whereas the garrisons of His Highness the Khedive are about to be withdrawn from Berbera and Bulhar and the Somali Coast generally, we, the undersigned Elders of the Habr Awal tribe, are desirous of entering into an agreement with the British Government for the maintenance of our independence, the preservation of order, and other good and sufficient reasons.

Now it is hereby agreed and covenanted as follows: —

1.

The Habr Awal do hereby declare that they are pledged and bound never to cede, sell, mortgage or otherwise give for occupation, save to the British Government, any portion of the territory presently inhabited by them or being under their control.

2.

All vessels under the British flag shall have free permission to trade at the ports of Berbera, Bulhar, and other places in the territories of the Habr Awal.

3.

All British subjects residing in, or visiting the territories of, the Habr Awal shall enjoy perfect safety and protection, and shall be entitled to travel all over the said limits under the safe conduct of the Elders of the tribe.

4.

The traffic in slaves throughout the territories of the Habr Awal shall cease for ever, and the Commander of any of Her Majesty's vessels, or any other British officer duly authorized, shall have the power of requiring the surrender of any slave and of supporting the demand by force of arms by land and sea.

5.

The British Government shall have the power to appoint an Agent or Agents to reside at Berbera or elsewhere in the territories of the Habr Awal,

and every such Agent shall be treated with respect and consideration, and be entitled to have for his protection such guard as the British Government deem sufficient.

The above-written Treaty shall come into force and have effect from the date on which the Egyptian troops shall embark at Berbera, but the agreement shall be considered provisional and subject to revocation or modification unless confirmed by competent authority.

In token of the conclusion of this lawful and honourable bond, Abdillah Liban and Jamah Yunus (both Ayal Ahmed Badila), Said Gulaid and Awadh Ali (both Bhandera), Ubsujeh Jamah and Awadh Liban (both Baho), Ilini Farah and Yescen Umar (both Ba Eysa Musa), Ahmed Liban and Farah Samanter (both Ayal Sherdone), Hirsi Mahomed, Haid Ahmed, Husain Ali, Abokr Ahmed, Ismail Doaly, Adan Ismail and Yunus Deriah (all Ayal Gedid), Jamah Farah (Ayal Hosh), Warfah Adowa, Mahomed Yunus, Hirsi Buraid, Ali Mahomed, Husain Gaillay, Majan Said, Mahomed Kabillay and Wais Yusuf (all of the Eysa Musa), Roblay Doblay and Musa Farah (Mikhail), Nur Awadh and Ismail Farah (both of the Ayal Hamed), and Major Frederick Mercer Hunter, the Officiating Political Resident of Aden, the former for themselves, their heirs and successors, and the latter on behalf of the British Government, do each and all in the presence of witnesses affix their signatures, marks or seals, at Berbera, on this twenty-first day of Ramdhan, one thousand three hundred and one, corresponding with the fourteenth of July, one thousand eight hundred and eighty-four.

(Sd) F. M. HUNTER, *Major*,
Officiating Political Resident, Aden.

Witness:

(Sd.) W. J. PEYTON, *Lieutenant*,
Bombay Staff Corps.

(Sd.) RIPON,
Viceroy and Governor-General of India.

This agreement was ratified by the Governor-General of India in Council at Simla on the twenty-third day of August A. D. 1884.

(Sd.) C. GRANT,
Secretary to the Government of India,
Foreign Department.

The Arabic version of this agreement was signed by the following :—

his
SAID × GULAID
mark.
his
ABDILLAH × LIBAN.
mark.
his
AWADH × LIBAN.
mark.
his
JAMAH O FARAH.
mark.
his
VAFAH Λ ADUMAH.
mark.
his
AHMED Λ LIBAN.
mark.
his
AMLSI Q AHMED.
mark.
his
HIRSEE Z ALI.
mark.
his
ISMAIL O DOALY.
mark.
his
HIRSI Q BRAID.
mark.
HUSAIN O GAILAY.
his
MAHOMED 8 KABILLAY
mark.
his
ROBLAY × DOBLAY.
mark.

his
ISMAIL G FARAH.
mark.
UBSIYAH O JAMAH.
YASSIN O OMAN.
JHNI O FARAH.
his
AWADTH × ALI.
mark.
his
HAID Z AHMED.
mark.
his
YUNNUS ⨯ DEOOLI.
mark.
his
AIN ? LERAND.
mark.
his
ALI 88 MOHAMED.
mark.
his
MAGAN 8 SAID.
mark.
his
WAIS Q YUSUF.
mark.
his
MIAN 3 FARAH.
mark.
his
MIR *w* AWADTH.
mark.

Witness :

(Sd.) M. S. JAFFER.

(MAHOMED ABDUL RAHMEN.)

No. LXXXIV.

SUPPLEMENTARY GENERAL TREATY with HABR AWAL—1886.

The British Government and the elders of the Habr Awal tribe who have signed this agreement, being desirous of maintaining and strengthening the relations of peace and friendship existing between them :

The British Government have named and appointed Major Frederick Mercer Hunter, C.S.I., Political Agent for the Somali Coast, to conclude a Treaty for this purpose.

The said Major Frederick Mercer Hunter and the said Elders of the Habr Awal have agreed upon and concluded the following Articles :—

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned Elders of the Habr Awal, hereby undertakes to extend to them and to the territories under their authority and jurisdiction the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The said Elders of the Habr Awal agree and promise to refrain from entering into any correspondence, agreement, or Treaty with any foreign nation or power, except with the knowledge and sanction of Her Majesty's Government.

ARTICLE 3.

This Treaty shall come into operation from the fifteenth day of March, one thousand eight hundred and eighty-six.

(Sd.) ELMI HUNDULLEEY. } Baila.
(„) MAHOMED LIBAN. }
(„) HASSAN ALI. }
(„) JAMA TUNIS. }

(„) ABSEYA JAMALJHIS. } Baho.
(„) AGENT GAILA FERAL. }
(„) SAID NOOR. }
(„) OMER MAHOMED. }
(„) GAILA FARAH. }
(„) INDUF FARAL. }

(„) ALIM GOOLADE. } All of Ayal Yunnus.
(„) HUSSAN ADAM. }
(„) ABDULLAH NUR. }
(„) WASSAMA DAGUL. }
(„) FARAH SAMANTER. }

(„) EBRAHIM SAMANTER. } Makail.
(„) GHIS AGENT & SON. }
(„) JAMA EBRAHIM. }
(„) ELUN ROBELAZ. }
(„) JAMA IBRAHIM. }

(„) KALUN SHIMBAKI. } Geniss.
(„) BO NUR. }

(„) JEMI. } Battula Aden.

(„) HINI. }

(Sd.) FARAH NALAYA. } Bandeira.
(„) SAID GOOLADE. }
(„) WURSAMA UMI. }
(„) DOBER SAMANTER. }

(„) JASSEIN OMER. } Ba Azra Musa.
(„) UMI FARAH. }
(„) MAHOMED HASSAN. }
(„) ELMI DUBLA. }
(„) ABDULLA KABILLA. }

Ayal Ahmed.

(„) WARFA ABTIDONE. } Ba Arab.
(„) BOH ALALI. }

(„) ILMI SHERDONE. } Res Dallal.
(„) BEGS WARSAMA. }
(„) BONE KHAIR. }
(„) SAMANTER BOH. }

All of the Jibril Abokr.

Seal of Farah Askar. } Both of Baghobo Rer Ali.
(Sd.) KALINBH MATTAR. }

(„) ALI ABSIYAH. } Both of Baghobo Rer Mahomed.
(„) OMAR ROBBH. }

(„) EGAL HULDEED. } Adon Azra Mahomed Ayra Ayra Musa Ayra Musa.
(„) HIRSI BURED. }
(„) HOOSAIN GUSALI. }
(„) MAHOMED KALILU. }
(„) SEMARTER SAIDLY, his Agents Hassan Ali and Adon Matter. }

On their own behalf. } (Sd.) HASSAN ALI.
(„) ADON MATTER.

(Sd.) JAMA OMAR (BAJAMI).
(„) BELLA YUNNUS (MAHOMED YAM).

(Sd.) F. M. HUNTER, *Major.*
Political Agent, Somali Coast.

(Sd.) DUFFERIN,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Simla on the fifteenth day of September, A.D. one thousand eight hundred and eighty-six.

(Sd.) H. M. DURAND,
Secretary to the Government of India,
Foreign Department.

Certified that the above is a true copy of the original Treaty.

(Sd.) W. J. CUNINGHAM,
Offg. Under-Secretary to the Government of India.

FOREIGN DEPARTMENT,
Simla, the 18th September 1886.

No. LXXXV.

TREATY with the GADABURSI—1884.

We, the undersigned Elders of the Gadabursi tribe, are desirous of entering into an agreement with the British Government for the maintenance of our independence, the preservation of order, and other good and sufficient reasons.

Now it is hereby agreed and covenanted as follows:—

1.

The Gadabursi tribe do hereby declare that they are pledged and bound never to cede, sell, mortgage, or otherwise give for occupation, save to the British Government, any portion of the territory presently inhabited by them or being under their control.

2.

All vessels under the British flag shall have free permission to trade at all ports and places in the territories of the Gadabursi tribe.

3.

All British subjects residing in or visiting the territories of the Gadabursi tribe shall enjoy perfect safety and protection, and shall be entitled to travel all over the said limits under the safe conduct of the Elders of the tribe.

4.

The traffic in slaves throughout the territories of the Gadabursi tribe shall cease for ever, and the Commander of any of Her Majesty's vessels, or any other British officer duly authorized, shall have the power of requiring the surrender of any slave and of supporting the demand by force of arms by land and sea.

5.

The British Government shall have the power to appoint an Agent or Agents to reside in the territories of the Gadabursi tribe, and every such Agent shall be treated with respect and consideration, and be entitled to have for his protection such guard as the British Government deem sufficient.

The above-written Treaty shall come into force and have effect from the date of signing this agreement.

In token of the conclusion of this lawful and honourable bond, Jama Roblay, Mahomed Ali Balol, Ilmee Warfah (Ughaz' son), Rogay Khairi, Waberi Idlay, Roblay Warfah, Doaly Dilbad, Amir Egal, Gailay, Shirwah, Warfah Roblay, Yunus Boh, and Major Frederick Mercer Hunter, the former for themselves, their heirs and successors, and the latter on behalf of the British Government, do each and all in the presence of witnesses affix their signatures, marks or seals, at Zaila, on the eleventh day of December, one thousand eight hundred and eighty-four, corresponding with the twenty-fifth Safar, one thousand three hundred and two.

(Sd.) F. M. HUNTER,
Bombay Staff Corps.

Signed in my presence.

(Sd.) PERCY DOWNES,
1st Grade Officer, I. M.

H. E.'s Seal.

(Sd.) DUFFERIN,
Viceroy and Governor-General of India.

This agreement was ratified by the Governor-General of India in Council at Calcutta on the 20th February, one thousand eight hundred and eighty-five.

(Sd.) H. M. DURAND,
Offg. Secretary to the Government of India,
Foreign Department.

Certified that the above is a true copy of the original agreement.

(Sd.) W. LEE-WARNER,

Offg. Under-Secretary to the Government of India,

Foreign Department.

Fort William, the 25th February 1885.

No. LXXXVI.

Treaty with the Habr Toljaala—1884.

We, the undersigned Elders of the Habr Toljaala tribe are desirous of entering into agreement with the British Government for the maintenance of our independence, the preservation of order, and other good and sufficient reasons.

Now it is hereby agreed and covenanted as follows:—

1.

The Habr Toljaala tribe do hereby declare that they are pledged and bound never to cede, sell, mortgage, or otherwise give for occupation, save to the British Government, any portion of the territory presently inhabited by them or being under their control.

2.

All vessels under the British flag shall have free permission to trade at all ports and places within the territories of the Habr Toljaala, and the tribe is bound to render assistance to any vessel, whether British or belonging to any other nation, that may be wrecked on the above-mentioned shores, and to protect the crew, the passengers, and cargo of such vessel, giving speedy intimation to the Resident at Aden of the circumstances, for which act of friendship and good-will a suitable reward will be given by the British Government.

3.

All British subjects residing in or visiting the territories of the Habr Toljaala tribe shall enjoy perfect safety and protection, and shall be entitled to travel all over the said limits under the safe conduct of the Elders of the tribe.

4.

The traffic in slaves throughout the territories of the Habr Toljaala shall cease for ever, and the Commander of any of Her Majesty's vessels, or any other British officer duly authorized, shall have the power of requiring the

surrender of any slave and of supporting the demand by force of arms by land and sea.

5.

The British Government shall have the power to appoint an Agent or Agents to reside in the territories of the Habr Toljaala, and every such Agent shall be treated with respect and consideration and be entitled to have for his protection such guard as the British Government deem sufficient.

The above-written Treaty shall come into force and shall have effect from the date of signing this agreement.

In token of the conclusion of this lawful and honourable bond, Birir Shaikh Don, Farah Nalaya, Hirsi Bailay, Ahmed Jama, Ali Awadh, Awadh Gaidee, Ashoor Goraya, Guday Awadh, Adan Warsama, all of the Yusuf sub-tribe,—Abdulla Mahomed, Adan Mahomed, Adan Awadh, Farah Osman Yusuf Adan, Adan Yusuf, Hassan Mahomed, Hassan Ali, Hassan Gulaid Jama Abdy, all of the Adan Madoba sub-tribe,—Ali Ahmed, Mahomed Ali Husain Abdy, Esa Abdy, Yussuf Adan, all of the Rerdod sub-tribe,—Awadh Ali, Farah Abdy, Ahmed Noh, Ahmed Doaly, Ahmed Farah, Hassan Abdy, Hawadlay Mahomed, all of the Sambur sub-tribe,—Mahomed Ali, Jibril Mahomed, Ahmed Husain, Shermaki Ali, Mahomed Ismail, Ismail Mahomed, Mahomed Ali, Hassan Mahomed, all of the Musa Bukr, and Major Frederick Mercer Hunter, Assistant Political Resident, Aden, the former for themselves, their heirs and successors, and the latter on behalf of the British Government, do each and all in the presence of witnesses affix their signatures, marks or seals, at Aden, on the twenty-sixth day of December, one thousand eight hundred and eighty-four, corresponding with the ninth of Rabia-al-Awal, one thousand three hundred and two.

(Sd.) F. M. Hunter.

Witness:

(Sd.) E. Crandfield.

H. E.'s Seal.

(Sd.) Dufferin,
Viceroy and Governor-General of India.

This agreement was ratified by the Governor-General of India in Council at Calcutta on the 25th of February, one thousand eight hundred and eighty-five.

(Sd.) H. M. Durand,
Offg. Secretary to the Government of India,
Foreign Department.

Certified that the above is a true copy of the original agreement.

(Sd.) W. Lee-Warner,

Offg. Under-Secretary to the Government of India.

Fort William, the 28th February 1885.

No. LXXXVII.

Supplementary General Treaty with the Habr Toljaala—1886.

The British Government and the Elders of the Habr Toljaala tribe who have signed this agreement being desirous of maintaining and strengthening the relations of peace and friendship existing between them:

The British Government have named and appointed Major Frederick Mercer Hunter, C.S.I., Political Agent for the Somali Coast, to conclude a Treaty for this purpose.

The said Major F. M. Hunter and the said Elders of the Habr Toljaala have agreed upon and concluded the following Articles:—

Article 1.

The British Government, in compliance with the wish of the undersigned Elders of the Habr Toljaala, hereby undertakes to extend to them and to the territories under their authority and jurisdiction the gracious favour and protection of Her Majesty the Queen-Empress.

Article 2.

The said Elders of the Habr Toljaala agree and promise to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of Her Majesty's Government.

ARTICLE 3.

This Treaty shall come into operation from the first day of February, one thousand eight hundred and eighty-six.

	(Sd.) MAHOMED ABDY,	Occupying Ankor. All of the Rerdod tribe.
	(,,) ABDY MAHOMED,	
	(,,) HUNI IBRAHIM,	
	(,,) ABDY ABOKR,	
(Sd.) F. M. HUNTER, *Major, Political Agent, Somali Coast.*	(,,) MUSA ABDY,	
	(,,) FARAH ABOKR,	Occupying Rakhuda. All of the Sambur tribe.
	(,,) AHMED ABOKR,	
	(,,) HUSAIN ABOKR,	
	(,,) OMAR ABOKR,	
	(,,) ABDALLA MAHOMED,	Occupying Amterad. All of the Adan Madoba tribe.
	(,,) ALI MAHOMED,	
	(,,) SHINUA YEHIAR,	
	(,,) GUTALI NUR,	
	(,,) ABDALLA MAHOMED,	
	(,,) ASHOOR MUNY,	
	(,,) JAMA ABDY,	
(Sd.) DUFFERIN, *Viceroy and Governor-General of India.*	(,,) AHMED GULARD,	
	(,,) FARAH GUJA,	
	(,,) MAHOMED AHMED,	
	(,,) ALI AHMED,	
	(,,) HASSAN FARAH,	
	(,,) ALI YUSUF,	
	(,,) ALI NUR,	
	(,,) JAMA ADAN,	Occupying Karram. All of the Yussul tribe.
	(,,) ASHOORD GONANJA,	
	(,,) FARAH AHMED,	
	(,,) EGAL DOALY,	
	(,,) AWADH HADAY,	
	(,,) HUSSAN MAGAN,	
	(,,) ADAN WARSAMA,	
	(,,) AHMED ALI,	
	(,,) HASSAN SAID,	Occupying Hais. All of the Abder Rahmin sub-tribe.
	(,,) MAHOMED ISMAIL,	
	(,,) JEBRIL MAHOMED,	
	(,,) AHMED ALI MAGAN,	
	(,,) JEBRIL ALI,	
	(,,) ABDULLA HASSAN.	

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Simla on the sixteenth day of July, A.D. one thousand eight hundred and eighty-six.

(Sd.) H. M. DURAND,
Secretary to the Government of India,
Foreign Department.

Certified that the above is a true copy of the original Treaty.

(Sd.) W. J. CUNINGHAM,

Offg. Under-Secretary to the Government of Inida,
Foreign Department.

Simla, the 20th July 1886.

No. LXXXVIII.

TREATY with the EESA TRIBE—1884.

We, the undersigned Elders of the Eesa tribe, are desirous of entering into an agreement with the British Government for the maintenance of our independence, the preservation of order, and other good and sufficient reasons.

Now it is hereby agreed and covenanted as follows:—

1.

The Eesa tribe do hereby declare that they are pledged and bound never to cede, sell, mortgage, or otherwise give for occupation, save to the British Government, any portion of the territory presently inhabited by them or being under their control.

2.

All vessels under the British flag shall have free permission to trade at all ports and places within the territories of the Eesa tribe.

3.

All British subjects residing in or visiting the territories of the Eesa tribe shall enjoy perfect safety and protection, and shall be entitled to travel all over the said limits under the safe conduct of the Elders of the tribe.

4.

The traffic in slaves throughout the territories of the Eesa tribe shall cease for ever, and the Commander of any of Her Majesty's vessels, or any other British officer duly authorized, shall have the power of requiring the surrender of any slave and of supporting the demand by force of arms by land and sea.

5.

The British Government shall have the power to appoint an Agent or Agents to reside in the territories of the Eesa tribe, and every such Agent

shall be treated with respect and consideration, and be entitled to have for his protection such guard as the British Government deem sufficient.

The above-written Treaty shall come into force and have effect from the date of signing this agreement.

In token of the conclusion of this lawful and honourable bond, Ali Girdone, Waberi, Adan, Warsama Idlay, Fadhl Mahomed, Boh Molla, Ali Shirdone, Nagaya Bidar, Samanter Roblay, Gaillay Ishak, Weil Mahomed, Yunus Fahia, Girhi Êqal, Mahomed Bergel, Burray Awadh, Ali Karrat, Khairulla Magan, Boh Hirsee, Abdalla Ali, Ali Idris, Shirdone Samaduder, Rogay Kayat, and Major Frederick Mercer Hunter, Assistant Political Resident at Aden, the former for themselves, their heirs and successors, and the latter on behalf of the British Government, do each and all in the presence of witnesses affix their signatures, marks or seals, at Zaila, on the thirty-first day of December, one thousand eight hundred and eighty-four, corresponding with the thirteeth Rabia-al-Awal, one thousand three hundred and two.

(Sd.) F. M. HUNTER,
Major.

Witness:

(Sd.) M. EDWARDS, *Captain, I. M.,*
Commanding I. M. S. "Amberwitch."

(Sd.) DUFFERIN,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Simla on the twentieth day of May, A. D. one thousand eight hundred and eighty-five.

(Sd.) H. M. DURAND,
Secretary to the Government of India,
Foreign Department.

Certified that the above is a true copy of the original Treaty.

(Sd.) W. J. CUNINGHAM,
Offg. Under-Secretary to the Government of India,
Foreign Department.

SIMLA,
The 22nd May 1885.

No. LXXXIX.

Treaty with the Habr Gerhajis—1885.

We, the undersigned Elders of the Habr Gerhajis tribe, are desirous of entering into an agreement with the British Government for the maintenance of our independence, the preservation of order, and other good and sufficient reasons.

Now it is hereby agreed and covenanted as follows:—

1.

The Habr Gerhajis tribe do hereby declare that they are pledged and bound never to cede, sell, mortgage, or otherwise give for occupation, save to the British Government, any portion of the territory presently inhabited by them or being under their control.

2.

All vessels under the British flag shall have free permission to trade at all ports and places within the territories of the Habr Gerhajis, and the tribe is bound to render assistance to any vessel, whether British or belonging to any other nation, that may be wrecked on the above-mentioned shores, and to protect the crew, the passengers, and cargo of such vessel, giving speedy intimation to the Resident at Aden of the circumstances, for which act of friendship and good-will a suitable reward will be given by the British Government.

3.

All British subjects residing in or visiting the territories of the Habr Gerhajis tribe shall enjoy perfect safety and protection, and shall be entitled to travel all over the said limits under the safe conduct of the Elders of the tribe.

4.

The traffic in slaves throughout the territories of the Habr Gerhajis tribe shall cease for ever, and the Commander of any of Her Majesty's vessels, or any other British officer duly authorized, shall have the power of requiring the surrender of any slave and of supporting the demand by force of arms by land and sea.

5.

The British Government shall have the power to appoint an Agent or Agents to reside in the territories of the Habr Gerhajis tribe, and every such Agent shall be treated with respect and consideration, and be entitled to have for his protection such guard as the British Government deem sufficient.

The above-written Treaty shall come into force and have effect from the date of signing this agreement.

In token of the conclusion of this lawful and honourable bond, Ahmed Ali Hassan Yussuf, Said Mahomed, Mahomed Jees, Abdy Hassan Mahomed

Ahmed Ali Nur, Nur Hirsee (all of the Jibril Adan residing at Mait and Ras Katib), Doaly Ahmed (of the Mahomed Adan residing at Mait), Hassan Abdullah (of the Ali Said residing at Mait and Ras Katib), Ahmed Saleh, Hagar Araly, Husain Saleh, Ali Ismail, Said Ahmed, Ali Aman (all of the Yunus Ismail residing at Hashow), Ismail Ali, Eesa Hassan, Mussa Abdalla (all of Mahomed Adan residing at Shall'ao), and Major Frederick Mercer Hunter, Assistant Political Resident at Aden, the former for themselves, their heirs and successors, and the latter on behalf of the British Government, do each and all in the presence of witnesses affix their signatures, marks or seals, at Aden, this thirteenth day of January, one thousand eight hundred and eighty-five, corresponding with the twenty-eighth Rabi-al-Awal, one thousand three hundred and two.

(Sd.) F. M. HUNTER, *Major.*

Witness:

(Sd.) EDWARD CRANDFIELD.

H. E.'s Seal.

(Sd.) DUFFERIN,

Viceroy and Governor-General of India.

This agreement was ratified by the Governor-General of India in Council at Calcutta on the twenty-fifth day of February, A. D. one thousand eight hundred and eighty-five.

(Sd.) H. M. DURAND,

Offg. Secretary to the Government of India,
Foreign Department.

Certified that the above is a true copy of the original agreement.

(Sd.) W. LEE-WARNER,

Offg. Under-Secretary to the Government of India,
Foreign Department.

FORT WILLIAM,
The 28th February 1885.

No. XC.

SUPPLEMENTARY GENERAL TREATY with the HABR GERHAJIS—1886.

The British Government and the Elders of the Habr Gerhajis tribe who have signed this agreement being desirous of maintaining and strengthening the relations of peace and friendship existing between them:

The British Government have named and appointed Major Frederick Mercer Hunter, C.S.I., Political Agent for the Somali Coast, to conclude a Treaty for this purpose.

The said Major Frederick Mercer Hunter and the said Elders of the Habr Gerhajis have agreed upon and concluded the following Articles :—

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned Elders of the Habr Gerhajis, hereby undertakes to extend to them and to the territories under their authority and jurisdiction the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The said Elders of the Habr Gerhajis agree and promise to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of Her Majesty's Government.

ARTICLE 3.

This Treaty shall come into operation upon the first day of February, one thousand eight hundred and eighty-six.

(Sd.) F. M. HUNTER, *Major, Political Agent, Somali Coast.*

(Sd.) DUFFERIN, *Viceroy and Governor-General of India.*

(Sd.) DOALY AHMED, of the Mahomed Adan tribe,	Occupying Mait and Ras Katib.
(„) MAHOMED ALI, of the Ali Said tribe,	
(„) ADAM MAHOMED, of the Saad Yun tribe, occupying Hashow.	
(„) HASSAN YUSSUF,	Occupying Mait and Ras Katib. All of the Ibril Adan tribe.
(„) ALI NUR,	
(„) DOALY ALI,	
(„) MAHOMED GEES,	
(„) ABDY HASSAN,	
(„) MAHOMED AHMED,	
(„) MAHOMED HIRSEE,	
(„) HASSAN MAHOMED,	
(„) ISMALL MAHOMED,	
(„) MAHOMED HIRSEE,	Occupying Shellao. All of the Musa Assay and Musa Bohi tribes.
(„) ISMAIL ALI,	
(„) WAIS SALEH,	
(„) ALI SALEH,	
(„) MAHOMED NOH,	
(„) MAHOMED ALEALIA.	

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Simla on the sixteenth day of July, A. D. one thousand eight hundred and eighty-six.

(Sd.) H. M. DURAND,
Secretary to the Government of India,
Foreign Department.

Certified that the above is a true copy of the original Treaty.

(Sd.) W. J. CUNINGHAM,
Offg. Under-Secretary to the Government of India,
Foreign Department.

Simla, the 20th July 1886.

No. XCI.

TREATY with the WARSANGLI—1886.

The British Government and the Elders of the Warsangli tribe who have signed this agreement being desirous of maintaining and strengthening the relations of peace and friendship existing between them :

The British Government have named and appointed Major Frederick Mercer Hunter, C.S.I., Political Agent and Consul for the Somali Coast, to conclude a Treaty for this purpose.

The said Major F. M. Hunter, C.S.I., Political Agent and Consul for the Somali Coast, and the said Elders of the Warsangli have agreed upon and concluded the following Articles :—

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned Elders of the Warsangli, undertakes to extend to them and to the territories

under their authority and jurisdiction the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The said Elders of the Warsangli agree and promise to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of Her Majesty's Government.

ARTICLE 3.

The Warsangli are bound to render assistance to any vessel, whether British or belonging to any other nation, that may be wrecked on the shores under their jurisdiction and control, and to protect the crew, passengers, and cargo of such vessels, giving speedy intimation to the Resident at Aden of the circumstances, for which act of friendship and good-will a suitable reward will be given by the British Government.

ARTICLE 4.

The traffic in slaves throughout the territories of the Warsangli shall cease for ever, and the Commander of any of Her Majesty's vessels, or any other British officer duly authorized, shall have the power of requiring the surrender of any slave and of supporting the demand by force of arms by land and sea.

ARTICLE 5.

The British Government shall have the power to appoint an Agent or Agents to reside in the territories of the Warsangli, and every such Agent shall be treated with respect and consideration, and be entitled to have for his protection such guard as the British Government deem sufficient.

ARTICLE 6.

The Warsangli hereby engage to assist all British officers in the execution of such duties as may be assigned to them; and further to act upon their advice in matters relating to the administration of justice, the development of the resources of the country, the interests of commerce, or in any other matter in relation to peace, order, and good government and the general progress of civilization.

ARTICLE 7.

This Treaty to come into operation from the twenty-seventh day of

January, one thousand eight hundred and eighty-six, on which date it was signed at Bander Gori by the undermentioned.

(Sd.) F. M. HUNTER.

Witness—

(Sd.) J. H. RAINIER,
Commander, Royal Navy.

MAHOMED his mark MAHMUD ALI, GERAD of all the Warsangli. JAMA his mark MAHMUD GERAD. MAHOMED his mark IBRAHIM GERAD. OMAR his mark AHMED GERAD. MAHMUD his mark ABDALLAH GERAD. YUSSUF his mark MAHMUD GERAD.

NUR his mark ABDALLA.
EESA his mark ADAM.
MAHAMED his mark ALI SHIRWA.
ABDY his mark NUR.

All of the Ayal Fatih sub-tribe.

MAHOMED his mark × ABDY NALAYA.
MAHMUD his mark — SAGULLAY.
ABDALLAH (his × mark) SAGULLAY.
MAHOMED his mark ABDALLAH.

All of the Ogais Lebay sub-tribe.

Witness:
(Sd.) ALI JAFFER.

(Sd.) DUFFERIN,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Simla on the 15th day of May, A.D. one thousand eight hundred and eighty-six.

(Sd.) H. M. DURAND,

Secretary to the Government of India,
Foreign Department.

No. XCII.

ENGAGEMENT concluded between LIEUTENANT-COLONEL W. L. MEREWETHER, C.B., POLITICAL RESIDENT, ADEN, and SOOLTAN MAHMOOD-BIN-YOOSOOF, CHIEF of the MIJJERTEYN TRIBE of SOMALIS, and ELDERS of the said TRIBE—1866.

Influenced by motives of humanity and by a desire to conform to the principles on which the Great English Government is conducted, we lend a willing ear to the proposals of our friend Lieutenant-Colonel William Lockyer Merewether, C.B., Political Resident at Aden, that we should covenant with him and each other to abolish and prohibit the exportation of slaves from any one part of Africa to any other place in Africa or Asia or elsewhere under our authority. We, whose names and seals are set to this bond, do therefore, in the sight of God and of men, solemnly proclaim our intention to prohibit the exportation of slaves from Africa by every means in our power; we will export none ourselves, nor permit our subjects to do so; and any vessel found carrying slaves shall be seized and confiscated, and the slaves shall be released.

Signed this twentieth day of February, one thousand eight hundred and sixty-six (4th of the month Shawal 1282) at Bunder Muraya.

⊙ (Sd.) SOOLTAN MAHMOOD YOOSOOF.

Witnesses to the above:

(Sd.) MOOSA-BIN-YOOSOOF OTHMAN.
(„) SAMUNTAR OTHMAN.
(„) ADREES MAHMOOD.
(„) W. L. MEREWETHER, *Lieut.-Col.,*
Political Resident, Aden.

(True copy.)

(Sd.) W. L. MEREWETHER, *Lieut.-Col.,*
Political Resident, Aden.

Confirmed by order of the Governor-General in Council, dated the 16th May 1866.

No. XCIII.

ENGAGEMENT entered into by the MIJJERTEYN SOMALIS—1884.

Influenced by motives of friendship and with a desire to conform to the principles on which the Great British Government is conducted, and wishing to preserve peace and to foster security on our shores, we, the Chiefs of the Mijjerteyn Somal, Othman Mahmood, Sultan of the Mijjerteyn tribe, Noor Othman, Ismail Othman, Samunter Othman, Ahmed Mahmood, Hajji Idrees Mahmood, Mahammad Shirwa Noor, Yousuf Mahmood, Yousuf Ali Yousuf, Gulaid Yousuf, and Haji Mahammad Fahiya, Elders, on behalf of ourselves, our heirs and successors, do hereby covenant and agree with our friend Captain James Stewart King, Assistant Resident at Aden, on behalf of the Great British Government:—

ARTICLE 1.

That in the event of any steamer, or ship, or other vessel belonging to the British Government, or to a British subject, or to any other power, or to the subjects of any other power, being wrecked upon our shores or in distress, protection shall be accorded to her and to all on board, and the latter shall receive good treatment.

ARTICLE 2.

That should the master, crew, or passengers of any wreck or casualty wish to proceed to Aden, we will protect them and conduct them thither, or give them the best means in our power of proceeding there.

ARTICLE 3.

That should any steamer, ship, or vessel be wrecked, suffer casualty, or be abandoned, we will not only protect and guard such steamer, ship, or vessel from plunder and wilful damage to our utmost ability, but we will give speedy notice of such wreck to the Political Resident of Aden.

ARTICLE 4.

That such steamer, ship, or vessel will be protected by us as aforesaid until instructions in reply to our said notice are given and received from the Political Resident of Aden.

ARTICLE 5.

That for such acts of good-will and friendship, and as imposing on us, our heirs and successors, the obligation aforementioned, we shall receive from the British Government, conditionally on our good behaviour and so long as we act strictly up to our obligation, a yearly stipend of 360 $ (three hundred and sixty dollars). And we shall also expect to receive such salvage as by any right according to British law we may be entitled to, and according as the

Great British Government, through their representative, the Political Resident of Aden for the time being, may on the merits of each case determine by the custom in such cases.

In token of the conclusion of this lawful and honourable bond, Othman Mahmood, Sultan of the Mijjerteyn tribe, Noor Othman, Ismail Othman, Samunter Othman, Ahmed Mahmood, Hajji Idrees Mahmood, Mahammad Shirwa Noor, Yousuf Mahmood, Yousuf Ali Yousuf, Gulaid Yousuf and Hajji Mahammad Fahiya, Elders, on behalf of themselves, their heirs and successors,

And Captain James Stewart King, Assistant Resident at Aden, on behalf of the Great British Government,

Do hereby affix their signatures and seal, this first day of May one thousand eight hundred and eighty-four, equivalent to the 5th day of the month Rajab 1301 A.H., at Bunder Muraya.

(Sd.) J. S. KING, *Captain,*
Assistant Resident, Aden.

In presence of:

(Sd.) ANTHONY GWYN, *Captain,*
I. G. S. "*Amberwitch.*"

(Sd.) J. W. YERBURY, *Captain, R.A.*

(Sd.) RIPON,
Viceroy and Governor-General of India.

This agreement was ratified by the Governor-General of India in Council at Simla on the twenty-ninth day of July, A.D. 1884.

(Sd.) C. GRANT,
Secretary to the Government of India, Foreign Department.

No. XCIV.

TREATY of AMITY and COMMERCE made and concluded between HIS MAJESTY SAHELA SELASSIE, KING of SHOA, EFAT and the GALLA, on the one part, and CAPTAIN WILLIAM CORNWALLIS HARRIS, under the authority of HIS EXCELLENCY the GOVERNOR of BOMBAY, in the name and on the behalf of HER MOST GRACIOUS MAJESTY VICTORIA, QUEEN of GREAT BRITAIN, IRELAND, and the INDIES, on the other part—1849.

Whereas commerce is a source of great wealth and prosperity to all those nations who are firmly united in the bonds of reciprocal friendship, and where-

as the conclusion of a Treaty of perpetual amity and commerce betwixt Shoa and Great Britain, which has already been desired by their respective Sovereigns, would tend to the mutual advantage of both nations, and whereas tokens of amity and good-will have been mutually exchanged between His Majesty of Shoa and Her Britannic Majesty, and whereas it is desirable that the Articles and conditions should be specified, whereupon the desired commercial intercourse betwixt the two nations should be conducted: Now it is hereby declared, done, and agreed as follows:—

ARTICLE 1.

That a firm, free, and lasting friendship shall subsist between His Majesty Sahela Selassie, King of Shoa, Efat, and the Galla, and His lineal successors, and between Her Most Gracious Majesty Victoria, Queen of Great Britain, Ireland and India, and Her lineal successors.

ARTICLE 2.

That for the purpose of preserving and maintaining the friendly relations subsisting between the two nations, His Majesty of Shoa and His lineal successors shall receive and cherish any Ambassador or Envoy whom Her Britannic Majesty and Her lineal successors may see fit to appoint, and shall preserve inviolate all His peculiar rights and privileges.

ARTICLE 3.

That for the like purpose, Her Britannic Majesty and Her lineal successors shall in the same manner receive and cherish any Ambassador or Envoy whom His Majesty of Shoa and His lineal successors may see fit to appoint, and shall equally preserve inviolate all His peculiar rights and privileges.

ARTICLE 4.

That under the following conditions a commercial intercourse be allowed and encouraged betwixt the subjects of Shoa and the countries beyond that kingdom and the subjects of Great Britain.

ARTICLE 5.

That an import duty of five per cent. and no more shall be levied and received by His Majesty of Shoa and His lineal successors upon all British goods and merchandise imported into the kingdom, whether for sale therein or in the countries beyond.

ARTICLE 6.

That this import duty of five per cent. shall be assessed upon the current value of the merchandise at the market-place of Alio Amba, and shall be paid either in kind or in specie at the option of the merchant.

ARTICLE 7.

That the said import duty having been first duly discharged, the merchant shall be at full liberty either to dispose of his goods within the territories of Shoa without prohibition to the buyer, or to convey them elsewhere without restraint or molestation.

ARTICLE 8.

That British merchants shall be at liberty to purchase within the territories of Shoa all such commodities as they may think proper, whether the produce of those territories, or imported from the countries beyond them, and export the same without the payment of any duty whatsoever.

ARTICLE 9.

That the goods and merchandise of all subjects of Shoa who may visit Great Britain shall in like manner be liable to no greater duties than are already levied, or may hereafter be levied, upon the immediate subjects of Great Britain.

ARTICLE 10.

That in view to the augmentation and promotion of commerce between Shoa and Great Britain, His Majesty of Shoa and His lineal successors shall encourage all merchants to bring the produce of the interior of Africa through the dominions of Shoa, and especially such articles as are best suited to the British market.

ARTICLE 11.

That with a like view Her Britannic Majesty and Her lineal successors will encourage British merchants to import into Shoa such articles as will prove most acceptable within the same.

ARTICLE 12.

That for the better security of merchants and their property, His Majesty of Shoa and His lineal successors and Her Britannic Majesty and Her lineal successors will, respectively, to the utmost of their power, endeavour to keep open and secure the avenues of approach betwixt the sea-coast and Abyssinia.

ARTICLE 13.

That with a view to the promotion and encouragement of reciprocal intercourse between the respective subjects of the two nations, no hinderance or molestation be offered to British travellers, whether residing within the territories of Shoa, or visiting the countries beyond.

ARTICLE 14.

That the effects of such travellers, not intended for sale, shall be liable to no duty of any sort, and shall in every respect be held personal and inviolable.

ARTICLE 15.

That in like manner, no subject of Shoa shall meet with any hinderance or obstruction whilst residing in any part of the dominions of Her Most Gracious Majesty Queen Victoria, nor shall he be prevented from proceeding beyond them at pleasure.

ARTICLE 16.

And, lastly, that a strict reciprocal observance of all the foregoing Articles and conditions shall be regarded as a proof of the continued desire on the part of both the contracting Sovereigns for a lasting and permanent friendship.

Made and concluded at Angollallah, the capital of the kingdom of Shoa, on the tenth day of the month Hedar, one thousand eight hundred and thirty-four, of the Abyssinian era, corresponding with the sixteenth day of November, in the year of our Lord one thousand eight hundred and fourty-one, being the twenty-ninth of the reign of His Majesty Sahela Selassie and the fifth of Her Majesty Queen Victoria.

(Sd.) W. C. HARRIS.

(Sd.) SAHELA SELASSIE.

Who is King of Shoa, Efat and the Galla.

No. XCV.

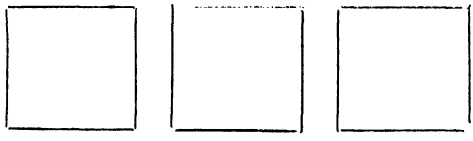
TRANSLATION of AGREEMENT with the SULTAN of SOCOTRA—1834.

First the said Sultans do promise and agree to the British Government landing and storing on any part of the sea-coast of the Island of Socotra any quantity of coals or other articles which may be sent now or hereafter from the British Government of India to be deposited on the Island.

Secondly, Captain Daniel Ross on the part of His Excellency the Right Honourable the Governor-General do promise that there shall be no interference with the laws and customs of the Island of Socotra or with the interior

of the Island, or shall the inhabitants of such parts where the coals are deposited be ill-treated by the English vessels visiting the Island with the coals.

(Sd.) DANIEL ROSS.



(True copies.)

(Sd.) W. H. MACNAGHTEN,
Officiating Secretary.

No. XCVI.

TRANSLATION of AGREEMENT entered into by the SULTAN of SOCOTRA—1876.

Praise be to God alone!

The object of writing this lawful and honourable bond is that it is hereby covenanted and agreed between Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, on the one part, and Brigadier-General John William Schneider, the Governor of Aden, on behalf of the British Government, on the other part, that the said Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, does pledge and bind himself, his heirs and successors, never to cede, to sell, to mortgage, or otherwise give for occupation, save to the British Government, the Island of Socotra or any of its dependencies—the neighbouring islands.

In consideration of the above covenant, the said Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, has received from Brigadier-General John William Schneider, the Governor of Aden, on behalf of himself, his heirs and successors, an immediate payment of $3,000 (three thousand), and he, his heirs and successors, shall further receive from the British Government a yearly subsidy of $360 (three hundred and sixty), it being understood that this stipend imposes on the aforesaid Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, his heirs and successors, the obligation of rendering assistance to any vessel, whether belonging to the British or any other nation, that may be wrecked on the Island of Socotra or on its dependencies—the neighbouring islands, and of protecting the crew, the passengers, and the cargo thereof, for which acts of friendship and good-will towards the British Government a suitable reward will also be given to Ali

bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, and to his heirs and successors after him.

In token of the conclusion of this lawful and honourable bond, Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra, and Brigadier-General John William Schneider, the Governor of Aden, the former for himself, his heirs and successors, and the latter on behalf of the British Government, do each, in the presence of witnesses, affix their signatures on this twenty-sixth day of Zilhujjeh (A.H.) 1292, corresponding with the 23rd day of January (A.D.) 1876.

(Signature in Vernacular.)

(Sd.) J. W. SCHNEIDER, *Brigr.-Genl.,*
Political Resident, Governor of Aden.

Witnessed by :

(Signature in Vernacular.)

In the presence of—

(Sd.) LINDSAY BRINE,
Captain of H. Majesty's Ship "Briton."

(Sd.) SALEH JAFFER,
Intrepreter to the Resident,
On board H. M.'s Ship "Briton,"
off Kisheen.

23rd January 1876.

(Sd.) NORTHBROOK,
Viceroy and Governor General of India.

Ratified by His Excellency the Viceroy and Governor-General of India at Calcutta on the first day of March 1786.

(Sd.) T. H. THORNTON,
Offg. Secy. to the Govt. of India.

No. XCVII.

PROTECTORATE TREATY with the SULTAN of SOCOTRA and KISHN —1886.

The British Government and Ali bin Abdulla bin Salem bin Saad bin Afreer, Sultan of Socotra and its dependencies, being desirous of maintaining

and strengthening the relations of peace and friendship existing between them:

The British Government have named and appointed Brigadier-General A. G. F. Hogg, Political Resident at Aden, to conclude a Treaty for this purpose.

The said Brigadier-General A. G. F. Hogg and Sultan Ali bin Abdulla aforesaid have agreed upon and concluded the following Articles:—

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned Sultan Ali bin Abdulla, hereby undertakes to extend to the Island of Socotra and its dependencies, which are under his authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The said Sultan Ali bin Abdulla agrees and promises on behalf of himself, his heirs and successors, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government. And further promises to give immediate notice to the Resident at Aden or other British officer of the attempt by any other power to interfere with the Island of Socotra and its dependencies.

ARTICLE 3.

The above Treaty shall have effect from this date.

In witness whereof the undersigned have affixed their signatures or seals at Kishn this twenty-third day of April, one thousand eight hundred and eighty-six.

(Sd.) CHARLES W. H. SEALY, Second Assistant Resident, on behalf of Brigadier-General A. G. F. HOGG, Political Resident of Aden.

Witness:

(Sd.) M. S. JAFFER,
Native Assistant Resident, Aden.

Translation of the Arabic signatures is as follows:—

× Mark of SULTAN ALI BIN ABDALLA BIN SALIM BIN SAAD BIN TA WARI BIN AFRAR, Sultan of Socotra and its dependencies.

Witnesses:

Signature of Sultan SALIM BIN AHMED BIN SAAD BIN AFRAR.

„ of SAAD BIN MUBARAK, Kadthi of Kishn.

„ of MAHOMED BIN SAAD, Kadthi of Kollonsia and Socotra.

(Sd.) DUFFERIN,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Simla on the twenty-third day of June, A.D. one thousand eight hundred and eighty-six.

(Sd.) H. M. DURAND,

Secretary to the Government of India,
Foreign Department.

No. XCVIII.

PROTECTORATE TREATY with the MAHRI TRIBE—1888.

The British Government and Ali bin Abdalla bin Salim bin Saad bin Afrir al Mahri, Sultan of Kishn and its Dependencies, being desirous of maintaining and strengthening the relations of peace and friendship existing between them:

The British Government have named and appointed Brigadier-General Adam George Forbes Hogg, C.B., Political Resident at Aden, to conclude a treaty for this purpose.

The said Brigadier-General Adam George Forbes Hogg, C.B., and Sultan Ali bin Abdalla bin Salim bin Saad bin Afrir al Mahri, aforesaid, have agreed upon and concluded the following articles:—

ARTICLE 1.

The British Government, in compliance with the wish of the undersigned, Sultan Ali bin Abdalla bin Salim bin Saad bin Afrir al Mahri, hereby undertakes to extend to Kishn and its dependencies, which are under his authority and jurisdiction, the gracious favour and protection of Her Majesty the Queen-Empress.

ARTICLE 2.

The said Sultan Ali bin Abdalla bin Salim bin Saad bin Afrir al Mahri agrees and promises on behalf of himself, his heirs and successors, to refrain from entering into any correspondence, agreement, or treaty with any foreign nation or power, except with the knowledge and sanction of the British Government; and further promises to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other power to interfere with Kishn and its dependencies.

ARTICLE 3.

The above Treaty shall have effect from this date. In witness whereof the undersigned have affixed their signatures or seals at Kishn this second day of May, one thousand eight hundred and eighty-eight.

(Sd.) A. G. F. HOGG, *Brigadier-General,*
Political Resident.

WITNESS:

(Sd.) FREDERICK ROOPE, *Lieutenant,*
Royal Navy, Her Majesty's "Osprey."

Signed:

(Mark +) SULTAN ALI BIN ABDALLA BIN SALIM BIN SAAD BIN TAWARI BIN AFRIR,
Sultan of Kishn and its Dependencies.

His + mark.
TAWARI BIN AMR BIN TAWARI BIN AFRIR.

His + mark.
(*i.e.*, SAAD BIN SALIM BIN AMR BIN TAWARI BIN AFRIR)

Signed in Arabic.
(SAAID BIN MUBAREK BIN SADIN),
Kadthi of Kishn.

(Sd.) M. S. JAFFER,
Native Assistant Resident, Aden.

(Sd.) LANSDOWNE,
Viceroy and Governor-General of India.

This Treaty was ratified by the Viceroy and Governor-General of India in Council at Fort William on the 26th day of February, A.D. one thousand eight hundred and ninety.

(Sd.) W. J. CUNINGHAM,
Offg. Secretary to the Government of India,
Foreign Department.

PART IV.

TREATIES AND ENGAGEMENTS

RELATING TO

ZANZIBAR.

The Island of Zanzibar and the greater part of the eastern coast of Africa were conquered by the Portuguese in the beginning of the sixteenth century. Driven to despair by the tyranny of their rulers, the inhabitants of Mombassa, in 1698, invited the assistance of the Imam of Maskat, who expelled the Portuguese and put many of them to the sword. It was not till 1784, however, in the time of Said bin Ahmad, that the Maskat Arabs established a permanent footing in the Island of Zanzibar, and even for many years afterwards, till the accession of Saiyid Said in 1807, the subjection of Zanzibar to them was little more than nominal.

In 1746 the people of Mombassa threw off allegiance to Maskat, elected Shaikh Ahmad as their Sultan, and maintained their independence till 1823, when, fearing the aggression of Saiyid Said, Sulaiman bin Ali Al-Mazrui, the Sultan of Mombassa, with the consent of the people, put himself under British protection. On the 7th February 1824 a convention was concluded with him, by which the port of Mombassa and its dependencies, including the Island of Pemba and the coast between Melinda and the river Pangani, were placed under the protectorate of Great Britain. This engagement, however, was not ratified, and in 1828 the ruler of Maskat sent a force against Mombassa, which surrendered to him.

In 1844 Saiyid Said of Maskat appointed his son, Saiyid Khalid, as his deputy and successor in his Zanzibar dominions, which may be roughly defined as extending from Tunghi, the frontier of the Portuguese territory south of Cape Delgado, about 660 miles northward along the coast, and his

son, Saiyid Thawaini, as his successor in Maskat (*see* Maskat). Saiyid Khalid died in 1854, and Saiyid Said appointed a younger son, Saiyid Majid, to succeed him.

On the death of Saiyid Said in 1856, his successor, Saiyid Thawaini of Maskat, laid claim to Zanzibar. He concluded an engagement, however, with his brother, Saiyid Majid, by which the latter was left in possession of the African dominions, subject to an annual payment of 40,000 crowns. A dispute soon arose regarding the nature of this payment and whether it implied the dependence of Zanzibar on Maskat. War was threatened, but both parties were persuaded to refer the question to the arbitration of the Governor-General of India and to abide by his decision. A Commission was appointed to investigate the case. On the evidence obtained by this Commission, Lord Canning gave an award in 1861 (No. XCIX), to which both parties agreed, *viz.*, that Saiyid Majid should be declared Ruler of Zanzibar and the African dominions of the late Saiyid Said, but that he was to make an annual payment in perpetuity to Maskat. This payment was not however to be considered as implying the dependence of Zanzibar on Maskat.

On the death of Saiyid Thawaini and succession of Saiyid Salim at Maskat in 1866, Sultan Majid protested against the continuance of the subsidy, on the ground that the engagement was personal to Saiyid Thawaini, and that Saiyid Salim, as a parricide, could not legally succeed his father. These arguments were untenable; the former, because by the terms of the award, each successor of Saiyid Thawaini was entitled to claim the subsidy from Zanzibar, and the latter, because Saiyid Salim was *de facto* ruler of Maskat, and had been recognised as such by the British Government. Saiyid Majid was therefore required to pay up the subsidy with arrears; this he expressed his willingness to do through the medium of the British Government. Accordingly, in May 1868, the arrears due to Maskat were paid into the Bombay treasury and made over to Saiyid Salim after deducting the sums advanced to him in anticipation of the payment of the subsidy.

By the arrangement now (1892) in force the payment of the subsidy to Saiyid Faisal, the present ruler of Maskat, is guaranteed by the British Government; but the Sultan of Zanzibar has not been formally relieved of the obligation imposed upon him by Lord Canning's award of 1861. (*See* Maskat.)

Saiyid Majid died in October 1870, and was succeeded at Zanzibar by his brother Saiyid Bargash. In 1859 Saiyid Bargash had openly rebelled against his brother, to whom the aid of British troops was given. He then surrendered

and entered into a formal agreement with Saiyid Majid to quit Zanzibar, not to plot against him, and always to act according to the advice of the British Government. After some delay, during which he again endeavoured to resist his brother's authority, Saiyid Bargash proceeded to Bombay. He was subsequently permitted by Saiyid Majid to return to Zanzibar, and remained there without attempting to weaken his brother's authority, though the latter steadily refused to be reconciled to him, until his accession to power in 1870.

Saiyid Bargash was necessarily considered to be bound by the engagements concluded with his late father, Saiyid Said, which refer to Zanzibar. There was formerly no treaty prohibition regarding the transport of slaves from port to port in the Zanzibar dominions; but in 1863 Saiyid Majid made two concessions, by the first of which he prohibited the transport of slaves from one port in his dominions to another during the slave season, that is, from 1st January to 30th April in each year, and by the second gave authority to British cruisers to seize any slave-carrying vessels unprovided with a custom house manifest, or having on board any slaves in excess of the number stated in the manifest.

In spite of the efforts which Saiyid Majid had made, by the issue of stringent rules and threats of confiscating the vessels of the northern Arabs who visited Zanzibar for the purpose of exporting slaves to the Persian Gulf and Arabia, to check this nefarious traffic, large numbers of slaves were habitually carried off from the east coast of Africa. As, therefore, the existing treaty provisions with the Sultan of Zanzibar for the suppression of the export trade in slaves were found to be insufficient for the attainment of the objects with which those engagements were framed, Sir Bartle Frere was deputed in 1872, as Her Majesty's Special Envoy, with full powers to conclude such arrangements as might be necessary for the effectual suppression of the exportation of slaves from the dominions of the Sultan. Saiyid Bargash, after some discussion, signed a Treaty (No. C) on the 5th June 1873. Some doubts having arisen as to the interpretation of the first article of this treaty, advantage was taken of the Sultan's presence in London in July 1875 to remove them by a supplementary Treaty (No. CI) declaratory of the intentions of the parties.

In April 1876 the Sultan issued Proclamations (Nos. CII and CIII) prohibiting the conveyance of slaves by land under any conditions, the arrival of slave caravans from the interior, and the fitting out of slave-hunting expeditions by his subjects.

Commercial treaties were concluded by Saiyid Said, as ruler of Maskat and Zanzibar, with America* in 1833 and with France† in 1844. A commercial treaty was also concluded by Saiyid Majid with the Hanseatic Republics‡ in 1859. In December 1885 Germany concluded a commercial treaty with Sultan Saiyid Bargash; and on the 30th April 1886 Great Britain concluded with Zanzibar a new commercial Treaty (No. CIV), superseding one that had been framed in 1839, and similar in every respect to that between Germany and Zanzibar.

In the year 1884 the attention of the Germans was attracted to the east coast of Africa, and the territories of the Sultan of Zanzibar especially became the object of their designs and colonising projects. Previously to this, however, English enterprize had been directed to the same quarter, and for several years a scheme was contemplated, and had almost been brought into execution, by which the Sultan of Zanzibar was to concede or lease the whole of his dominions upon the mainland to an English Company. The project, however, fell through, and in the meanwhile other claims and schemes put forward by German explorers and travellers created a situation of conflicting interests sufficiently serious to demand the intervention of the European Governments. It was accordingly decided to appoint an International Commission, consisting of an English, a French, and a German delegate, for the purpose of delimitating the actual dominions of the Sultan of Zanzibar on the mainland, and of thus preparing the way for the demarcation of what subsequently became known as "spheres of influence" on the east coast of Africa. The Commission was appointed in 1885 and terminated its labours in June 1886; and upon the basis supplied by their statements and recommendations, the first Anglo-German Agreement, to which France gave her adhesion, was published in the following November, It defined the Sultan's dominions on the mainland as extending along a strip of coast line 10 miles deep from the River Roveuna in the south to Kipini in the north, together with certain islands along the same coast and five ports on the Somali Coast line. The agreement further established a line of demarcation between the English and German spheres of influence which were also delimitated inland, the former to the north and the latter to the south.

Negotiations were then started without delay with the object of inducing the Sultan of Zanzibar, Saiyid Bargash, to lease, in the shape of concessions to the English and Germans respectively, the portions of the coast line under

* *See* Appendix No. 5.
† *See* Appendix No. 6.
‡ *See* Appendix No. 11.

his sovereignty which formed the seaward boundary of the British and German spheres of influence. Saiyid Bargash consented in principle, but died, in March 1888, before the concessions had been definitely concluded: a preliminary concession to the Imperial British East Africa Company had, however, been signed by His Highness in March 1887.

The negotiations were now continued with his brother, Saiyid Khalifa, who succeeded to the throne upon the death of Saiyid Bargash, and both concessions having been finally concluded and signed in due form, the British and German Companies began operations in the autumn of 1888.

The assumption of the administration of their coast concession by the Germans was the signal for an immediate and violent outbreak of native hostility. Two German officials were murdered at Kilwa and their colleagues at other ports with difficulty made good their escape. Bagamoyo and Dares Salam were, however, held by the Germans and became the head-quarters of operations which were undertaken without delay to reduce the coast line to subjection. The German Government appointed an Imperial Commissioner for this purpose; a large number of Soudanese and other mercenary troops were engaged; German men-of-war were sent to co-operate; and for upwards of 18 months continuous and occasionally severe fighting took place. During the year 1889 the British East India squadron was ordered to co-operate with the German squadron for the purpose of establishing a strict blockade along the whole East African coast line, comprised within the Sultan's dominions, against the export of slaves and the import of arms and ammunition. The German coast line was gradually subdued, and in May 1890 the southern ports of Kilwa, Mikindani and Lindi, where a stubborn resistance had been expected, fell into the hands of the Germans, who now once more found themselves masters of the entire coast conceded to them.

In the meantime the Imperial British East Africa Company had proceeded with their administration, and in August 1889 the Sultan, Saiyid Khalifa, made them the further concession of the islands of Lamu, the islands in Manda Bay, and the Northern or Somali Coast ports. The Germans, however, contested the right of the Sultan to concede the islands of Lamu, Manda, and Patta on the ground that the first had been previously promised to them by the late Sultan Saiyid Bargash, and that the possession of the other islands by the Sultan of Zanzibar or by the Sultan of Witu, who was under German protection, was a point still requiring decision. The question of Lamu was referred to arbitration and decided in favour of the British Company, while at the same time further negotiations were undertaken

between the British and German Governments regarding their respective positions in East Africa.

On the 1st July 1890 these negotiations resulted in a second Anglo-German agreement, of which the most important feature was the declaration of a British Protectorate over the dominions of the Sultan of Zanzibar, with the exception of those situated to the south of the River Umba. It was agreed that these should, with the consent of the Sultan, be purchased outright from His Highness by the German Government. The Germans at the same time agreed to withdraw all claims to the north of the River Umba and to withdraw their Protectorate over the Sultan of Witu in favour of a British Protectorate. The formal declaration of the British Protectorate was notified in November 1890.

The negotiations regarding the cession to Germany of the southern coast line for a lump payment in money were concluded in November 1890. The final and permanent separation of the German coast line from the Sultanate of Zanzibar took effect from the 1st January 1891.

There is a large Indian community at Zanzibar composed chiefly of Bhattias, Khojas, Bohras and Memons, who practically monopolise the export coast-trade. The whole of these Indian residents, with a few exceptions, have a claim to British protection and are amenable to British jurisdiction. The number settled in Zanzibar itself may be estimated at 5,000; those living on the mainland at 2,000 souls. The revenue is almost entirely derived from the customs duties.

The British Agent and Consul-General at Zanzibar is also Consul for the Comoro Islands. His jurisdiction is defined by the Order in Council of 9th August 1866; but this Order in Council, together with the Zanzibar Order in Council of 1881, and the Zanzibar Order in Council (Indian Penal Code) of 1882, were all repealed on the 29th of November 1884 by, and subject to the exceptions and qualifications contained in, the Zanzibar Order in Council of 1884. This still (1892) remains in force, although certain of its provisions have since been modified.

Saiyid Khalifa died in February 1890, and was succeeded by his brother, the present Sultan, Saiyid Ali bin Said. One of his first acts after his succession was to issue a Decree (No. CV), dated the 1st August 1890, directed towards the total abolition of slavery. He was invested with the Insignia of a Knight Grand Commander of the Most Exalted Order of the Star of India in November 1890.

No. XCIX.

Letter to His Highness Syud Majeed bin Saeed of Zanzibar—1861.

Beloved and Esteemed Friend,—I address your Highness on the subject of the unhappy differences which have arisen between yourself and your Highness's brother the Imam of Muscat, and for the settlement of which your Highness has engaged to accept the arbitration of the Viceroy and Governor General of India.

Having regard to the friendly relations which have always existed between the Government of Her Majesty the Queen and the Government of Oman and Zanzibar, and desiring to prevent war between kinsmen, I accepted the charge of arbitration between you, and in order to obtain the fullest knowledge of all the points in dispute, I directed the Government of Bombay to send an officer to Muscat and Zanzibar to make the necessary enquiries. Brigadier Coghlan was selected for this purpose, an officer in whose judgment, intelligence, and impartiality the Government of India reposes the utmost confidence.

Brigadier Coghlan has submitted a full and clear report of all the questions at issue between your Highness and your brother.

I have given my most careful attention to each of these questions.

The terms of my decision are as follows:—

1st.—That His Highness Syud Majeed be declared ruler of Zanzibar and the African dominions of His late Highness Syud Saeed.

2nd.—That the ruler of Zanzibar pay annually to the ruler of Muscat a subsidy of 40,000 crowns.

3rd.—That His Highness Syud Majeed pay to His Highness Syud Thowaynee the arrears of subsidy for two years or 80,000 crowns.

I am satisfied that these terms are just and honourable to both of you; and as you have deliberately and solemnly accepted my arbitration, I shall expect that you will cheerfully and faithfully abide by them, and that they will be carried out without unnecessary delay.

The annual payment of 40,000 crowns is not to be understood as a recognition of the dependence of Zanzibar upon Muscat, neither is it to be considered as merely personal between your Highness and your brother Syud Thowaynee. It is to extend to your respective successors, and is to be held to be a final and permanent arrangement, compensating the ruler of Muscat for the abandonment of all claims upon Zanzibar and adjusting the inequality between the two inheritances derived from your father, His late Highness Syud Saeed, the venerated friend of the British Government, which two inheritances are to be henceforward distinct and separate.

I am,
Your Highness's
Sincere friend and well-wisher,
(Sd.) Canning.

Fort William,
The 2nd April 1861.

Translation of an Arabic letter from His Highness Syud Majeed bin Saeed, Sultan of Zanzibar, to Lieutenant-Colonel C. P. Rigby, Her Majesty's Consul at Zanzibar, dated Zanzibar, the 19th day of the month of Zilhej in the year 1277 Hegira, corresponding to the 29th June 1861.

After compliments,—I desire to inform you that I have been very much gratified by the receipt of the letters from His Lordship the Governor General of India and His Excellency the Governor of Bombay, conveying to me the intelligence of the settlement of the disputes which existed between myself and my brother Thowaynee bin Saeed. And, regarding the decision, that I shall pay to my brother Thowaynee the sum of 40,000 crowns annually, and also the sum of 80,000 crowns on account of arrears for two years, I agree to pay these sums, and I accept and am satisfied with the terms of the decision, and they are binding on me, and it is the desire of the British Government (Javab el Sircar) that each of us, that is, myself and my brother Thowaynee, shall be independent of each other in his own dominions and Sultan over his own subjects, that is to say, that Zanzibar and the Islands (Pemba and Monfea), and the dominions on the continent of Africa dependent upon it, shall be subject to me, and that Muscat and its dependencies with the land of Oman shall be subject to my brother Thowaynee bin Saeed, and that we should dwell in peace and friendly alliance the one with the other, as is customary between brothers. I pray that it may be so, if it please God. I feel very much obliged to the British Government for all its kindness and favour, and for having averted from my dominions disorders and hostilities. During my life-time I shall never forget the kindness which it has shown to me. And now what I desire from you is this, that you will mention to His Lordship the Governor General of India that he should kindly determine that the payment of the 40,000 crowns per annum to my brother Thowaynee shall be settled as follows, *viz.*, that 20,000 crowns shall be due and payable each year at the "Mousim" (about April, when the south-west monsoon sets in), and that the other 20,000 crowns shall be due and payable each year at the "Damam" (about September-October, when the annual accounts are made up and the revenue from the customs is paid) in like manner as I before agreed to do when I made the arrangement, through my cousin Mahomed bin Salim, to pay 40,000 crowns annually to Muscat.

And respecting the 80,000 crowns, arrears for two years, that it shall be paid as soon as I can possibly do so.

This I desire, in order that there may be no ground of dispute hereafter.

This is what I wish for from the friendship of the Government.

And for whatsoever you may desire from me the sign is with you.

From the confiding slave in God's mercy,—Majeed bin Saeed.

Written on the 19th day of the month of Zilhej in the year 1277 of the Hegira, corresponding to the 29th June A.D. 1861.

From the SULTAN of ZANZIBAR, to the RIGHT HONOURABLE the GOVERNOR GENERAL, dated Zilhej A.H. 1267, corresponding with 25th June 1861.

After usual compliments,—My chief object in addressing this friendly letter to your Excellency is to enquire after your health. May the Almighty always protect your Excellency from all evils. As to myself, who am under great obligations to your Excellency, I beg to state that by the grace of God, and under your auspices, I am in the enjoyment of good health. I offer my prayers to the Almighty for your long life and for the destruction of your enemies. Your Excellency's kind letter reached me at an auspicious time, and I have become fully acquainted with its contents. When I referred to your Excellency for settlement of the dispute which long existed between myself and my brother Syud Thowaynee bin Saeed, I made up my mind to act up to any award which you might pass on the case. I agree, as directed by your Excellency, to pay to my said brother the sum of 40,000 crowns annually and 80,000 crowns on account of arrears for the last two years.

Considering me as a sincere friend, your Excellency will not, I hope, forget me, and I will cheerfully execute any commissions which shall be entrusted to me by your Excellency.

TO HIS HIGHNESS SYUD BIN SAEED, SULTAN of ZANZIBAR.

Beloved and Esteemed Friend,—I have received with much satisfaction your friendly letter dated 15th Zilhej A.H. 1277. I am gratified to learn that my award for the settlement of the disputes which long existed between yourself and your brother Syud Thowaynee bin Saeed, the ruler of Muscat, has given satisfaction to Your Highness.

The terms of the arbitration will be fulfilled if the sum of 40,000 crowns, payable to your brother annually, be paid by two instalments, *viz.*, the first at the Mousim and the second at the Damam.

I beg to express the high consideration I entertain of Your Highness, and to subscribe myself

Your Highness's sincere friend,

The 22nd August 1861. (Sd.) CANNING.

No. C.

TREATY between HER MAJESTY and the SULTAN of ZANZIBAR for the suppression of the SLAVE TRADE, signed at ZANZIBAR,—5th June 1873.

In the Name of the Most High God!

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness the Seyyid Barghash-bin-Said, Sultan of Zanzibar,

being desirous to give more complete effect to the engagements entered into by the Sultan and his predecessors for the perpetual abolition of the slave trade, they have appointed as their representatives to conclude a new Treaty for this purpose, which shall be binding upon themselves, their heirs and successors, that is to say, Her Majesty the Queen of Great Britain and Ireland has appointed to that end John Kirk, the Agent of the English Government at Zanzibar; and His Highness the Seyyid Barghash, the Sultan of Zanzibar, has appointed to that end Nasir-bin-Said, and the two aforenamed, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles :—

ARTICLE 1.

The provisions of the existing Treaties having proved ineffectual for preventing the export of slaves from the territories of the Sultan of Zanzibar in Africa, Her Majesty the Queen and His Highness the Sultan above named agree that from this date the export of slaves from the coast of the mainland of Africa, whether destined for transport from one part of the Sultan's dominions to another or for conveyance to foreign parts, shall entirely cease. And His Highness the Sultan binds himself, to the best of his ability, to make an effectual arrangement throughout his dominions to prevent and abolish the same. And any vessels engaged in the transport or conveyance of slaves after this date shall be liable to seizure and condemnation by all such Naval or other Officers or Agents and such Courts as may be authorized for that purpose on the part of Her Majesty.

ARTCILE 2.

His Highness the Sultan engages that all public markets in his dominions for the buying and selling of imported slaves shall be entirely closed.

ARTICLE 3.

His Highness the Sultan above named engages to protect, to the utmost of his ability, all liberated slaves, and to punish severely any attempt to molest them or to reduce them again to slavery.

ARTICLE 4.

Her Britannic Majesty engages that natives of Indian States under British protection shall be prohibited from possessing slaves, and from acquiring any fresh slaves in the meantime, from this date.

ARTICLE 5.

The present Treaty shall be ratified, and the ratifications shall be exchanged, at Zanzibar, as soon as possible, but in any case in the course of the 9th of Rabia-el-Akhir [5th of June, 1873] of the months of the date hereof.*

* The Sultan of Zanzibar's Ratification was attached to the original Treaty. That of Her Majesty was delivered to the Sultan in September 1873.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed their seals to this Treaty, made the 5th of June 1873, corresponding to the 9th of the month Rabia-el-Akhir 1290.

(Sd.) JOHN KIRK,
Political Agent, Zanzibar.

The mean in God's sight,

(Sd.) NASIR-BIN-SAID-BIN-ABDALLAH,
With his own hand.

The humble, the poor,

(Sd.) BARGHASH-BIN-SAID,
With his own hand.

No. CI.

TREATY between HER MAJESTY and the SULTAN of ZANZIBAR, supplementary to the TREATY for the SUPPRESSION of the SLAVE TRADE of June 5th, 1873.

Signed at London, July 14th, 1875.

[*Ratifications exchanged at Zanzibar, September 20th, 1875.*]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness the Seyyid Barghash-bin-Said, Sultan of Zanzibar, having concluded a Treaty of Zanzibar on the 5th June 1873, corresponding to the 9th of the month of Rabia-el-Akhir A.H. 1290, for the abolition of the slave trade, and whereas doubts have arisen or may arise in regard to the interpretation of that Treaty, Her Britannic Majesty and His Highness the Sultan of Zanzibar have resolved to conclude a further Treaty on this subject, and have for this purpose named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Hon'ble Edward Henry, Earl of Derby, Baron Stanley of Bickerstaffe, a Peer and a Baronet of England, Her Majesty's Principal Secretary of State for Foreign Affairs, &c., &c., &c.;

And His Highness the Seyyid Barghash-bin-Said, Sultan of Zanzibar, Nasir-bin-Said-bin Abdallah;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:—

ARTICLE 1.

The presence on board of a vessel of domestic slaves in attendance on or in discharge of the legitimate business of their masters, or of slaves *bonâ fide*

employed in the navigation of the vessel, shall in no case of itself justify the seizure and condemnation of the vessel, provided that such slaves are not detained on board against their will. If any such slaves are detained on board against their will they shall be freed, but the vessel shall, nevertheless, not on that account alone be condemned.

ARTICLE 2.

All vessels found conveying slaves (other than domestic slaves in attendance on or in the discharge of the legitimate business of their masters, or slaves *bonâ fide* employed in the navigation of the vessels) to or from any part of His Highness's dominions, or of any foreign country, whether such slaves be destined for sale or not, shall be deemed guilty of carrying on the slave trade, and may be seized by any of Her Majesty's ships of war and condemned by any British Court exercising Admiralty jurisdiction.

ARTICLE 3.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Zanzibar as soon as possible.*

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at London the fourteenth day of July in the year of Grace one thousand eight hundred and seventy-five.

L. S. DERBY.

L. S. NASIR-BIN-SAID-ABDALLAH.

* This is ratified.

L. S. BARGHASH-BIN-SAID.

RATIFICATION.

We having seen and considered the Treaty aforesaid, have approved, accepted, and confirmed the same in all and every one of its articles and clauses, as we do by these presents approve, accept, confirm, and ratify it for ourselves, our heirs and successors, engaging and promising upon our Royal

* The Sultan of Zanzibar's Ratification is attached to the original Treaty. That of Her Majesty was delivered to the Sultan in Zanzibar on 20th September 1875.

word that we will sincerely and faithfully perform and observe all and singular the things which are contained and expressed in the Treaty aforesaid, and that we will never suffer the same to be violated by any one or transgressed in any manner as far as it lies in our power. For the greater testimony and validity of all which, we have caused the Great Seal of our United Kingdom of Great Britain and Ireland to be affixed to these presents which we have signed with our Royal hand. Given at our Court at Osborne the twenty-fourth day of July in the year of our Lord eighteen hundred and seventy-five and in the thirty-ninth year of our reign.

(Sd.) VICTORIA R.

On the 20th September 1875 the above Ratification was given in due form to His Highness Syud Barghash at Zanzibar in exchange for His Highness's Ratification attached to the original Treaty.

(Sd.) JOHN KIRK,

H. M.'s Agent and Consul-General.

No. CII.

PROCLAMATION by the SULTAN of ZANZIBAR, forbidding the CONVEYANCE of SLAVES by LAND—1876.

In the name of God, the Merciful, the Compassionate!

Seal of H. H. Seyed Barghash.

From BARGHASH BIN SAEED BIN SULTAN.

To all whom it may concern of our friends on the mainland of Africa the Island of Pemba, and elsewhere.

Whereas in disobedience of our orders and in violation of the terms of our treaties with Great Britain, slaves are being constantly conveyed by land from Kilwa for the purpose of being taken to the Island of Pemba. Be it known that we have determined to stop, and by this order do prohibit, all conveyance of slaves by land under any conditions: and we have instructed

our Governors on the coast to seize and imprison those found disobeying this order and to confiscate their slaves.

Published the 22 of Rabea el Awal 1293

(being equivalent to 18th April 1876).

True translation.

(Sd.) JOHN KIRK,

H. M.'s Agent and Consul-General.

No. CIII.

PROCLAMATION by the SULTAN of ZANZIBAR, forbidding the ARRIVAL and FITTING out of SLAVE CARAVANS—1876.

In the name of God, the Merciful, the Compassionate!

Seal of H. H. Seyed Barghash.

From BARGHASH BIN SAEED BIN SULTAN.

To all whom it may concern of our friends on the mainland of Africa and elsewhere.

Whereas slaves are being brought down from the lands of Nyassa, of the Yao and other parts to the coast, and there sold to dealers, who take them to Pemba, against our orders and the terms of the treaties with Great Britain. Be it known that we forbid the arrival of slave caravans from the interior, and the fitting out of slave caravans by our subjects, and have given our orders to our Governors accordingly, and all slaves arriving at the coast will be confiscated.

Published the 22 of Rabea el Awal 1293

(being equivalent to 18th April 1876).

True translation.

(Sd.) JOHN KIRK,

H. M.'s Agent and Consul-General.

No. CIV.

Treaty of Friendship, Commerce, and Navigation between Her Majesty and His Highness the Sultan of Zanzibar.

Signed at Zanzibar, 30th April 1886.

(Ratifications exchanged at Zanzibar, 17th August 1886.)

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Highness the Saiyid Barghash-bin-Saiyid, Sultan of Zanzibar, being desirous to confirm and strengthen the friendly relations which now subsist between the two countries, and to promote and extend their commercial relations, have named as their Plenipotentiaries to conclude a treaty for this purpose, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir John Kirk, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Her Britannic Majesty's Agent and Consul-General at Zanzibar;

And His Highness the Sultan of Zanzibar, his Chief Secretary Muhammad bin-Salim-bin-Muhammad-el-Mauli;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

Article 1.

There shall be perpetual peace and amity between the two High Contracting Parties and their subjects.

Article 2.

Subjects of Her Britannic Majesty shall enjoy, immediately and unconditionally, throughout the dominions of His Highness the Sultan of Zanzibar, with respect to commerce, shipping, and the exercise of trade, as in every other respect, all the rights, privileges, immunities, advantages, and protection of whatsoever nature which are, or hereafter may be, enjoyed by or accorded to the subjects or citizens of the most favoured nation.

They shall more especially not be liable to other or more onerous duties, imposts, restrictions, or obligations of whatever description than those to which subjects or citizens of the most favoured nation now are, or hereafter may be, subjected.

The rights of the most favoured nation shall also be accorded to subjects of His Highness the Sultan of Zanzibar within the territories of Her Britannic Majesty.

ARTICLE 3.

The High Contracting Parties acknowledge the right of appointing Consular officers to reside in each other's dominions, wherever this may be deemed to be desirable in the interest of commerce or otherwise, and such Consular Officers, together with their Assistants and those in their service, shall enjoy, with regard to their persons and houses, and also in the exercise of their official duties, in addition to the rights herein stipulated, the same honours and privileges as are, or in future shall be, enjoyed by Consular Officers of the most favoured nation. In event of a riot or other disturbance of the public peace, His Highness the Sultan shall provide the British Consular Officers, at their request, with a guard in order to guarantee their safety and the inviolability of the Consular office and dwelling, and shall, at the request of a British Consular Officer, place the police force at his disposal to assist in effecting arrests or in the execution of his official duties.

ARTICLE 4.

There shall be perfect freedom of commerce and navigation between the High Contracting Parties; each shall allow the subjects of the other to enter all ports, creeks, and rivers with their vessels and cargoes, also to travel, reside, pursue commerce, and trade, whether wholesale or retail, in each other's dominions, and therein to hire, purchase, and possess houses, warehouses, shops, stores, and lands. British subjects shall everywhere be freely permitted, whether personally or by agent, to bargain for, buy, barter, and sell all kinds of goods, articles of import or native production, whether intended for sale within the dominions of His Highness or for export, and to arrange with the owner or his agent regarding the price of all such goods and produce without interference of any sort on the part of the authorities of His Highness.

His Highness the Sultan of Zanzibar binds himself not to allow or recognize the establishment of any kind of monopoly or exclusive privilege of trade within his dominions to any Government, Association, or individual.

ARTICLE 5.

Subjects of Her Britannic Majesty shall be permitted, throughout the dominions of His Highness the Sultan, to acquire, by gift, purchase, intestate succession, or under will, or in any other legal manner, land, houses, and property of every description, whether movable or immovable, to possess the same, and freely to dispose thereof by sale, barter, donation, will, or otherwise.

ARTICLE 6.

With a view to facilitate commerce and for the purpose of regulating and securing the revenue which His Highness the Sultan now derives from the customs and other duties levied on foreign merchandize and on inland produce, the following Regulations contained in Articles 7, 8, 9, 10, 11, and 12 have been agreed upon.

ARTICLE 7.

His Highness the Sultan shall be permitted to levy a duty of entry not exceeding 5 per cent. on the value of all goods and merchandize, of whatever description, imported by sea from foreign countries, and landed at any port in the islands or on the coast of the mainland of Africa within the dominions of His Highness. This duty shall be paid at that port in His Highness's dominions where the goods are first landed, and on payment thereof such goods shall thereafter be exempt, within the Zanzibar dominions, from all other customs duties or taxes levied by or on behalf of the Government of His Highness the Sultan, by whatever names these may be designated, and no higher import duty shall be claimed from British subjects than that which is paid by subjects or citizens of the most favoured nation.

This duty once paid shall cover, from all other charges on the part of His Highness the Sultan, goods of whatever description coming from foreign countries by sea, whether these are intended for local consumption or for transmission elsewhere, in bulk or otherwise, and whether they remain in the state in which they are imported or have been manufactured.

Spirits and spirituous liquors of all kinds imported into the dominions of His Highness the Sultan from abroad shall be subject to an entry or import duty of 25 per cent. *ad valorem*. Beer and wines containing less than 20 per cent. by volume of alcohol are not to be considered or classed as spirituous liquors within the meaning of this Article. These latter, therefore, remain subject to the common entry duty of 5 per cent. *ad valorem*.

There shall, however, be exempted from payment of all duty the following, namely :—

1. All goods and merchandize which, being destined for a foreign port, are transhipped from one vessel to another in any of the ports of His Highness the Sultan of Zanzibar, or which have been for this purpose provisionally landed and deposited in any of the Zanzibar custom-houses to await the arrival of a vessel in which to be reshipped abroad. But goods and merchandize so landed shall be exempted only provided that the consignee or his agent shall have, on the arrival of the ship, handed over the said goods to be kept under Customs seal, and declared them as landed for transhipment, designating at the same time the foreign port of destination; and also provided that the said goods are actually shipped for the same foreign port as originally declared, within a period not exceeding six months after their first landing, and without having in the interval changed owners.

2. All goods and merchandize which, not being consigned to a port within the dominions of the Sultan, have been inadvertently landed, provided that such goods and merchandize are reshipped on board of the same vessel and therein are transported abroad. Should however such goods or merchandize here spoken of be opened or removed from the custody of the Customs authorities, the full duty shall then be payable on the same.

3. Coals, naval provisions, stores and fittings, the property of Her Majesty's Government, landed in the dominions of His Highness tor the use of the ships of Her Majesty's Navy.

4. All goods and merchandize transhipped or landed for the repair of damage caused by stress of weather or other disasters at sea, provided the cargo so discharged shall be reshipped and taken away on board of the same vessel, or if the latter shall have been condemned, or her departure delayed, in any other.

5. Machines and implements for agricultural purposes; also all materials destined for the construction and maintenance of roads, tramways or railroads; and generally all means of conveyance certified by the attestation of a British Consular Officer resident in Zanzibar dominions to be destined for countries inland and west of His Highness's dominions.

ARTICLE 8.

His Highness the Sultan is further permitted to levy a special export duty, but only on the articles and to the amount hereafter stated, on such merchandize and native products coming from his own dominions, or from the interior of Africa, as are included in the annexed Tariff.

This special duty to be levied by and on behalf of His Highness the Sultan shall be paid (if such has not been previously done) at all events previous to the shipment of these articles out of the dominions of His Highness the Sultan. No distinction shall be made whether the said goods and native produce have their origin within the dominions of His Highness the Sultan or come from districts of the African Continent beyond His Highness's frontiers.

But if the special duty on goods and produce above referred to has once been paid, the latter, whether in a raw or manufactured state, shall not be again taxed with other duties or imposts levied by or on behalf of the Government of His Highness the Sultan, but may thereafter be relanded free at any port in the dominions of His Highness and be exported without further charge, always provided that they have not previously been landed and manufactured in a foreign country.

The High Contracting Parties reserve to themselves the right to claim a revision of the annexed special Tariff, after successive terms of five years, to begin to reckon from the day of the exchange of the ratifications of the Treaty, in order to allow of such alteration, additions, or amendments being made as experience may have shown to be necessary or desirable.

ARTICLE 9.

It is fully understood by the High Contracting Parties that the special duties referred to in Article 8 to be levied on behalf of His Highness the Sultan shall be in lieu of and as equivalent for—

1. The monopoly rights, which until now His Highness has been authorized by former treaties to exercise over ivory and copal coming from certain districts on the coast. The taxes until now charged on these articles as monopoly taxes shall therefore cease and be abolished.

2. The duty of 5 per cent. *ad valorem*, or in kind, now levied on goods and produce of the dominions of His Highness the Sultan, and of the interior of Africa, at the first port of His Highness's dominions where such goods happen to be landed, and also the additional taxes which His Highness has for some time levied on certain goods or produce under the denomination of native taxes, are abolished and shall cease.

It is understood that such other goods, merchandize, and produce brought by land from those districts of the African Continent to the west of the dominions of His Highness as are not included in the special Tariff now agreed upon are not liable for duty of any description; they shall, on entering, leaving, and while within the dominions of His Highness, be free from all duties, taxes, and customs of His Highness's Government.

It is also agreed between the High Contracting Parties that British subjects are not liable to be taxed by or on behalf of His Highness the Sultan, or his authorities, with any other duties, customs, or taxes than those before specified in Articles 7 and 8, whether for their persons, houses, lands, or goods.

ARTICLE 10.

It is, however, agreed and understood by the High Contracting Parties that, in the event of an arrangement being entered into hereafter between His Highness and the Powers having Treaty relations with Zanzibar, and to which Great Britain shall be a consenting party, whereby vessels entering the port of Zanzibar shall be charged with shipping, tonnage, or harbour dues, such dues to be administered under the control of a special Board for the improvement of the harbour and construction and maintenance of lighthouses, &c., nothing in the aforementioned provisions shall be construed so as to exempt British vessels from payment of such shipping, harbour, or tonnage dues as may hereafter be agreed upon.

ARTICLE 11.

It shall be at the option of the British subject in each case to pay the percentage duties stipulated in Articles 7 and 8 either in cash or, if the nature of the goods allow of it, in kind, by giving up an equivalent amount of the goods or produce.

In the event of payment being made in cash, the value of the merchandize, goods, or produce on which duty is to be levied shall be fixed according to the ready-money market price ruling at the time when the duty is levied. In the case of foreign imports the value shall be fixed according to the market price at Zanzibar, and in that of native goods and produce by the market price at the place where the merchant shall choose to pay the duty.

In the event of any dispute arising between a British subject and the Custom-house authorities regarding the value of such goods, this shall be determined by reference to two experts, each party nominating one, and the value so ascertained shall be decisive. Should however these experts not be able to agree they shall choose an umpire, whose decision is to be considered final.

ARTICLE 12.

His Highness the Sultan of Zanzibar engages by the present Treaty to provide, and give orders to his officials, that the movement of goods in transit shall not be obstructed or delayed in a vexatious manner by unnecessary Customs formalities and regulations, and that every facility will be given for their transport by land and river, and that, as far as is consistent with the special provisions of this Treaty, the principles approved of by the Congo Conference shall be carried out.

His Highness further undertakes to see that a Custom-house answering all requirements of commerce be erected at Zanzibar, with stores secure against fire, decay or theft, for the protection of the goods placed therein. The conditions under which goods shall be stored, and the charges to be levied on account thereof, shall be subject to future agreement between His Highness the Sultan and the Representatives of the several Treaty Powers.

ARTICLE 13.

British vessels entering a port in the dominions of His Highness the Sultan of Zanzibar in distress shall receive from the local authorities all necessary aid to enable them to revictual and refit so as to proceed on their voyage.

Should a British vessel be wrecked off the coast of the mainland, or on one of the islands of His Highness's dominions, the authorities of His Highness shall render all assistance in their power to the distressed vessel, in order to save the ship, her cargo, and those on board; they shall also give aid and protection to persons saved, and shall assist them in reaching the nearest British Consulate; they shall further take every possible care that the goods so recovered are safely stored and kept for the purpose of being handed over to the owner, captain, agent of the ship, or British Consul, subject always to rights of salvage.

His Highness's authorities shall further see that the nearest British Consulate is at once informed of such disaster having occurred.

Should a British vessel wrecked on the coast of the mainland or islands, within the dominions of the Sultan of Zanzibar, be plundered, the authorities of His Highness shall, as soon as they come to know thereof, render prompt assistance and take measures to pursue and punish the robbers and recover the stolen property. Likewise, should a vessel of His Highness the Sultan of Zanzibar, or of one of his subjects, enter a British port in distress, or be wrecked off the coast of Her Majesty's dominions, the like help and assistance shall be rendered by the British authorities.

ARTICLE 14.

Should sailors or others belonging to a British ship of war, or merchant vessel, desert and take refuge on shore or on board of any of His Highness's ships, the authorities of His Highness the Sultan of Zanzibar shall, upon

request of a Consular official, or in his absence of the captain of the ship, take the necessary steps in order to have them arrested and delivered over to the Consular official or to the captain.

In this, however, the Consular Officer and captain shall render every assistance.

So also the authorities of His Highness the Sultan, in case of men deserting from ships of His Highness the Sultan, or of his subjects, and who have taken refuge on board of a British vessel in harbour, or in the house of a British subject on shore in Zanzibar, may apply to a British Consular official, or in his absence to the captain or house occupant, who, unless there is reason to the contrary, shall take the necessary steps to cause them to quit the vessel or premises for the purpose of being returned to the captain or the Sultan's authorities.

ARTICLE 15.

In the event of goods or produce the property of or consigned to a British subject being seized as having been landed or passed under a false declaration and for the purpose of fraudulently evading payment of any duty or tax, the matter shall be immediately brought to the notice of the nearest British Consular authority, who shall thereupon enquire into the circumstances, and make such order therein as he shall see fit, with power to condemn and confiscate, either in whole or in part, for the benefit of His Highness the Sultan, the goods so seized, and, in addition, to punish the offender, if a British subject, with fine, which fine, if any, shall be paid over to His Highness.

ARTICLE 16.

Subjects of Her Britannic Majesty shall, as regards their person and property, enjoy within the dominions of His Highness the Sultan of Zanzibar the rights of exterritoriality.

The authorities of His Highness the Sultan have no right to interfere in disputes between subjects of Her Britannic Majesty amongst themselves, or between them and members of other Christian nations; such questions, whether of a civil or criminal nature, shall be decided by the competent Consular authorities. The trial, and also the punishment, of all offences and crimes of which British subjects may be accused within the dominions of His Highness the Sultan, also the hearing and settlement of all civil questions, claims, or disputes in which they are the defendants, is expressly reserved to the British Consular authorities and Courts, and removed from the jurisdiction of His Highness the Sultan.

Should disputes arise between a subject of His Highness the Sultan, or other non-Christian Power not represented by Consuls at Zanzibar, and a subject of Her Britannic Majesty, in which the British subject is the plaintiff or the complainant, the matter shall be brought before and decided by the highest authority of the Sultan, or some person specially delegated by him for this purpose. The proceedings and final decision in such a case shall not,

however, be considered legal unless notice has been given and an opportunity afforded for the British Consul or his substitute to attend at the hearing and final decision.

ARTICLE 17.

Subjects of His Highness the Sultan or any non-Christian nation not represented by Consuls at Zanzibar, who are in the regular service of British subjects, within the dominions of His Highness the Sultan of Zanzibar, shall enjoy the same protection as British subjects themselves. Should they be charged with having committed a crime or serious offence punishable by law, they shall, on sufficient evidence being shown to justify further proceedings, be handed over by their British employers or by order of the British Consuls to the authorities of His Highness the Sultan for trial and punishment.

ARTICLE 18.

Should a subject of Her Majesty, residing in the dominions of His Highness the Sultan of Zanzibar, be adjudicated bankrupt, the British Consul shall take possession of, recover, and realize all available property and assets of such bankrupt, to be dealt with and distributed according to the provisions of British Bankruptcy Law.

ARTICLE 19.

Should a subject of His Highness the Sultan of Zanzibar resist or evade payment of the just and rightful claims of a British subject, the authorities of His Highness the Sultan shall afford to the British creditor every aid and facility in recovering the amount due to him. In like manner the British Consul shall afford every aid and facility to subjects of His Highness the Sultan of Zanzibar in recovering debts justly due to them from a British subject.

ARTICLE 20.

Should a British subject die within the dominions of His Highness the Sultan of Zanzibar, or, dying elsewhere, leave property therein, movable or immovable, the British Consul shall be authorized to collect, realize, and take possession of the estate of the deceased, to be disposed of according to the provisions of British law.

ARTICLE 21.

The houses, dwellings, warehouses, and other premises of British subjects, or of persons actually in their regular service, within the dominions of His Highness the Sultan of Zanzibar, shall not be entered or searched, under any pretext, by the officials of His Highness without the consent of the occupier, unless with the cognizance and assistance of the British Consul or his substitute.

ARTICLE 22.

It is hereby agreed between the two High Contracting Parties that, in the event of an agreement being hereafter arrived at between His Highness

the Sultan of Zanzibar and the various Powers with which His Highness shall be in Treaty relations, including Great Britain, which must be a consenting party, whereby the residents of a district or town shall, without distinction of nationality, be made subject to the payment of local taxes for municipal and sanitary purposes, the same to be fixed and administered by or under the control of a special Board, nothing contained in this Treaty shall be understood so as to exempt British residents from the payment of such taxes.

ARTICLE 23.

Subjects of the two High Contracting Parties shall, within the dominions of each other, enjoy freedom of conscience and religious toleration. The free and public exercise of all forms of religion, and the right to build edifices for religious worship, and to organize religious missions of all creeds, shall not be restricted or interfered with in any way whatsoever.

Missionaries, scientists, and explorers, with their followers, property and collections, shall likewise be under the especial protection of the High Contracting Parties.

ARTICLE 24.

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty so far as the laws permit, excepting to those hereinafter named, that is to say, except to—

The Dominion of Canada,
Newfoundland,
The Cape,
Natal,
New South Wales,
Victoria,
Queensland,
Tasmania,
South Australia,
Western Australia,
New Zealand,

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative in Zanzibar to His Highness the Sultan within two years from the date of the exchange of the ratifications of the present Treaty.

ARTICLE 25.

The present Treaty has been executed in quadruplicate, two copies being written in English and two in Arabic. These are understood to be of similar

import and signification; in the event, however, of doubt hereafter arising as to the proper interpretation of the English or Arabic text of one or other of the Treaty stipulations, the English text shall be considered decisive. The Treaty shall come into operation on the first day of the next Zanzibar financial year, or, if the ratifications have not been previously exchanged, within one month after the date when this may take place.

ARTICLE 26.

The present Treaty shall remain in force for a period of fifteen years, to reckon from the day of the exchange of ratifications.

It shall be competent for the High Contracting Parties thereafter to move for a revision of the present Treaty, in order to allow of such alterations, additions, or amendments as experience may have shown to be necessary or desirable; but such a motion must be notified by the party claiming a revision one year previous to the expiration of the present Treaty, otherwise what is herein agreed upon shall be considered binding upon both parties for a further period of ten years.

ARTICLE 27.

The present Treaty shall be ratified and the ratifications exchanged at Zanzibar as soon as possible.

In faith whereof the respective Plenipotentiaries have signed this Treaty, and have affixed thereto their seals.

Done in quadruplicate, in the English and Arabic languages, at Zanzibar, the 30th day of April, in the year of our Lord 1886, corresponding with the 25th day of Rejeb of the year of the Hejira 1303.

[L.S] JOHN KIRK.

[L.S.] Signature in Arabic.

TARIFF.

TARIFF of the special duties referred to in the body of the TREATY which HIS HIGHNESS the SULTAN of ZANZIBAR shall be entitled to levy on such merchandize and produce as are herein named brought to the ports in His Highness's dominions, whether from his own territories or from districts on the African Continent which lie beyond.

1. Ivory	15	per cent.	*ad valorem.*
2. Copal	15	„	„
3. India-rubber	15	„	„
4. Cloves, without distinction as to origin	30	„	„
5. Semsem	12	„	„
6. Orchilla weed coming from the districts between Kismayu and Warsheikh, both ports included	5	„	„
From all other districts	10	„	„
7. Ebony	5	„	„

TARIFF—*contd.*

8.	Borties (Zanzibar poles and rafters)	10 per cent.	*ad valorem.*
9.	Hides	10 „	„
10.	Rhinoceros horn and hippopotamus teeth	10 „	„
11.	Tortoise shell	10 „	„
12.	Cowry shells	5 „	„
13.	Native tobacco	25 „	„
14.	Chillies	10 „	„
15.	Ground nuts	12 „	„
		Dol. c.	
16.	Indian corn, Caffre corn, mawele, lentils, and all other similar grains and legumes	0 35	per gizla.*
17.	Rice in husk	0 25	„
18.	Chiroko	1 10	„
19.	Camels	2 00	each.
	Horses	10 00	„
	Cattle	1 00	„
	Sheep and goats	0 25	„

Explanatory Note.

It is fully understood by the High Contracting Parties that—

1. Merchandize and produce of all kinds, originating whether within the Sultanate of Zanzibar or from the territories to the west of His Highness's dependencies on the mainland of Africa, and which are not mentioned in this Tariff, shall be free of any duty.

2. That merchandize and produce included in the special Tariff, imported by sea from a foreign port into the dominions of His Highness the Sultan, shall be liable to pay the import duty of 5 per cent. *ad valorem* only, as is provided in this Treaty.

3. That should Her Majesty's Government think fit, the produce of estates held by British subjects within the dominions of His Highness the Sultan of Zanzibar previous to the conclusion of this Treaty shall be in no way affected by any of the provisions thereof; but a list of such estates shall in such case be prepared and agreed to.

(Signed) JOHN KIRK.
(Signed) SIGNATURE IN ARABIC.

No. CV.

DECREE OF THE SULTAN OF ZANZIBAR, IN THE NAME OF GOD, THE MERCIFUL, THE COMPASSIONATE—1890.

The following Decree is published by us, Seyyed Ali bin Sa'id, Sultan of Zanzibar, and is to be made known to, and to be obeyed by, all our subjects within our dominions from this date:—

* This shall be a measure containing 360 lbs. weight of Caffre corn.

Decree.

1. We hereby confirm all former decrees and ordinances made by our predecessors against slavery and the slave trade and declare that, whether such decrees have hitherto been put in force or not, they shall for the future be binding on ourselves and on our subjects.

2. We declare that, subject to the conditions stated below, all slaves lawfully possessed on this date by our subjects shall remain with their owners as at present. Their status shall be unchanged.

3. We absolutely prohibit, from this date, all exchange, sale, or purchase of slaves, domestic or otherwise. There shall be no more traffic whatever in slaves of any description. Any houses heretofore kept for traffic in domestic slaves by slave brokers shall be for ever closed, and any person found acting as a broker for the exchange or sale of slaves shall be liable, under our orders, to severe punishment and to be deported from our dominions. Any Arab, or other of our subjects, hereafter found exchanging, purchasing, obtaining, or selling domestic or other slaves shall be liable, under our orders, to severe punishment, to deportation, and the forfeiture of all his slaves. Any house in which traffic of any kind in any description of slave may take place shall be forfeited.

4. Slaves may be inherited at the death of their owner only by the lawful children of the deceased. If the owner leaves no such children, his slaves shall *ipso facto* become free on the death of their owner.

5. Any Arab, or other of our subjects, who shall habitually ill-treat his slaves, or shall be found in the possession of raw slaves, shall be liable, under our orders, to severe punishment and, in flagrant cases of cruelty, to the forfeiture of all his slaves.

6. Such of our subjects as may marry persons subject to British jurisdiction, as well as the issue of all such marriages, are hereby disabled from holding slaves, and all slaves of such of our subjects as are already so married are now declared to be free.

7. All our subjects who, once slaves, have been freed by British authority, or who have long since been freed by persons subject to British jurisdiction, are hereby disabled from holding slaves, and all slaves of such persons are now declared to be free.

All slaves who, after the date of this decree, may lawfully obtain their freedom are for ever disqualified from holding slaves under pain of severe punishment.

8. Every slave shall be entitled, as a right, at any time henceforth to purchase his freedom at a just and reasonable tariff to be fixed by ourselves and our Arab subjects. The purchase-money on our order shall be paid by the slave to his owner before a Kadi, who shall at once furnish the slave with a paper of freedom, and such freed slaves shall receive our special protection against ill-treatment. This protection shall also be specially extended to all slaves who may gain their freedom under any of the provisions of this Decree.

9. From the date of this Decree every slave shall have the same rights as any of our other subjects who are not slaves, to bring and prosecute any complaints or claims before our Kadis.

Given under our hand and seal this 15th day of El Hej 1307 at Zanzibar (1st August A.D. 1890).

(Signed) ALI-BIN-SA'ID,
Sultan of Zanzibar.

Seal.

APPENDICES.

TURKISH ARABIA.

APPENDIX No. 1.—*Page 1.*

CAPITULATIONS AND ARTICLES OF PEACE *between Great Britain and the Ottoman Empire, as agreed upon, augmented, and altered at different periods, and finally confirmed by the Treaty of Peace concluded at the Dardanelles, in 1809*.*

SULTAN MEHEMED,

MAY HE LIVE FOR EVER!

"Let everything be observed in conformity to these Capitulations, and contrary thereto let nothing be done."

The command, under the sublime and lofty Signet, which imparts sublimity to every place, and under the Imperial and noble Cypher, whose glory is renowned throughout all the world, by the Emperor and Conqueror of the earth, achieved with the assistance of the Omnipotent, and by the special grace of God, is this:

We, who by Divine grace, assistance, will and benevolence, now are the King of Kings of the world, the Prince of Emperors and of every age, the Dispenser of Crowns to Monarchs, and the Champion Sultan Mehemed, Son of Sultan Ibrahim Chan, Son of Sultan Ahmed Chan, Son of Sultan Mahomet Chan, Son of Sultan Murad Chan, Son of Sultan Selim Chan, Son of Sultan Solyman Chan, Son of Sultan Selim Chan.

The most glorious amongst the great Princes professing the faith of Jesus, and the most conspicuous amongst the Potentates of the nation of the Messiah, and the umpire of public differences that exist between Christian nations, clothed with the mantle of magnificence and majesty, Charles the Second, King of England, Scotland, France, and Ireland (whose end terminate in bliss!) having sent an Ambassador to the Sublime Porte in the time of our grandfather Sultan Murad (whose tomb be ever resplendent!), of glorious memory and full of divine mercy and pity, with professions of friendship, sincerity, devotion, partiality and benevolence, and demanding that His subjects might be at liberty to come and go into these parts, which permission was granted to them in the reign of the Monarch aforesaid, in addition to various other special commands, to the end that on coming and going, either by land or sea, in their way, passage and lodging, they might not experience any molestation or hinderance from any one.

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* As published by the Levant Company, 1816.

He represented, in the reign of our grandfather Sultan Mehemed Chan (whose tomb be ever resplendent !), to our just and overshadowing Porte, His cordial esteem, alliance, sincere friendship and partiality thereto. As such privilege, therefore, had been granted to the Kings and Sovereigns of France, Venice and Poland, who profess the most profound devotion for our most eminent throne, and to others between whom and the Sublime Porte there exists a sincere amity and good understanding, so was the same, through friendship, in like manner granted to the said King; and it was granted Him that His subjects and their interpreters might safely and securely come and trade in these our sacred Dominions.

The Capitulations of sublime dignity and our noble commands having been, through friendship, thus granted to the Kings aforesaid, and the Queen of the above-mentioned Kingdoms having heretofore also sent a noble personage with presents to this victorious Porte, which is the refuge and retreat of the Kings of the world, the most exalted place, and the asylum of the Emperors of the universe (which gifts were graciously accepted), and She having earnestly implored the privilege in question, Her entreaties were acceded to, and these our high commands conceded to Her.

1. That the English nation and merchants, and all other merchants sailing under the English flag, with their ships and vessels, and merchandize of all descriptions, shall and may pass safely by sea, and go and come into our Dominions without any the least prejudice or molestation being given to their persons, property, or effects by any person whatsoever, but that they shall be left in the undisturbed enjoyment of their privileges, and be at liberty to attend to their affairs.

2. That if any of the English coming into our Dominions by land be molested or detained, such persons shall be instantly released without any further obstruction being given to them.

3. That English ships and vessels entering the ports and harbours of our Dominions shall and may at all times safely and securely abide and remain therein, and at their free will and pleasure depart therefrom, without any opposition or hinderance from any one.

4. That if it shall happen that any of their ships suffer by stress of weather, and not be provided with necessary stores and requisites, they shall be assisted by all who happen to be present, whether the crews of ourm Imperial ships or others, both by sea and land.

5. That being come into the ports and harbours of our Dominions, they shall and may be at liberty to purchase at their pleasure, with their own money, provisions and all other necessary articles, and to provide themselves with water without interruption or hinderance from any one.

6. That if any of their ships be wrecked upon any of the coasts of our Dominions, all Beys, Cadis, Governors, Commandants, and others our servants, who may be near or present, shall give them all help, protection and assistance, and restore to them whatsoever goods and effects may be driven ashore; and in the event of any plunder being committed, they shall

make diligent search and inquiry to find out the property, which, when recovered, shall be wholly restored by them.

7. That the merchants, interpreters, brokers, and others, of the said nation shall and may, both by sea and land, come into our Dominions, and there trade with the most perfect security; and in coming and going, neither they nor their attendants shall receive any the least obstruction, molestation or injury, either in their persons or property, from the Beys, Cadis, Sea-captains, soldiers, and others our slaves.

8. That if an Englishman, either for his own debt, or as surety for another, shall abscond or become bankrupt, the debt shall be demanded from the real debtor only; and unless the creditor be in possession of some security given by another, such person shall not be arrested, nor the payment of such debt be demanded of him.

9. That in all transactions, matters, and business occurring between the English and merchants of the countries to them subject, their attendants, interpreters and brokers, and any other persons in our dominions, with regard to sales and purchases, credits, traffic or security, and all other legal matters, they shall be at liberty to repair to the Judge, and there make a hoget, or public authentic act, with witness, and register the suit, to the end that if in future any difference or dispute shall arise, they may both observe the said register and hoget; and when the suit shall be found conformable thereto, it shall be observed accordingly.

Should no such hoget, however, have been obtained from the Judge, and false witnesses only are produced, their suit shall not be listened to, but justice be always administered according to the legal hoget.

10. That if any shall calumniate an Englishman, by asserting that he hath been injured by him, and producing false witnesses against him, our Judges shall not give ear unto them, but the cause shall be referred to his Ambassador in order to his deciding the same, and that he may always have recourse to his protection.

11. That if an Englishman, having committed an offence, shall make his escape, no other Englishman, not being security for him, shall, under such pretext, be taken or molested.

12. That if an Englishman, or subject of England, be found to be a slave in our States, and be demanded by the English Ambassador or Consul, due inquiry and examination shall be made into the causes thereof, and such person being found to be English shall be immediately released and delivered up to the Ambassador or Consul.

13. That all Englishmen and subjects of England, who shall dwell or reside in our Dominions, whether they be married or single, artisans or merchants, shall be exempt from all tribute.

14. That the English Ambassadors shall and may, at their pleasure, establish Consuls in the ports of Aleppo, Alexandria, Tripoli, Barbary, Tunis, Tripoli of Syria and Barbary, Scio, Smyrna and Egypt, and in like manner remove them, and appoint others in their stead, without any one opposing them.

15. That in all litigations occurring between the English, or subjects of England, and any other persons, the Judges shall not proceed to hear the cause without the presence of an Interpreter, or one of his deputies.

16. That if there happen any suit, or other difference or dispute, amongst the English themselves, the decision thereof shall be left to their own Ambassador or Consul, according to their custom, without the Judge or other Governors our slaves intermeddling therein.

17. That our ships and galleys, and all other vessels, which may fall in with any English ships in the seas of our Dominions shall not give them any molestation, nor detain them by demanding anything, but shall show good and mutual friendship the one to the other without occasioning them any prejudice.

18. That all the Capitulations, privileges, and Articles granted to the French, Venetian, and other Princes, who are in amity with the Sublime Porte, having been in like manner, through favour, granted to the English, by virtue of our special command, the same shall be always observed according to the form and tenor thereof, so that no one in future do presume to violate the same, or act in contravention thereof.

19. That if the corsairs or galliots of the Levant shall be found to have taken any English vessels, or robbed or plundered them of their goods and effects, also if any one shall have forcibly taken anything from the English, all possible diligence and exertion shall be used and employed for the discovery of the property, and inflicting condign punishment on those who may have committed such depredations; and their ships, goods, and effects shall be restored to them without delay or intrigue.

20. That all our Beglerbeys, Imperial and private Captains, Governors, Commandants, and other Administrators, shall always strictly observe the tenor of these Imperial Capitulations, and respect the friendship and correspondence established on both sides, every one in particular taking special care not to let anything be done contrary thereto; and as long as the said Monarch shall continue to evince true and sincere friendship, by a strict observance of the Articles and conditions herein stipulated, these Articles and conditions of peace and friendship shall, in like manner, be observed and kept on our part. To the end, therefore, that no act might be committed in contravention thereof, certain clear and distinct Capitulations were conceded in the reign of our late grandfather, of happy memory (whose tomb be ever resplendent!)

Since which, in the time of our said grandfather, of happy memory, Sultan Ahmed (whose tomb be blessed!), James, King of England, sent an Ambassador with letters and presents (which were accepted), and requested that the friendship and good understanding which existed between Him and the Porte in the days of our grandfather, of happy memory, as also the stipulations and conditions of the august Capitulations, might be ratified and confirmed and certain Articles added thereto, which request being represented to the Imperial Throne, express commands were given that, in consideration of the existing friendship and good understanding, and in

conformity to the Capitulations conceded to other Princes in amity with the Sublime Porte, the Articles and stipulations of the sacred Capitulations should be renewed and confirmed, and the tenor thereof be for ever observed; and amongst the Articles added to the Capitulations conceded by the command aforesaid, at the request of the said King, were the following:

21. That duties shall not be demanded or taken of the English, or the merchants sailing under the flag of that nation, on any piastres and sequins they may import into our sacred Dominions, or on those they may transport to any other place.

22. That our Beglerbeys, Judges, Defterdars, and Masters of the mint shall not interpose any hinderance or obstacle thereto, by demanding either dollars or sequins from them, under the pretence of having them recoined and exchanged into other money, nor shall give them any molestation or trouble whatever with regard thereto.

23. That the English nation, and all ships belonging to places subject thereto, shall and may buy, sell, and trade in our sacred Dominions, and (except arms, gunpowder, and other prohibited commodities) load and transport in their ships every kind of merchandize, at their own pleasure, without experiencing any the least obstacle or hinderance from any one; and their ships and vessels shall and may at all times safely and securely come, abide, and trade in the ports and harbours of our sacred Dominions, and with their own money buy provisions and take in water, without any hinderance or molestation from any one.

24. That if an Englishman, or other subject of that nation, shall be involved in any lawsuit or other affair connected with law, the Judge shall not hear nor decide thereon until the Ambassador, Consul, or Interpreter shall be present; and all suits exceeding the value of 4,000 aspers shall be heard at the Sublime Porte, and nowhere else.

25 That the Consuls appointed by the English Ambassador in our sacred Dominions, for the protection of their merchants, shall never, under any pretence, be imprisoned, nor their houses sealed up, nor themselves sent away; but all suits or differences in which they may be involved shall be represented to our Sublime Porte, where their Ambassadors will answer for them.

26. That in case any Englishman, or other person subject to that nation or navigating under its flag, should happen to die in our sacred Dominions, our fiscal and other officers shall not, upon pretence of its not being known to whom the property belongs, interpose any opposition or violence, by taking or seizing the effects that may be found at his death, but they shall be delivered up to such Englishman, whoever he may be, to whom the deceased may have left them by his will; and should he have died intestate, then the property shall be delivered up to the English Consul, or his representative, who may be there present; and in case there be no Consul, or Consular representative, they shall be sequestered by the Judge, in order to his delivering up the whole thereof, whenever any ship shall be sent by the Ambassador to receive the same.

27. That all the privileges and other liberties already conceded, or hereafter to be conceded, to the English and other subjects of that nation

sailing under their flag, by divers Imperial commands, shall be always obeyed, and observed, and interpreted in their favour, according to the tenor and true intent and meaning thereof; neither shall any fees be demanded by the fiscal Officers and Judges in the distribution of their property and effects.

28. That the Ambassadors and Consuls shall and may take into their service any Janizary or Interpreter they please without any other Janizary or other of our slaves intruding themselves into their service against their will and consent.

29. That no obstruction or hinderance shall be given to the Ambassadors, Consuls, and other Englishmen who may be desirous of making wine in their own houses for the consumption of themselves and families; neither shall the Janizaries our slaves, or others, presume to demand or exact anything from them, or do them any injustice or injury.

30. That the English merchants having once paid the customs at Constantinople, Aleppo, Alexandria, Scio, Smyrna, and other ports of our sacred Dominions, not an asper more shall be taken or demanded from them at any other place, nor shall any obstacle be interposed to the exit of their merchandize.

31. That having landed the merchandize imported by their ships into our secred Dominions, and paid in any port the customs thereon, and being obliged, from the impossibility of selling the same there, to transport them to another port, the Commandants or Governors shall not, on the landing of such merchandize, exact from them any new custom or duty thereon, but shall suffer them, freely and unrestrictedly, to trade without any molestation or obstruction whatsoever.

32. That no exercise or duty on animal food shall be demanded of the English or any subjects of that nation.

33. That differences and disputes having heretofore arisen between the Ambassadors of the Queen of England and King of France touching the affair of the Flemish merchants, and both of them having presented memorials at our Imperial stirrup, praying that such of the said merchants as should come into our sacred Dominions might navigate under their flag, hattisheriffs were granted to both parties; but the Captain Pacha, Sinan, the son of Cigala, now deceased, who was formerly Vizier, and well versed in maritime affairs, having represented that it was expedient that such privilege should be granted to the Queen of England, and that the Flemish merchants should place themselves under Her flag, as also the merchants of the four provinces of Holland, Zealand, Friesland and Guelderland, and all the other Viziers being likewise of opinion that they should all navigate under the Queen's flag, and, like all the other English, pay the consulage and other duties, as well on their own merchandize as on those of others loaded by them in their ships, to the Queen's Ambassadors or Consuls, it was, by express order and Imperial authority, accordingly commanded that the French Ambassador or Consul should never hereafter oppose or intermeddle herein, but in future act conformably to the tenor of the present Capitulation.

After which, another Ambassador arrived from the said Queen, with the gifts and presents sent by Her, which being graciously accepted, the said Ambassador represented that the Queen desired that certain other privileges might be added to the Imperial Capitulations, whereof he furnished a list, one of which was, that certain Capitulations having been granted in the days of our grandfather, of happy memory (whose tomb be ever blessed !), to the end that the merchants of Spain, Portugal, Ancona, Sicily, Florence, Catalonia, Flanders, and all other merchant-strangers, might go and come to our sacred Dominions, and manage their trade, it was stipulated, in such Capitulations, that they should be at liberty to appoint Consuls; but each nation being unable to defray the charge and maintenance of a Consul, they were left at liberty to place themselves under the flag of any of the Kings in peace and amity with the Sublime Porte, and to have recourse to the protection of any of their Consuls, touching which privilege divers commands and Capitulations were repeatedly granted, and the said merchants having, by virtue thereof, chosen to navigate under the English flag, and to have recourse in our harbours to the protection of the English Consuls, the French Ambassadors contended that the said merchant-strangers were entitled to the privilege of their Capitulations, and forced them to have recourse in all ports to their Consuls, which being represented by the said nations to our august tribunal, and their cause duly heard and decided, they were, for a second time, left to their free choice, when again having recourse to the protection of the English Ambassadors and Consuls, they were continually molested and opposed by the French Ambassador, which being represented by the English, with a request that we would not accept the Articles added to the French Capitulations respecting the nations of merchant-strangers, but that it should be again inserted in the Capitulations, that the said nations should, in the manner prescribed, have recourse to the protection of the English Consuls, and that hereafter they should never be vexed or molested by the French on this point, it was, by the Imperial authority, accordingly commanded that the merchants of the countries aforesaid, should, in the manner prescribed, have recourse to the protection of the English Ambassadors and Consuls, conformably to the Imperial commands to them conceded, and which particular was again registered in the Imperial Capitulations, *viz.*, that there should never be issued any commands contrary to the tenor of these Capitulations which might tend to the prejudice or breach of our sincere friendship and good understanding; but that on such occasions the cause thereof should first be certified to the Ambassador of England residing at our Sublime Porte, in order to his answering and objecting to anything that might tend to a breach of the Articles of peace.

34. That the English merchants, and other subjects of that nation, shall and may, according to their condition, trade at Aleppo, Egypt, and other ports of our sacred Dominions, on paying (according to ancient custom) a duty of three per cent. on all their merchandize, without being bound to the disbursement of an asper more.

35. That, in addition to the duty hitherto uniformly exacted on all merchandize, laden, imported, and transported in English ships, they shall also pay the whole of the consulage to the English Ambassadors and Consuls.

36. That the English merchants, and all others sailing under their flag, shall and may, freely and unrestrictedly, trade and purchase all sorts of merchandize (prohibited commodities alone excepted), and convey them, either by land or sea, or by way of the river Tanais, to the countries of Muscovy or Russia, and bring back from thence other merchandize into our sacred Dominions for the purposes of traffic, and also transport others to Persia and other conquered countries.

37. That such customs only shall be demanded on the said goods in the conquered countries as have always been received there without anything more being exacted.

38. That should the ships bound for Constantinople be forced by contrary winds to put into Caffa, or any other place of those parts, and not be disposed to buy or sell anything, no one shall presume forcibly to take out or seize any part of their merchandize, or give to the ships or crews any molestation, or obstruct the vessels that are bound to those ports; but our Governors shall always protect and defend them, and all their crews, goods and effects, and not permit any damage or injury to be done to them: and should they be desirous of purchasing, with their own money, any provisions in the places where they may happen to be, or of hiring any carts or vessels (not before hired by others) for the transportation of their goods, no one shall hinder or obstruct them therein.

39. That customs shall not be demanded or taken on the merchandize brought by them in their ships to Constantinople, or any other port of our sacred Dominions, which they shall not, of their own free-will, land with a view to sale.

40. That on their ships arriving at any port, and landing their goods and merchandizes, they shall and may, after having paid their duties, safely and securely depart without experiencing any molestation or obstruction from any one.

41. That English ships coming into our sacred Dominions, and touching at the ports of Barbary and of the Western Coast, used oftentimes to take on board pilgrims and other Turkish passengers with the intention of landing them at Alexandria and other ports of our sacred Dominions, on their arrival at which ports the Commandants and Governors demanded of them customs on the whole of their goods before they were landed, by reason of which outrage they have forborne receiving on board any more pilgrims, the more so as they were forced to take out of the ships that were bound to Constantinople the merchandize destined for other places, besides exacting the duties on those that were not landed: all English ships, therefore, bound to Constantinople, Alexandria, Tripoli or Syria, Scanderoon, or other ports of our sacred Dominions, shall in future be bound to pay duties, according to custom, on such goods only as they shall, of their own free-will, land with a view to sale; and for such merchandize as they shall not discharge, no custom or duty shall be demanded of them, neither shall the least molestation or hinderance be given to them, but they shall and may freely transport them wherever they please.

42. That in case any Englishman, or other person navigating under their flag, should happen to commit manslaughter, or any other crime, or be thereby involved in a lawsuit, the Governors in our sacred Dominions shall not proceed to the cause until the Ambassador or Consul shall be present, but they shall hear and decide it together without their presuming to give them any the least molestation, by hearing it alone, contrary to the holy law and these Capitulations.

43. That notwithstanding it is stipulated by the Imperial Capitulations that the merchandize laden on board all English ships proceeding to our sacred Dominions shall moreover pay consulage to the Ambassador or Consul for those goods on which customs are payable, certain Mahometan merchants, Sciots, Franks, and ill-disposed persons object to the payment thereof; wherefore it is hereby commanded that all the merchandize, unto whomsoever belonging, which shall be laden on board their ships, and have been used to pay custom, shall in future pay the consulage without any resistance or opposition.

44. That the English and other merchants, navigating under their flag, who trade to Aleppo, shall pay such customs and other duties on the silks, brought and laden by them on board their ships, as are paid by the French and Venetians, and not one asper more.

45. That the Ambassadors of the King of England, residing at the Sublime Porte, being the representatives of His Majesty, and the interpreters the representatives of the Ambassadors for such matters, therefore, as the latter shall translate or speak, or for whatever sealed letter or memorial they may convey to any place in the name of their Ambassadors, it being found that which they have interpreted or translated is a true interpretation of the words and answers of the Ambassador or Consul, they shall be always free from all imputation of fault or punishment; and in case they shall commit any offence, our Judges and Governors shall not reprove, beat, or put any of the said interpreters in prison, without the knowledge of the Ambassador or Consul.

46. That in case any of the interpreters shall happen to die, if he be an Englishman proceeding from England, all his effects shall be taken possession of by the Ambassador or Consul; but should he be a subject of our Dominions, they shall be delivered up to his next heirs; and having no heir they shall be confiscated by our fiscal officers.

And it was expressly commanded and ordained, that the abovementioned Article and privileges should in future be strictly observed and performed, according to the form and tenor thereof.

Since which time, an Ambassador from the King of England came to the Sublime Porte, and represented that laws had been oftentimes promulgated contrary to the tenor of the sacred Capitulations, which being produced without their knowledge to our Judges, and the dates of such laws being posterior to those of our Capitulations, the latter could not he carried into

execution: his Sovereign therefore wished that such laws might not be executed, but that the Imperial Capitulations should be always observed and maintained according to the form and tenor thereof; all which being represented to the Imperial Throne, such request was acceded to, and, conformably thereto, it was expressly ordained and commanded that all such laws as already had been, or should thereafter be, promulgated contrary to the tenor of these Imperial Capitulations should, when pleaded or quoted before our Judges, never be admitted or carried into execution, but that the said Judges should ever obey and observe the tenor of the Imperial Capitulations. In the time of our glorious forefathers and most august predecessors, of happy memory, therefore, clear and distinct Capitulations were granted, which annulled such laws and directed them to be taken from those who produced them.

After which, Sultan Osman Chan having ascended the Imperial Throne, the King of England sent another Ambassador, with letters and presents, which were graciously accepted, requesting that the Imperial Capitulations granted in splendid and happy times, by the singular justice of our glorious forefathers, and by them confirmed and granted, might be renewed.

And some time after His august coronation, the King of England again sent unto this Sublime Porte one of His most distinguished and wise personages as His Ambassador, with a letter and presents, which were graciously accepted, professing and demonstrating the most sincere friendship for the said Porte; and the said Ambassador having desired, on the part of the King, that the Capitulations granted in the happy time of our glorious forefathers and august predecessors, as also those granted by the aforesaid Sultan, might be renewed and confirmed, and certain important and necessary Articles added to the Imperial Capitulations, and that others already granted might be amended and more clearly expressed; such his request was acceded to, and the Imperial Capitulations granted in the time of our most glorious and august forefathers were confirmed, the Articles and stipulations renewed, and the conditions and Conventions observed. Whereupon express commands were given that the tenor of the sacred Capitulations should be strictly performed, and that no one should presume to contravene the same. And the said Ambassador having represented and notified to the Sublime Throne that Governors and Commandants of many places had, contrary to the tenor of the Imperial Capitulations, molested and vexed with various inventions and innovations the English and other merchants, subjects of that nation, trading to these our sacred Dominions, and desired that they might be prohibited from so doing, and some new Articles be added to the Imperial Capitulations, an Imperial order was accordingly granted, whereby it was expressly commanded that the Articles newly added should be for ever strictly executed without any one ever presuming to violate the same.

47. That whereas the corsairs of Tunis and Barbary having, contrary to the tenor of the Capitulations and our Imperial license, molested the merchants and other subjects of the King of England, as also those of other Kings in amity with the Sublime Porte, and plundered and pillaged their goods and property, it was expressly ordained and commanded that the

goods so plundered should be restored and the captives released; and that if after such commands the Tunisians and Algerines should, contrary to the tenor of our Capitulations, again molest the said merchants, and pillage their goods and property, and not restore the same, but convey them to the countries and ports of our sacred Dominions, and especially to Tunis, Barbary, Modon or Coron, the Beglerbeys, Governors, and Commandants of such places should, in future, banish and punish them, and not permit them to sell the same.

48. That it is written and registered in the Capitulations that the Governors and officers of Aleppo, and other ports of our sacred Dominions, should not, contrary to the tenor of the said Capitulations, forcibly take from the English merchants any money for their silk, under the pretence of custom or other duty, but that the said merchants should pay for the silk, by them purchased at Aleppo, the same as the French and Venetians do, and no more, Notwithstanding which, the Commandants of Aleppo have, under colour of custom and duty, demanded two and a half per cent. for their silk, and thereby taken their money: wherefore We command that this matter be investigated and inquired into, in order that such money may be refunded to them by those who have taken the same; and for the future the duty exacted from them shall be according to ancient custom, and as the Venetians and French were accustomed to pay, so that not a single asper more be taken by any new imposition.

49. That the merchants of the aforesaid nation, resident at Galata, buy and receive divers goods, wares and merchandizes, and after having paid to our customer the duties thereon, and received a tescare, ascertaining their having paid the same, preparatory to loading such goods in due time on board their ships, it sometimes happens that, in the interim, the customer either dies, or is removed from his situation, and his successor will not accept of the said tescare, but demands a fresh duty from the said merchants, thereby molesting them in various ways; wherefore We do command that, on its really and truly appearing that they have once paid the duties on the goods purchased, the customer shall receive the said tescare without demanding any fresh duty.

50. That the merchants of the aforesaid nation, after having once paid the duties, and received the tescare, for the camlets, mohair, silk, and other merchandize, purchased by them at Angora, and transported to Constantinople and other ports of our sacred Dominions, and having deposited such goods in their own warehouses, have been again applied to for duties thereon; We do therefore hereby command that they shall no longer be molested or vexed on that head, but that when the said merchants shall be desirous of loading such goods on board their ships, and on its appearing by the tescare that they have already paid the duties thereon, no fresh custom or duty shall be demanded for the said goods, provided that the said merchants do not blend or intermix the goods which have not paid custom with those which have.

51. That the merchants of the aforesaid nation, having once paid the customs on the merchandize imported into Constantinople, and other ports of our sacred Dominions, and on those exported therefrom, as silks, camlets, and

other goods, and being unable to sell the said goods, are under the necessity of transporting them to Smyrna, Scio, and other ports; on their arrival there the Governors and custom-house officers of such ports shall always accept their tescares, and forbear exacting any further duty on the said merchandize.

52. That for the goods which the merchants of the nation aforesaid shall bring to Constantinople, and other ports of our sacred Dominions, and for those they shall export from the said places, Mastariagi of Galata and Constantinople shall take their mastaria, according to the old canon and ancient usage, that is to say, for those merchandizes only whereon it was usually paid; but for such merchandizes as have not been accustomed to pay the same, nothing shall be taken contrary to the said canon, neither shall any innovations be made in future with regard to English merchandize, nor shall one asper more be taken than is warranted by custom.

53. That the merchants of the aforesaid nation shall and may always come and go into the ports and harbours of our sacred Dominions, and trade, without experiencing any obstacle from any one, with the cloths, kersies, spice, tin, lead, and other merchandize they may bring, and, with the exception of prohibited goods, shall and may, in like manner, buy and export all sorts of merchandize without any one presuming to prohibit or molest them: and our customers and other officers, after having received the duties thereon, according to ancient custom and the tenor of these sacred Capitulations, shall not demand of them anything more, touching which point certain clear and distinct Capitulations were granted, to the end that the Beglerbeys and other Commandants, our subjects, as also the Commandants and Lieutenants of our harbours, might always act in conformity to these our Imperial commands, and let nothing be done contrary thereto.

After which, in the time of our uncle, deceased, blessed and translated to Paradise, Sultan Murad Chan (whose tomb be ever resplendent!), the aforesaid King of England sent Sir Sackville Crow, Baronet, as His Ambassador, with a letter and presents, which were graciously accepted; but the time of his embassy being expired, another Ambassador, named Sir Thomas Bendish, arrived, to reside at the Porte in his stead, with His presents and a courteous letter, professing the utmost friendship, devotion, and sincerity; and the said Ambassador having brought the Capitulations formerly granted to the English, and required they might be renewed according to custom, he represented the damage and injury sustained by the English contrary to the tenor of various Articles of the Capitulation, *viz.*

That before the English merchants repaired to the custom-house, some one went on board the ship and forcibly took out their goods; and before any price could be fixed on the best and most valuable articles, or the accounts made out, he took and carried them away; and that the said merchants, having punctually paid the duties thereon in one port, and being desirous of transporting the same goods to another port, the customer detained them, and would not suffer them to depart until they had paid the duties a second time: and whereas it is specified in the Capitulations, that

in all suits wherein the English are parties, our Judges are not to hear or decide the same, unless their Ambassador or Consul be present; notwithstanding which, our Judges, without the knowledge of their Ambassador, have proceeded to imprison and exact presents from the English merchants, and other subjects of that nation, besides being guilty of other oppressions: and whereas it is further ordered in the Capitulations that no duties shall be taken on such sequins and piastres as by the English merchants shall be brought in, or carried out of, our Imperial Dominions, and that a duty of three per cent. only shall be demanded on their goods; notwithstanding which, the customers have exacted duties on the sequins and dollars, and demanded more duties than were due on the silk bought by them, besides demanding six per cent. on the goods transported from Alexandria to Aleppo, which abuses were heretofore rectified by an express hattisheriff; notwithstanding which, the English merchants still continued to experience some molestation, by the customers valuing their goods at more than they were worth, so that although it was the custom to receive but three per cent. only, the latter exacted six per cent. from them, and the servants of the custom-house, under colour of certain petty charges, took from them various sums of money, and that a greater number of waiters were put on board their ships than usual, the expenses attending which were a great burthen to the merchants and masters of ships who sustained it.

That the customers, desirous to value goods at more than their worth, were not satisfied with the merchants paying them duties on the same goods at the rate of three per cent., but interposed numerous difficulties and obstacles:

The said Ambassador having requested, therefore, that such abuses might be rectified, and the laws of the Imperial Capitulations be duly executed, his request was presented to the Imperial Throne, when We were graciously pleased to order:

54. That the English merchants having once paid the duties on their merchandize, at the rate of three per cent., and taken them out of their ships, no one shall demand or exact from them anything more without their consent: and it was moreover expressly commanded that the English merchants should not be molested or vexed, in manner aforesaid, contrary to the Articles of the Capitulations.

Since which, another Ambassador of the King of England, Sir Heneage Finch, Knight, Earl of Winchelsea, Viscount Maidstone, and Baron Fitzherbert of Eastwell, arrived to reside at the Sublime Porte, with presents and a courteous letter, demonstrating His sincere friendship, and professing the utmost cordiality and devotion; which Ambassador also presented the Capitulations, and requested that the most necessary and important Articles thereof might be renewed and confirmed, according to custom, which request was graciously acceded to, and the desired privileges granted to him, *viz.*,

55. That the Imperial fleet, galleys, and other vessels, departing from our sacred Dominions, and falling in with English ships at sea, shall in nowise molest or detain them, nor take from them anything whatsoever, but always how to one another good friendship, without occasioning them the least

damage or injury; and notwithstanding it is thus declared in the Imperial Capitulations, the said English ships are still molested by the ships of the Imperial fleet, and by the Beys and Captains who navigate the seas, as also by those of Algiers, Tunis, and Barbary, who, falling in with them whilst sailing from one port to another, detain them for the mere purpose of plunder, under colour of searching for enemy's property, and under that pretence prevent them from prosecuting their voyage: now We do hereby expressly command that the provisions of the old canon be executed at the castles and in the ports only, and nowhere else, and that they shall no longer be liable to any further search or exaction at sea, under colour of search or examination.

56. That the said Ambassador having represented that our customers, after having been fully paid the proper duties by the English merchants on their goods, delayed, contrary to the Articles and stipulations of the Capitulations, to give them the tescares of the goods for which they had already received the duty, with the sole view of oppressing and doing them injustice; We do hereby strictly command that the said customers do never more delay granting them the tescares, and the goods whereon they have once paid the duty being transported to another port, in consequence of no opportunity of sale having occurred in the former port, entire credit shall given be to the tescares, ascertaining the payment already made, agreeably to the Capitulations granted to them, and no molestation shall be given to them, nor any new duty demanded.

57. That notwithstanding it is stipulated by the Capitulations that the English merchants, and other subjects of that nation, shall and may, according to their rank and condition, trade to Aleppo, Egypt, and other parts of our Imperial Dominions, and for all their goods, wares, and merchandize pay a duty of three per cent. only, and nothing more, according to ancient custom, the customers have molested the English merchants, with a view to oppress them and the subjects of that nation, on their arrival with their goods laden on board their ships, whether conveyed by sea or land, at our ports and harbours, under pretence of the goods so brought by them not belonging to the English; and that for goods brought from England they demanded three per cent. only, but for those brought by them from Venice and other ports they exacted more; wherefore, on this point, let the Imperial Capitulations granted in former times be observed, and our Governors and officers in nowise permit or consent to the same being infringed.

58. That whereas it is specified in the Capitulations that in case an Englishman should become a debtor or surety, or run away or fail, the debt shall be demanded of the debtor; and if the creditor be not in possession of some legal document given by the surety, he shall not be arrested, nor such debt be demanded of him; should an English merchant, resident in another country, with the sole view of freeing himself from the payment of a debt, draw a bill of exchange from another merchant, living in Turkey, and the person to whom the same is payable, being a man of power and authority, should molest such merchant who had contracted no debt to the drawer, and oppress him, contrary to law and the sacred Capitulations, by contending that the bill was drawn upon him, and that he was bound to pay the debt of the

other merchant; now We do hereby expressly command that no such molestation be given in future, but if such merchants shall accept the bill, they shall proceed in manner and form therein pointed out; but should he refuse to accept it, he shall be liable to no further trouble.

59. That the Interpreters of the English Ambassadors having always been free and exempt from all contributions and impositions whatever, respect shall in future be paid to the Articles of the Capitulations stipulated in ancient times without the fiscal officers intermeddling with the effects of any of the Interpreters who may happen to die, which effects shall be distributed amongst his heirs.

60. That the aforesaid King having been a true friend of our Sublime Porte, His Ambassador, who resides here, shall be allowed ten servants, of any nation whatsoever, who shall be exempt from impositions and in no manner molested.

61. That if any Englishman should turn Turk, and it should be represented and proved that, besides his own goods, he has in his hands any property belonging to another person in England, such property shall be taken from him, and delivered up to the Ambassador or Consul, that they may convey the same to the owner thereof.

The Ambassador of the aforesaid King, who resided in our Sublime Porte, being dead, Sir John Finch Knight, a prudent man, was sent as Ambassador to the Imperial Throne, and to reside at our Sublime Porte, with a letter and presents, which, on arrival and presention to our glorious and Imperial presence, were graciously accepted; and the said Ambassador having brought with him the sacred Capitulations, heretofore granted by our August Person and represented to Us, on the part of the aforesaid King, His Majesty's desire that they should be renewed and confirmed, according to custom, and certain new Articles added to them; to which request We most graciously acceded, by commanding that such additional Articles be registered in the Imperial Capitulations, of which one was the Imperial command, to whch was affixed the hattisheriff, that is, the hand of our deceased glorious father, absolved by God, Sultan Ibrahim (whose soul rest in glory and divine mercy!), in the year 1053—to wit.

62. That for every piece of cloth, called Londra, which, from ancient times, was always brought by the British ships to Alexandria, there should be taken in that place a duty of forty paras, for every piece of kersey six paras, for every bale of hareskins six paras, and for every quaintal of tin and lead, Damascus weight, fifty-seven paras and a half.

63. That on afterwards transporting the said goods from Alexandria to Aleppo, there should be demanded, by the custom-house officers of Aleppo, for every piece of Londra eighty paras, for a piece of kersey eight paras and two aspers, for every bundle of hareskins eight paras and two aspers, and for every Aleppo weight of tin and lead one para.

64. That on the goods purchased by the aforesaid nation at Aleppo, there should be paid for transport duty, on every bale of unbleached linen, cordovans, and chorasani-hindi two dollars and a half, for every bale of cotton yarn one dollar and a quarter, for every bale of galls one quarter, for every bale of silk ten osmans; and for rhubarb and other trifles, and various sorts of drugs, according to a valuation to be made by the appraiser, there should be taken a duty of three per cent.

65. That on carrying the said goods to Alexandria, and there loading them on board their ships, there should be taken for transport duty, on every bale of unbleached linen and cordovans one dollar and a half, for every bale of chorasani-hindi and cotton yarn three-quarters, for every bale of galls one-quarter; and for rhubarb and other trifles, and various sorts of drugs, after a valuation made thereof, there should be taken three-quarters of a piastre; and that for the future no demand whatever to the contrary should be submitted to.

66. That all commands issued by the Chamber contrary to the above-mentioned Articles should not be obeyed; but for the future everything be observed conformably to the tenor of the Capitulations and the Imperial Signet.

67. It being stipulated by the Capitulations that the English merchants shall pay a duty of three per cent. on all goods by them imported and exported without being bound to pay an asper more, and disputes having arisen with the customers on this head, they shall continue to pay duty as heretofore paid by them, at a rate of three per cent. only, neither more nor less.

68. That for the London and other cloths manufactured in England, whether fine or coarse, and of whatsoever price, imported by them into the ports of Constantinople and Galatta, there shall be taken according to the ancient canons, and as they have always hitherto paid, one hundred and forty-four aspers, computing the dollar at eighty aspers and the leone at seventy, and nothing more shall be exacted from them; but the cloths of Holland and other countries, *viz.*, serges, Londrina scarlets and other cloths, shall pay, for the future, that which hitherto has been the accustomed duty; and at Smyrna likewise shall be paid according to ancient custom, calculated in dollars and leones, for every piece of London or other cloth of English fabric, whether fine or coarse, one hundred and twenty aspers, without an asper more being demanded, or any innovation being made therein.

69. It being registered in the Imperial Capitulations that all suits wherein the English are parties, and exceeding the sum of four thousand aspers, shall be heard in our Sublime Porte, and nowhere else.

That if at any time the Commanders and Governors should arrest any English merchants, or other Englishman, on the point of departure by any ship, by reason of any debt or demand upon him, if the Consul of the place will give bail for him, by offering himself as surety until such suit shall be decided in our Imperial Divan, such person so arrested shall be released, and not imprisoned or prevented from prosecuting his voyage, and they who claim

anything from him shall present themselves in our Imperial Divan, and there submit their claims, in order that the Ambassador may furnish an answer thereto. With regard to those for whom the Consul shall not have given bail the Commandant may act as he shall think proper.

70. That all English ships coming to the ports of Constantinople, Alexandria, Smyrna, Cyprus, and other ports of our sacred Dominions, shall pay three hundred aspers for anchorage duty without an asper more being demanded from them.

71. That should any Englishman coming with merchandize turn Turk, and the goods so imported by him be proved to belong to merchants of his own country from whom he had taken them, the whole shall be detained, with the ready money, and delivered up to the Ambassador, in order to his transmitting the same to the right owners, without any of our Judges or officers interposing any obstacle or hinderance thereto.

72. That no molestation shall be given to any of the aforesaid nation buying camlets, mohairs, or grogram yarn at Angora and Beghbazar, and desirous of exporting the same from thence, after having paid the duty of three per cent. by any demand of customs for the exportation thereof, neither shall one asper more be demanded of them.

73. That should any suit be instituted by an English merchant for the amount of a debt, and the same be recovered by means of the assistance of a chiaux, he shall pay him out of the money recovered two per cent., and what is usually paid for fees in the Mehkeme, or Court of Justice, and not an asper more.

74. That the King having always been a friend to the Sublime Porte, out of regard to such good friendship, His Majesty shall and may, with His own money, purchase for his own kitchen, at Smyrna, Salonica, or any other port of our sacred Dominions in fertile and abundant years, and not in times of dearth or scarcity, two cargoes of figs and raisins, and after having paid a duty of three per cent. thereon, no obstacle or hinderance shall be given thereto.

75. That it being represented to Us that the English merchants have been accustomed hitherto to pay no custom or scale duty, either on the silks bought by them at Brassa and Constantinople or on those which come from Persia and Georgia, and are purchased by them at Smyrna from the Armenians; if such usage or custom really exists, and the same be not prejudicial to the Empire, such duty shall not be paid in future: and the said Ambassador, having requested that the foregoing Articles might be duly respected and added to the Imperial Capitulations, his request was acceded to; therefore, in the same manner as the Capitulations were heretofore conceded by our Imperial hattisheriff, so are they now in like manner renewed by our Imperial command; wherefore, in conformity to the Imperial Signet, We have again granted these sacred Capitulations, which We command to be observed so long as the said King shall continue to maintain that good friendship and understanding with our Sublime Porte which was mentioned in the happy time of our glorious ancestors, which friendship We on our part

accept; and adhering to these Articles and stipulations, We do hereby promise and swear by the one Omnipotent God, the Creator of heaven and earth and of all creatures, that We will permit nothing to be done or transacted contrary to the tenor of the Articles and stipulations heretofore made and these Imperial Capitulations; and accordingly every one is to yield implicit faith and obedience to this our Imperial Signet, affixed in the middle of the month of Gamaziel in the year 1086 (corresponding with the year of our Lord 1675).

TREATY between GREAT BRITAIN and the SUBLIME PORTE. Concluded at the DARDANELLES, the 5th of January 1809.

TRAITÉ entre la GRANDE BRETAGNE et la SUBLIME PORTE. Fait près des Chateaux des DARDANELLES, le 5 Janvier 1809.

(*Translation.*)

In the name of the Most Merciful God!

The object of this faithful and authentic instrument is as follows:—

Notwithstanding the appearances of a misunderstanding between the Court of Great Britain and the Sublime Ottoman Porte, consequent upon the occurrences of the moment, the two Powers, equally animated with a sincere desire of re-establishing the ancient friendship which subsisted between them, have named their Plenipotentiaries for that purpose; that is to say, His Most August and Most Honoured Majesty George the Third, King of the United Kingdom of Great Britain and Ireland, has named for His Plenipotentiary, Robert Adair, Esq., one of the Members of the Royal Parliament of Great Britain; and His Majesty the Most Noble, Most Powerful, and Most Magnificent Sultan Mahomet Han II, Emperor of the Ottomans, has named for His Plenipotentiary, Seyde, Mehmed-Emin-Vahid Effendi, Director and Inspector of the Department called "*Mercoufat*," and invested with the rank of "*Nichangi*" of the Imperial Divan; who, having recipro-

Au Nom de Dieu Très Miséricordieux!

L'objet de cet Instrument fidèle et authentique est ce qui suit:—

Nonobstant les apparences d'une mésintelligence survenue à la suite des événemens du tems entre la Cour de la Grande Bretagne et la Sublime Porte Ottomane, ces deux Puissances également animées du désir sincère de rétablir l'ancienne amitié qui subsistait entre Elles, ont nommé pour cet effet Leurs Plénipotentiaires respectifs, savoir: Sa Majesté le Très Auguste et Très Honoré George III., Roi (Padishah) du Royaume Uni de la Grande Bretagne et de l'Irlande a nommé pour Son Plénipotentiaire Robert Adair, Ecuyer, Membre du Parlement Royal de la Grande Bretagne; et Sa Majesté le Très Majestueux, Très Puissant, et Très Magnifique Sultan Mahmoud Han II., Empereur des Ottomans, a nommé pour Son Plénipotentiaire Seyde Mehmed-Emin-Vahid Effendi, Directeur et Inspecteur du Département appelé *Mercoufat*, et revêtu du rang de *Nichangi* du Divan Impérial; lesquels

cally communicated to each other their full Powers, after several conferences and discussions, have concluded the peace equally desired by both Powers, and have agreed upon the following Articles:—

1. From the moment of signing the present Treaty, every act of hostility between England and Turkey shall cease; and in furtherance of this happy peace, the prisoners on both sides shall be exchanged without distinction in thirty-one days from the signature of this Treaty, or sooner if possible.

2. Should any fortresses belonging to the Sublime Porte be in the possession of Great Britain, they shall be restored to the Sublime Porte, and given up, with all the cannons, warlike stores, and other effects in the condition in which they were found at the time of their being occupied by England, and this restitution shall be made in the space of thirty-one days from the signature of the present Treaty.

3. Should there be any effects and property belonging to English merchants under sequestration within the jurisdiction of the Sublime Porte, the same shall be entirely given up and restored to the proprietors; and in like manner should there be any effects, property, and vessels belonging to merchants, subjects of the Sublime Porte, under sequestration at Malta, or in any other islands and possessions of His Britannic Majesty, they also shall be entirely given up and restored to their proprietors.

4. The Treaty of Capitulations agreed upon in the Turkish year 1086 (A. D. 1675), in the middle of the month Gemmazi-el-Akir, as also the Act relating to the Commerce of the Black Sea, and the other privileges (*Imtiázat*)

s'étant réciproquement communiqués leurs Pleins pouvoirs ont, après plusieurs conférences et discussions, conclu la paix également désirée des deux Puissances, et sont convenus des Articles suivans:

1. Du moment de la signature du présent Traité, tout acte d'hostilité doit cesser entre l'Angleterre et la Turquie, et les prisonniers de part et d'autre doivent, en vertu de cette heureuse paix, être échangés sans hésitation, en trente-un jours après l'époque de la signature de ce Traité, ou plus-tôt si faire se pourra.

2. S'il se trouvera des Places appartenantes à la Sublime Porte dans l'occupation de la Grande Bretagne, elles devront être restituées, et remises à la Sublime Porte, avec tous les canons, munitions et autres effets, dans la même condition où elles se trouvaient lors de leur occupation par l'Angleterre, et cette restitution devra se faire dans l'espace de trente-un jours après la signature de ce présent Traité.

3. S'il y aurait des effets et propriétés appartenans aux négocians Anglais en séquestre sous la jurisdiction de la Sublime Porte, ils doivent être entièrement rendus et remis aux propriétaires; et pareillement s'il y aurait des effets, propriétés et vaisseaux appartenans aux négocians et sujets de la Sublime Porte en séquestre à Malte, ou dans les autres îles et Etats de Sa Majesté Britannique, ils doivent également être entièrement rendus et remis à leurs propriétaires.

4. Le Traité des Capitulations stipulé en l'année Turque 1086, à la mi de la lune Gemmaziel Akir, ainsi que l'Acte relatif au commerce de la Mer-Noire et les autres privilèges (*Imtiazat*) également établis par des

equally established by Acts at subsequent periods, shall continue to be observed and maintained as if they had suffered no interruption.

5. In return for the indulgence and good treatment afforded by the Sublime Porte to English merchants, with respect to their goods and property, as well as in all matters tending to facilitate their commerce, England shall reciprocally extend every indulgence and friendly treatment to the flag, subjects, and merchants of the Sublime Porte which may hereafter frequent the Dominions of His Britannic Majesty for the purposes of commerce.

6. The last custom-house tariff established at Constantinople at the ancient rate of 3 per cent., and particularly the Article relating to the interior commerce, shall continue to be observed as they are at present regulated, and to which England promises to conform.

7. Ambassadors from His Majesty the King of Great Britain shall enjoy all the honours enjoyed by Ambassadors to the Sublime Porte from other nations; and Ambassadors from the Sublime Porte at the Court of London shall reciprocally enjoy all the honours granted to the Ambassadors from Great Britain.

8. Consuls (*Shahbenders*) may be appointed at Malta and in the Dominions of His Britannic Majesty where it shall be necessary to manage and superintend the affairs and interests of merchants of the Sublime Porte; and similar privileges and immunities to those granted to English Consuls resi-

Actes à des époques subséquentes, doivent être observés et maintenus comme par le passé comme s'ils n'avaient souffert aucune interruption.

5. En vertu du bon traitement et de la faveur accordée par la Sublime Porte aux négocians Anglais, à l'égard de leurs marchandises et propriétés, et par rapport à tout ce dont leurs vaisseaux ont besoin, ainsi que dans tous les objets tendant à faciliter leur commerce, l'Angleterre accordera réciproquement sa pleine faveur et un traitement amical aux pavillons, sujets et négocians de la Sublime Porte, qui dorénavant fréquenteront les Etats de Sa Majesté Britannique pour y exercer le commerce.

6. Le tarif de la douane qui a été fixé à Constantinople en dernier lieu sur l'ancien taux de 3 pour cent, et spécialement l'Article qui regarde le commerce intérieur, seront observés pour toujours, ainsi qu'ils ont été réglés: c'est à quoi l'Angleterre promet de se conformer.

7. Les Ambassadeurs de Sa Majesté le Roi de la Grande Bretagne jouiront pleinement des honneurs dont jouissent les Ambassadeurs des autres nations près la Sublime Porte, et réciproquement les Ambassadeurs de la Sublime Porte près la Cour de Londres, jouiront pleinement de tous les honneurs qui seront accordés aux Ambassadeurs de la Grande Bretagne.

8. Il sera permis de nommer des *Shahbenders* (Consuls) à Malte, et dans les Etats de Sa Majesté Britannique, où il sera nécessaire pour gérer et inspecter les affaires et les intérêts des négocians de la Sublime Porte, et les mêmes traitemens et immunités qui sont pratiqués envers

dent in the Ottoman Dominions shall be duly afforded to the "*Shahbenders*" of the Sublime Porte.

9. English Ambassadors and Consuls may supply themselves, according to custom, with such Dragomen as they shall stand in need of; but as it has already been mutually agreed upon that the Sublime Porte shall not grant the "*Barat*" of Dragoman in favour of individuals who do not execute that duty in the place of their destination, it is settled, in conformity with this principle, that in future the "*Barat*" shall not be granted to any person of the class of tradesmen or bankers, nor to any shopkeeper or manufacturer in the public markets, or to one who is engaged in any matters of this description; nor shall English Consuls be named from among the subjects of the Sublime Porte.

10. English patents of protection shall not be granted to dependants or merchants who are subjects of the Sublime Porte, nor shall any passport be delivered to such persons, on the part of Ambassadors or Consuls, without permission previously obtained from the Sublime Porte.

11. As ships of war have at all times been prohibited from entering the canal of Constantinople, *viz.*, in the Straits of the Dardanelles and of the Black Sea, and as this ancient regulation of the Ottoman Empire is in future to be observed by every Power in time of peace, the Court of Great Britain promises on its part to conform to this principle.

les Consuls d'Angleterre résidans dans les Etats Ottomans, seront exactement observés envers les *Shahbenders* de la Sublime Porte.

9. Les Ambassadeurs et Consuls d'Angleterre pourront selon l'usage se servir des Dragomans dont ils ont besoin: mais comme il a été arrêté ci-devant d'un commun accord que la Sublime Porte n'accordera pas de "*Barat*" de Dragoman en faveur d'individus qui n'exerceront point cette fonction dans le lieu de leur destination, il est convenu, conformément à ce principe, que dorénavant il ne sera accordé de "*Barat*" à personne de la classe des artisans et banquiers, ni à quiconque tiendra de boutique et de fabrique dans les marchés publics, ou qui prêtera la main aux affaires de cette nature; et il ne sera nommé non plus des Consuls Anglais d'entre les sujets de la Sublime Porte.

10. La patente de protection Anglaise ne sera accordée à personne d'entre les dépendans et négocians sujets de la Sublime Porte, et il ne sera livré à ceux-ci aucun passeport* de la part des Ambassadeurs ou Consuls sans la permission préalable de la Sublime Porte.

11. Comme il a été de tout tems défendu aux vaisseaux de guerre d'entrer dans le canal de Constantinople, savoir dans le détroit des Dardanelles, et dans celui de la Mer Noire; et comme cette ancienne régle de l'Empire Ottoman doit être de même observé dorénavant en tems de paix vis-à vis de toute Puissance quelconque, la Cour Britannique promet aussi de se conformer à ce principe.

* Passeport de protection.

12. The ratifications of the present Treaty of Peace between the high Contracting Parties shall be exchanged at Constantinople in the space of ninety-one days from the date of this Treaty, or sooner if possible. In faith of which, and in order that the ratification of the twelve Articles of this Treaty (which has been happily concluded, by the assistance of God, and in the sincerity and good faith of the Two Parties) may be exchanged; I, Plenipotentiary of the Sublime Porte, have, in virtue of my full-powers, signed and sealed this Instrument, which I have delivered to the Plenipotentiary of His Britannic Majesty, in exchange for another Instrument exactly conformable thereto written in the French language, with a translation thereof, which has been delivered to me on his part, agreeably to his full powers.

Done near the Castles of the Dardanelles, the 5th of January 1809, which corresponds with the year of the Hegira 1223, the 19th day of the Moon *Zilkaade.*

(Sd.) Seyd Mehemmed Emin Vahid Effendi (L.S.).

Sd.) Robert Adair (L.S.).

12. Les ratifications du présent Traité de Paix entre les hautes Parties Contractantes seront échangées à Constantinople dans l'espace de quatre vingt onze jours, depuis la date du présent Traité, ou plutôt si faire se pourra. En foi de quoi, et afin que la ratification des douze Articles de ce Traité qui vient d'être heureusement conclu avec l'assistance de Dieu, et en vertu de la sincérité et loyauté des deux Parties, puissent être échangées; Moi Plénipotentiaire de la Sublime Porte, ai en vertu de mes Pleins-pouvoirs, signé et cacheté cet Instrument, lequel j'ai remis au Plénipotentiaire Anglais, en échange contre un autre Instrument tout à fait conforme, écrit en langue Françoise, avec sa traduction, qui m'a été remis de sa part, conformément à ses Pleins-pouvoirs.

Fait près des Châteaux des Dardanelles, le 5 Janvier 1809, qui correspond à l'an de l'Hegire 1223, le 19 de la Lune *Zilkaade.*

(Signé) Seyd Mehemmed Emin Vahid Effendi (L.S.).

(Signé) Robert Adair (L.S.).

TURKISH ARABIA.

APPENDIX No. 2.—*Page 3.*

OTTOMAN ORDER IN COUNCIL.

At the Court at Windsor, the 12th day of December 1873.

PRESENT:

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS Her Majesty the Queen has power and jurisdiction within the dominions of the Sublime Ottoman Porte:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

I.—PRELIMINARY.

1. This Order shall commence and have effect from and immediately after the 31st of December 1873.

2. The Orders and Rules described in the first Schedule to this Order are hereby repealed.

But this repeal shall not affect the past operation of those Orders or Rules, or any of them; nor shall this repeal affect any appointment or deputation made under any of those Orders; and every such appointment and deputation shall continue and be as if this Order had not been made, being nevertheless liable to be revoked, altered, or otherwise dealt with under this Order as if it had been made under this Order; nor shall this repeal affect any right, title, obligation, or liability accrued, or the validity or invalidity of anything done under those Orders or Rules, or any of them; nor shall this repeal interfere with the institution or prosecution of any proceeding in respect of any offence committed against, or any penalty or forfeiture incurred under, any of those Orders or Rules.

3. Pending proceedings shall be regulated by this Order, as far as the nature and circumstances of each case admit.

4. In this Order—

"the Secretary of State" means one of Her Majesty's Principal Secretaries of State;

"the Ottoman dominions" means the dominions of the Sublime Ottoman Porte;

"Consular Officer" means a Consul-General, Consul, Vice-Consul, or Consular Agent of Her Majesty resident in the Ottoman dominions, including a person acting temporarily, with the approval of the Secretary of State, as or for a Consul-General, Consul, Vice-Consul, or Consular Agent of Her Majesty so resident;

"commissioned Consular Officer" means a Consular Officer not being merely a Consular Agent, and holding a commission of Consul-General, Consul, or Vice-Consul from Her Majesty, including a person acting temporarily, with the approval of the Secretary of State, as or for such a commissioned Consular Officer;

"uncommissioned Consular Officer" means a Consular Officer not holding such a commission, including a person acting temporarily, with the approval of the Secretary of State, as or for such an uncommissioned Consular Officer;

"subject" means a subject of Her Majesty by birth or by naturalization;

"resident" means having a fixed place of abode in the Ottoman dominions;

"native Indian subject" means a native of India as defined in the Act of Parliament of 1858, "for the better government of India," not of European descent;

"a protected person" means a person enjoying Her Majesty's protection;

"Ottoman subject" means a subject of the Sublime Ottoman Porte;

"foreigner" means a subject or citizen of a State in amity with Her Majesty, other than the Sublime Ottoman Porte;

"month" means calendar month;

"pounds" means pounds sterling;

"will" means will, codicil, or other testamentary instrument;

"Office copy" means a copy either made under direction of the Court, or produced to the proper officer of the Court for examination with the original, and examined by him therewith, and in either case sealed with the seal of the Court as evidence of correctness;

"oath and affidavit," and words referring thereto or to swearing, may be construed to include affirmation and declaration and to refer thereto, or to the making of an affirmation or declaration where an affirmation or declaration is admissible in lieu of an oath or affidavit;

"proved" means shown by evidence on oath in the form of affidavit, or other form, to the satisfaction of the Court of Consular Officer acting or having jurisdiction in the matter;

"proof" means the evidence adduced in that behalf;

words importing the plural or the singular may be construed as referring to one person or thing, or to more than one person or thing, and words importing the masculine as referring to females (as the case may require).

For the purposes of this Order the district of the Consulate-General of Constantinople shall be deemed to consist of, and comprise the districts of, the following Consulates and Vice-Consulates, namely:

Adrianople,	Ghio,
Brussa,	Ineboli,
Burgas,	Lemnos,
Dardanelles,	Panorma,
Enos,	Rhodes,
Gallipoli,	Rodosto;

but the Secretary of State may, if he thinks fit, from time to time, by order under his hand, enlarge or diminish the district.

II.—General Provisions respecting Her Majesty's Jurisdiction.

5. All Her Majesty's civil jurisdiction exercisable in the Ottoman dominions for the judicial hearing and determination of matters in difference, or for the administration or control of property or persons,—and all Her Majesty's criminal jurisdiction there exercisable for the repression or punishment of crimes or offences or for the maintenance of Order,—shall be exercised under and according to the provisions of this Order and not otherwise.

6. Subject to the other provisions of this Order, the civil and criminal jurisdiction aforesaid shall, as far as circumstances admit, be exercised on the principles of, and in conformity with, the Common Law, the doctrines of Equity, the Statute Law, and other law for the time being in force in and for England, and with the powers vested in and according to the course of procedure and practice observed by and before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities.

7. Nothing in this Order shall deprive Her Majesty's Consular officers of the right to observe and to enforce the observance of, or shall deprive any person of the benefit of, any reasonable custom existing in the Ottoman dominions, except where this Order contains some express and specific provision incompatible with the observance thereof.

8. In any case, in the decision of which under the Capitulations, Articles of Peace, and Treaties with the Sublime Ottoman Porte, any of Her Majesty's Consuls may or ought to concur, a Consular Officer exercising jurisdiction under this Order shall alone act on the part and on behalf of Her Majesty.

III.—Constitution of Her Majesty's Consular Courts.

i.—The Supreme Consular Court at Constantinople.

9. There shall be a Court styled *Her Britannic Majesty's Supreme Consular Court for the dominions of the Sublime Ottoman Porte* (in this Order referred to as the Supreme Court, and comprised in the term "the Court").

10. There shall be one Judge and one Assistant Judge of the Supreme Court.

There shall be attached to the Supreme Court so may officers and clerks as the Secretary of State from time to time thinks fit.

11. Her Majesty's Consul-General at Constantinople for the time being shall be Judge of the Supreme Court; but he shall be appointed to the office of Judge by Her Majesty by a separate warrant under Her Royal sign manual.

He shall be, at the time of his appointment, a member of the Bar of England, Scotland or Ireland, of not less than seven years' standing, or a subject who has filled the office of Assistant Judge or Law Secretary of the Supreme Court or the office of Legal Vice-Consul in the Ottoman dominions.

He may, in case of his absence or intended absence from the district of the Consulate-General of Constantinople, either in the discharge of his duty or on leave, or in case of his illness, appoint, by writing under his hand, a fit person to be his Deputy. The Deputy Judge so appointed shall have all the jurisdiction, power, and authority of Judge.

During a vacancy in the office of Judge or on emergency, a fit person, approved by the Secretary of State, may temporarily be acting Judge. The Acting Judge shall have all the jurisdiction, power, and authority of Judge.

12. The Assistant Judge shall be appointed by Her Majesty.

He shall hold by commission from Her Majesty the appointment of Vice-Consul.

He shall act as Registrar of the Court.

In case of the absence or illness of the Assistant Judge, or during a vacancy in the office of Assistant Judge, or during the temporary employment of the Assistant Judge in any other capacity, the Judge may, by writing under his hand and the seal of the Supreme Court, appoint a fit person, approved by the Secretary of State, to act temporarily as Assistant Judge. The person so appointed shall have all the jurisdiction, power, and authority of Assistant Judge.

13. The Secretary of State may, from time to time, temporarily attach to the Supreme Court such persons, being Consular Officers, as he thinks fit.

A person thus attached shall discharge such duties in connection with the Court as the Judge from time to time, with the approval of the Secretary of State, directs, and for that purpose shall have the like jurisdiction, power, and authority as the Assistant Judge.

ii.—The Chief Consular Court for Egypt.

14. There shall be a court styled *Her Britannic Majesty's Chief Consular Court for Egypt* (in this Order referred to as the Court for Egypt, and comprised in the term "the Court").

* Her Majesty's Legal Vice-Consul resident in Egypt for the time being shall be the Judge of the Court; but he shall be appointed to the office of Judge by Her Majesty by a separate warrant under Her Royal sign manual.

* By a subsequent Order in Council, dated 7th July 1874, this paragraph was modified as follows:—

Her Majesty's Consul at Alexandria for the time being shall be the Judge of Her Britannic Majesty's Chief Consular Court for Egypt; but he shall be appointed to the office of Judge by Her Majesty by a separate warrant under Her Royal sign manual.

He shall be, at the time of his appointment, a member of the Bar of England, Scotland or Ireland, of not less than seven years' standing, or a subject who has filled the office of Assistant Judge or Law Secretary of the Supreme Court or the office of Legal Vice-Consul in the Ottoman dominions.

During a vacancy in the office of Judge or on emergency, a fit person, approved by the Secretary of State, may temporarily be Acting Judge. The Acting Judge shall have all the jurisdiction, power, and authority of Judge.

There shall be attached to the Court a Law Secretary and so many officers and clerks as the Secretary of State from time to time thinks fit.

The Law Secretary shall be appointed by Her Majesty.

He shall hold by commission of Her Majesty the appointment of Vice-Consul.

He shall act as Registrar of the Court.

In case of the absence or illness of the Law Secretary, or during a vacancy in the office of Law Secretary, or during the temporary employment of the Law Secretary in any other capacity, the Judge of the Court for Egypt may, by writing under his hand and the seal of the Court, appoint a fit person, approved by the Secretary of State, to act temporarily as Law Secretary. The person so appointed shall have all the jurisdiction, power, and authority of Law Secretary.

iii.—The Provincial Consular Courts.

15. Every commissioned Consular Officer, with such exceptions (if any) as the Secretary of State from time to time thinks fit to make, shall, for and in his own Consular district, subject to the provisions of this Order, hold and form a Court.

Every uncommissioned Consular Officer, with such exceptions (if any) as the Supreme Court, by writing under the hand of the Judge and the seal of the Court, from time to time thinks fit to make, shall, for and in his own Consular district, subject to the provisions of this Order, hold and form a Court.

Every such Court shall be styled *Her Britannic Majesty's Consular Court at Smyrna or* [*as the case may be*] (in this Order referred to as a Provincial Court, and comprised in the term "the Court").

IV.—Registration of Subjects and Protected Persons.

16. Every resident subject (except a native Indian subject) and protected person, being of the age of 21 years or upwards,—or being married, or a widower or widow, though under that age,—shall, in January in every year, register himself or herself in a register to be kept at the Consulate of the Consular district within which he or she resides, subject to this qualification, that the registration of a man shall be deemed to comprise the registration of his wife (unless she is living apart from him), and that the registration of the head of a family, whether male or female, shall be deemed to comprise the

registration of all females, being relatives of the head of the family (in whatever degree of relationship) living under the same roof with the head of the family at the time of his or her registration.

Every non-resident subject (except a native Indian subject) and protected person, arriving in the Ottoman dominions at a place where a Consular office is maintained, unless borne on the muster roll of a British vessel there arriving, shall, within one month after his or her arrival, register himself or herself in a register to be kept at the Consular office there, but so that no person shall be required to register himself or herself more than once in any year, reckoned from the 1st of January.

Any person failing so to register himself or herself, and not excusing his or her failure to the satisfaction of the Consular Officer, shall not be entitled to be deemed a subject or protected person, and shall be deemed guilty of a contempt of Court, and shall be liable to a fine of not more than 40*s*.

17. A native Indian subject resident in or resorting to the Ottoman dominions may, if he or she thinks fit, register himself or herself at the times and in manner aforesaid.

A native Indian subject not so registering himself or herself shall not be entitled to sue in the Court, or to receive the support or protection, of a Consular Officer, with respect to any suit or proceeding to which he or she is a party in a Court or before a Judicial Officer of the Sublime Ottoman Porte, or in a Court or before a Judicial Officer in the Ottoman dominions of a State in amity with Her Majesty; nor shall a Consular Officer exercise jurisdiction for the punishment of a crime or offence committed by a native Indian subject, unless at the date of the commission of the crime or offence he or she was so registered.

18. The Consular Officer shall give to every person registered under this Order a certificate of registration under his hand and Consular seal; and the name of a wife, unless she is living apart from her husband, shall be endorsed on her husband's certificate; and the names and descriptions of females whose registration is comprised in that of the head of the family shall be endorsed on the certificate of the head of the family.

19. Every person shall on every registration of himself or herself be liable to pay a fee of 5*s*.

V.—Juries—Assessors.

20. Every male resident subject, being of the age of 21 years or upwards, having a competent knowledge of the English language,—having or earning a gross income at the rate of not less than 50*l*. a year,—not having been attained of treason or felony or convicted of any crime that is infamous (unless he has obtained a free pardon), and not being under outlawry, shall be qualified to serve on a jury.

21. All persons so qualified shall be liable so to serve, except the following:

Persons in Her Majesty's Diplomatic, Consular, or other Civil Service in actual employment;

Officers, clerks, keepers of prisons, messengers, and other persons attached to or in the service of the Court;

Officers and others on full pay in Her Majesty's Navy or Army, or in actual employment in the service of any Department connected therewith;

Persons holding appointments in the Civil Service, and Commissioned Officers in the Naval or Military Service, of the Sublime Ottoman Porte;

Clergymen and ministers in the actual discharge of professional duties;

Advocates and attorneys in actual practice;

Physicians, surgeons, apothecaries in actual practice;
and except persons disabled by mental or bodily infirmity.

22. The jury list for each district shall be revised and settled not later than the 1st of March in every year, and when settled shall be affixed in some conspicuous place in the Court, and be there exhibited during not less than two months.

The list, as settled, shall be brought into use in every year on the 1st of March, and shall be used as the jury list of the district for the twelve months then next ensuing.

23. Where there is to be a hearing with a jury, the Court shall summon so many of the persons comprised in the jury list, not fewer than twelve, as seem requisite.

Any person failing to attend according to the summons shall be deemed guilty of a contempt of Court and shall be liable to such fine, of not more than 10*l.*, as the Court thinks fit to impose.

The fine shall not be levied until after the expiration of fourteen days. The proper officer of the Court shall forthwith give to the person fined notice in writing of the imposition of the fine, and require him, within six days after receipt of the notice, to file an affidavit excusing his non-attendance (if he desires to do so). The Court shall consider the affidavit, and may, if it thinks fit, remit the fine.

24. A jury shall consist of five jurors.

25. In civil and in criminal cases the like challenges shall be allowed as in England, with this addition that in civil cases each party may challenge three jurors peremptorily.

26. A jury shall be required to give an unanimous verdict.

27. An assessor shall be a competent and impartial subject, of good repute, resident in the district of the particular Court, and nominated and summoned by the Court for the purpose of acting as assessor.

28. In the Supreme Court, or in the Court for Egypt, there may be one assessor or two assessors, as the Court thinks fit.

In a Provincial Court there shall ordinarily be not fewer than two, and not more than four, assessors. Where however, by reason of local circumstances,

the Court is able to obtain the presence of one assessor only, the Court may, if it thinks fit, sit with one assessor only; and where, for like reasons, the Court is not able to obtain the presence of any assessor, the Court may, if it thinks fit, sit without an assessor, the Court, in every case, recording in the minutes its reasons for sitting with one assessor only or without an assessor.

29. An assessor shall not have any voice in the decision of the Court in any case, civil or criminal; but an assessor dissenting in a civil case from any decision of the Court, or, in a criminal case, from any decision of the Court or the conviction or the amount of punishment awarded, may record in the minutes his dissent, and the grounds thereof, and shall be entitled to receive without payment, a certified copy of the minutes.

VI.—General Authorities and Procedure.

30. All Her Majesty's jurisdiction, civil and criminal, shall, for and within the district of the Consulate-General of Constantinople, be vested exclusively in the Supreme Court as its ordinary original jurisdiction.

31. All Her Majesty's jurisdiction, civil and criminal, not under this Order vested exclusively in the Supreme Court, shall, to the extent and in the manner provided by this Order, be vested in this Court for Egypt, and in the Provincial Courts each for and within the Consular district of the Consular Officer by whom the Provincial Court is held.

32. The Supreme Court shall have in all matters, civil and criminal, an original jurisdiction concurrent with the jurisdiction of the Court for Egypt and of the several Provincial Courts, to be exercised subject and according to the provisions of this Order.

33. The Supreme Court shall ordinarily sit at Constantinople, but may, on emergency, sit at any other place within the district of the Consulate-General of Constantinople, and may at any time transfer its ordinary sittings to any such place as the Secretary of State approves.

34. The Judge of the Supreme Court may, if and when he thinks fit, visit in a magisterial or judicial capacity and place in the Ottoman dominions, and there enquire of, or hear and determine, any case, civil or criminal, or may direct the Assistant Judge of the Supreme Court to visit in the like capacity, and for the like purpose, any place in the Ottoman dominions. The Assistant Judge shall in every such case, subject to the provisions of this Order, have the like jurisdiction, power and authority, as the Judge of the Supreme Court.

35. The Court for Egypt shall have in all matters, civil and criminal, an original jurisdiction, concurrent with the jurisdiction of the several Provincial Courts in Egypt, to be exercised subject and according to the provisions of this Order.

36. The Court for Egypt shall ordinarily sit at Alexandria or Cairo, but may at any time transfer its ordinary sittings to any such place in Egypt as the Secretary of State approves.

37. The Judge of the Court for Egypt may, if and when he thinks fit, visit in a magisterial or judicial capacity any place in Egypt, and there enquire of, or hear and determine, any case, civil or criminal.

38. A Provincial Court held before a commissioned Consular Officer shall have in all matters, civil and criminal, an original jurisdiction concurrent with the jurisdiction of the several Provincial Courts (if any) held within the district of the first-mentioned Court before uncommissioned Consular Officers, to be exercised subject and according to the provisions of this Order.

39. The Court for Egypt or a Provincial Court may, of its own motion, or on the application of any person concerned, report to the Supreme Court the pendency of any case, civil or criminal, which appears to the Court for Egypt or the Provincial Court fit to be heard and determined by the Supreme Court.

The Supreme Court shall thereupon direct in what mode and where the case shall be heard and determined, and the same shall be so heard and determined accordingly.

40. The Supreme Court, the Court for Egypt, and each Provincial Court held before a commissioned Consular Officer shall, in the exercise of every part of its jurisdiction, be a Court of Record.

41. The Court for Egypt and each Provincial Court shall execute a writ or order issuing from the Supreme Court, and shall take security from any person named in a writ or order for his appearance personally or by attorney, and shall, in default of security being given, or when the Supreme Court so orders, send the person to Constantinople on board one of Her Majesty's vessels of war, or, if none is available, then on board some British or other fit vessel.

The order of the Court shall be sufficient authority to the Commander or Master of the vessel to receive and detain the person, and to carry him to and deliver him up to Constantinople, according to the order.

42. The Supreme Court, the Court for Egypt, and each Provincial Court shall be auxiliary to one another in all particulars relative to the administration of justice, civil or criminal.

43. Each Provincial Court shall every twelve months furnish to the Supreme Court a report of every case, civil and criminal, brought before it in such form as the Supreme Court from time to time directs.

44. A suit or proceeding shall not be commenced in the Court against any person for anything done or omitted under this Order, unless notice in writing is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the suit or proceeding, nor unless it is commenced within three months next after the act or omission complained of, or, in case of a continuation of damage, within three months next after the ceasing of the damage.

The plaintiff in such a suit shall not succeed if tender of sufficient amends is made by the defendant before the commencement thereof; and if no tender is made, the defendant may, by leave of the Court, at any time

pay into Court such sum of money as he thinks fit; and thereupon such proceeding and order shall be had and made in and by the Court as the Court thinks just.

Sale of Copies.

45. A copy of this Order shall be exhibited in each Court. Printed copies shall be provided, and shall be sold at such reasonable price as the Supreme Court directs.

Forms.

46. The forms set forth in the second Schedule to this Order, or forms to the like effect, may be used with such variations as circumstances require.

Fees.

47. The fees specified in the Third Schedule to this Order shall be paid.

Reconciliation.

48. In civil cases, the Court and its officers shall, as far as there is proper opportunity, promote reconciliation among persons over whom the Court has jurisdiction, and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference among them.

Where a civil suit or proceeding is pending, the Court may promote reconciliation among the parties thereto, and encourage and facilitate the amicable settlement thereof.

In crimial cases, the Court may promote reconciliation and encourage and facilitate the settlement in an amicable way of proceedings for assault or for any other offence not amounting to felony, and being of a private or personal character, on terms of payment of compensation or other terms approved by the Court, and may thereupon order the proceedings to be stayed.

Language.

49. Every summons, order, and other document issuing from the Court shall be in English or Italian or in English and Italian.

Every petition, answer, and other document filed in the Court in a civil or criminal proceeding by a party thereto shall be in English, or French, or Italian.

Every affidavit used in the Court shall be in English or in the ordinary language of the person swearing it.

An affidavit in any language other than English, or French, or Italian, shall be accompanied by a sworn translation into English, or French, or Italian procured by and at the expence of the person using the affidavit.

Where there is a jury, all the proceedings before the jury shall be conducted in English,—evidence, if given in any other language, being interpreted.

Seals.

50. Summonses, orders, and other documents issuing from the Supreme Court, or from the Court for Egypt, shall be sealed with the seal of that Court.

Those issuing from a Provincial Court shall be sealed with the official seal of the Consular Officer by whom they are issued.

Minutes of Proceedings.

51. In every case, civil or criminal, minutes of the proceedings shall be drawn up, and shall be signed by the Judge or Consular Officer before whom the proceedings are taken, and shall, where the suit is heard with assessors, be open for their inspection and for their signature if concurred in by them.

These minutes, with the depositions of witnesses and the notes of evidence taken at the hearing or trial by the Judge or Consular Officer, shall be preserved in the public office of the Court.

Counsel, Attorneys, and Agents.

52. Every person doing an act or taking a proceeding in the Court as plaintiff in a civil case, or as making a criminal charge against another person or otherwise, shall do so in his own name and not otherwise, and either—

(*a*) by himself, or

(*b*) by his counsel or attorney-at-law, or

(*c*) by his procurator or agent thereunto lawfully authorized in writing.

Where the act is done or proceeding taken by an attorney, procurator or agent, the power-of-attorney, or instrument constituting the procurator or agent, or an authenticated copy thereof, shall be first filed in the Court.

Where the authority has reference only to the particular proceeding, the original document shall be filed.

Where the authority is general, or has reference to other matters in which the attorney, procurator, or agent is empowered to act, an authenticated copy of the document may be filed.

If any person does an act or takes a proceeding in the Court in the name or on behalf of another person not being lawfully authorized thereunto, and knowing himself not to be so authorized, he shall be deemed guilty of a contempt of Court.

Where in this Order appearance is referred to, appearance in person, or by counsel, attorney procurator or agent as aforesaid, is meant, unless it is otherwise expressed.

Service.

53. Service of a petition, notice, summons, order, or other document of which service is required by this Order, or according to the course of the Court, shall be made by an officer of the Court, unless in any case the Court thinks fit otherwise to direct.

Service shall not be made except under an order of the Court endorsed on or subscribed or annexed to the document to be served, which order is for the purposes of this Order deemed part of the document to be served.

Unless in any case the Court thinks it just and expedient otherwise to direct, service shall be personal,—that is, the document to be served shall be delivered to the person to be served himself.

Where it appears to the Court (either after or without an attempt at personal service) that for any reason personal service cannot be conveniently effected, the Court may order that service be effected either—

(i) by delivery of the document to some adult inmate at the usual or last known place of abode or business within the particular jurisdiction of the person to be served; or

(ii) by delivery thereof to some person being an agent of the person to be served, or to some other person within the particular jurisdiction, on it being proved that there is reasonable probability that the document will, through that agent or other person, come to the knowledge of the person to be served; or

(iii) by advertisement in some newspaper circulating within the particular jurisdiction; or

(iv) by notice put up at the Court or at some other place of public resort within the particular jurisdiction.

An order for service may be varied from time to time with respect to the mode of service directed by the order.

Service not required to be personal shall be made before five o'clock in the evening.

If made after that hour on any day but Saturday, it shall be considered as made on the following day.

If made after that hour on Saturday, it shall be considered as made on the following Monday.

Service shall not be made on Sunday, Christmas Day, or Good Friday.

Ordinarily, service shall not be made out of the particular jurisdiction, except under an order for that purpose made by the Court within whose jurisdiction service is to be made, which order may be made on the request of any other Court, and shall in each case direct in what mode service is to be made.

Where, however, the urgency or other peculiar circumstances of the case appear to any Court so to require (for reasons recorded in the minutes), the Court may order that service be made out of its particular jurisdiction.

Computation of Time.

54. Where by this order, or any order of the Court, or the course of the Court, any limited time from or after any date or event is appointed or

allowed for the doing of any act, or the taking of any proceeding, and the time is not limited by hours, the following rules shall apply :—

(i) the limited time does not include the day of the date of or the happening of the event, but commences at the beginning of the day next following that day ;

(ii) the act or proceeding must be done or taken at latest on the last day of the limited time ;

(iii) where the limited time is less than six days, the following days shall not be reckoned as part of the time, namely, Sunday, Good Friday, Monday and Tuesday in Easter week, Christmas Day, and the day next before and the day next after Christmas Day ;

(iv) where the time expires on one of those days, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards not being one of those days.

Discretion of Court as to Practice.

55. Notwithstanding anything in this Order, the Court (for reasons recorded in the minutes) may at any time, and from time to time, do any of the following things, as the Court thinks just :—

(i) defer or adjourn the hearing or determination of any suit, matter, proceeding, or application ;

(ii) order or allow any amendment of any petition, answer, notice, or other document ;

(iii) appoint or allow a time for, or enlarge or abridge the time appointed or allowed for, or allow further time for, the doing of any act or the taking of any proceeding.

56. The Court on making any order which it is in its discretion to make may make the order on such terms respecting time, costs, and other matters as the Court thinks fit.

Obstruction or Disturbance of Court.

57. If any person wilfully obstructs by act or threat an officer of the Court in the performance of his duty ;

Or within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the terror of the suitor or others resorting thereto ;

Or wilfully insults the Judge, or any Consular Officer, or any assessor or juror, or any clerk or officer of the Court, during his sitting or attendance in Court, or in his going to or returning from Court ;—

He shall be liable to be immediately apprehended by order of the Court, and to be detained until the rising of the Court, and on enquiry and consideration then and there, and without further trial, to be punished with a fine of not more than 5*l.*, imprisonment for not more than seven days, in the discretion of the Court.

A minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment; and in the case of a Provincial Court, a copy of the minute shall be forthwith sent to the Supreme Court.

Misconduct of Officers of Court.

58. If an officer of the Court employed to execute an order, by neglect or omission loses the opportunity of executing it, then on complaint of the person aggrieved, and proof of the fact alleged, the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof, and the order shall be enforced as an order directing payment of money.

59. If a clerk or officer of the Court, acting under pretence of the process or authority of the Court, is charged with extortion or with not duly paying over money levied, or with other misconduct, the Court, if it thinks fit, may (without prejudice to any other liability or punishment to which the clerk or officer would, in the absence of the present provision, be liable) enquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for the payment of such damages and costs as the Court thinks just; and the Court may also, if it thinks fit, impose on the clerk or officer such fine, not exceeding 10*l.*, for each offence, as the Court thinks just.

Fees and other Money.

60. All costs and all charges and expenses of witnesses, prosecutions, punishments, and deportations, and other charges and expenses, and all fees, fines, forfeitures, and pecuniary penalties payable under this Order, may be levied by distress and seizure and sale of ships, goods and lands; and any bill of sale, or mortgage, or transfer of property made with the view of avoiding such distress, seizure or sale, shall not be permitted to defeat the provisions of this Order.

61. All fees, fines, forfeitures, and pecuniary penalties levied under this Order shall be carried to the public account, and be applied in diminution of the public expenditure on account of Her Majesty's Consular service in the Ottoman dominions.

Witnesses.

62. In any case, civil or criminal, and at any stage thereof, the Court, either of its own motion, or on the application of any party, may summon a subject or protected person, being within the particular jurisdiction, to attend to give evidence, or to produce documents, or to be examined.

If the person summoned, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall (inde-

pendently of any other liability) be deemed guilty of an offence against this Order, and be liable to a fine of not more than 100*l.*, or to imprisonment for not more than one month, in the discretion of the Court.

63. In a criminal case, where it is proved that a subject or protected person within the particular jurisdiction is likely to give material evidence, either for the prosecution or for the defence, and that he will not voluntarily attend to give evidence, the Court shall issue a summons for his attendance.

If he does not obey the summons, and does not excuse his failure to the satisfaction of the Court, then (after proof of the service of the summons) the Court may issue a warrant to compel his attendance.

Where it is proved to be probable that a person who might be so summoned will not attend to give evidence unless compelled to do so, then the Court, instead of issuing a summons, may issue a warrant in the first instance.

If any such person on his appearance, either in obedience to a summons, or on being brought up under a warrant, refuse to take an oath, or having taken an oath to answer any question put to him, and does not excuse his refusal to the satisfaction of the Court, then the Court may, by warrant, commit him to prison, there to remain for not more than seven days, unless he in the meantime consents to answer duly on oath.

64. If in any case, civil or criminal, a subject or protected person wilfully gives false evidence on oath in the Court, or on a reference, he shall be deemed guilty of wilful and corrupt perjury.

65. In a civil case, the Court may, if it thinks fit, order that the expenses of a witness, on his appearing to give evidence, be defrayed by the parties, or any of them.

66. In any case, civil or criminal, and at every stage thereof, the Court, on the application of either party, or of its own motion, may order witnesses on both sides to be kept out of Court until they have respectively given their evidence; but this provision does not extend to the parties themselves, or to their respective legal advisers, although intended to be called as witnesses.

67. In every case, civil or criminal, and at every stage thereof, the Court shall take a note of the substance of all oral evidence taken before it in a narrative form, but shall put down the terms of any particular question or answer, if there appears reason for doing so.

No person shall be entitled as of right, at any time or for any purpose, to inspection or a copy of the Court's notes of evidence.

68. In every case, civil or criminal, and at every stage thereof, each witness, after examination-in-chief, is subject to be cross-examined by the other party, and to be re-examined by the party calling him, and after re-examination may be questioned by the Court, and shall not be recalled or further questioned save through and by leave of the Court.

69. In a civil case, where evidence taken by affidavit, or by commission, or on deposition, is offered, the party offering it may read it before or after the oral evidence on his part is concluded.

70. In every case, civil or criminal, and at every stage thereof, any objection to the reception of evidence shall be made at the time the evidence is offered, and shall be argued and decided at the time.

Where a question proposed to be put to a witness is objected to, the Court, unless the objection appears frivolous, shall, if required by either party, take a note of the question and objection, and mention on the notes whether the question was allowed to be put or not, and the answer to it, if put.

71. In a civil case, where a person whose evidence would have been admissible is dead or insane, or for any reason appearing sufficient to the Court, is not present to give evidence, the Court may, if it thinks fit, receive proof of any evidence given by him in any former judicial proceeding; provided that the subject-matter of the former proceeding was substantially the same as that of the pending proceeding, and that the parties to the pending proceeding were parties to the former proceeding or bound by it, and had an opportunity in it of cross-examining the person of whose evidence proof is so to be given.

72. In a criminal case, if it is proved that a person whose deposition has been taken is dead, or is so ill as not to be able to travel, and that his deposition was taken in the presence of the accused, and that the accused had full opportunity of cross-examining the witness, the deposition may be given in evidence.

73. In a criminal case, any statement made by the accused at the preliminary examination, in answer to the question put to him by the Court, as prescribed by this Order, may be given in evidence against him on the trial.

74. In a criminal case, nothing in this Order shall prevent the prosecutor from giving in evidence at the trial any omission or confession, or other statement of the accused made at any time, which would by law, independently of this Order, be admissible as evidence against him.

75. In a civil case, where the circumstances of the case appear to the Court so to require, for reasons recorded in the minutes, the Court may, when a suit or application is pending, take the evidence of any witness at any time as preparatory to the hearing, and the evidence so taken may be used at the hearing, subject to just exceptions.

Any Court of Consular Officer shall, on the request in writing of any Court before which a suit or application is pending, so take evidence for purposes of the suit or application.

The evidence shall be taken in like manner, as nearly as may be, as evidence at the hearing of a suit is to be taken, and then the note of the evidence shall be read over to the witness and tendered to him for signature, and if he refuses to sign it, the Court shall add a note of his refusal, and the evidence may be used as if he had signed it.

Evidence may be taken in like manner on the application of any person, although no suit or application is pending, where it is proved that the person applying has good reason to apprehend that a proceeding will be taken against

him in the Court, and that some person within the particular jurisdiction at the time of application can give material evidence respecting the subject of the apprehended proceeding, but that he is about to leave the particular jurisdiction, or that from some other cause the person applying will lose the benefit of his evidence if it is not at once taken.

Affidavits.

76. Before an affidavit is used in the Court for any purpose, the original shall be filed in the Court, and the original or an office copy shall alone be recognized for any purpose in the Court.

An affidavit sworn before a Consular Officer of Her Majesty, authorized to take affidavits in any country, or before a Judge, or other person in the United Kingdom or in a British colony or possession, authorized to take affidavits, or before a Mayor or other Magistrate in a foreign country, authorized to administer an oath, or in the case of a foreigner being in the Ottoman dominions before his own proper Consular authority, may be used in the Court subject to the rules of his evidence.

An affidavit shall not be admitted if it is proved that it has been sworn before a person on whose behalf it is offered, or before his attorney, or before a partner or clerk of his attorney.

An affidavit may be used notwithstanding any defect in form, if it is proved that it has been sworn before a person duly authorized, and that the form thereof and that of the attestation thereto are in accordance with the law and custom of the place where it has been sworn.

A defective or erroneous affidavit may be amended and re-sworn, by leave of the Court in which it is to be used.

The Court may, if it thinks fit, for reasons recorded in the minutes admit an affidavit in evidence, though it is shown that the party against whom the affidavit is offered in evidence had no opportunity of cross-examining the person making the affidavit.

77. Every affidavit used in the Court shall contain only a statement of facts and circumstances to which the witness deposes, either from his own personal knowledge or from information which he believes to be true.

It shall not contain extraneous matter, by way of objection, or prayer, or legal argument or conclusion.

Where a witness deposes to his belief in any matter of fact, and his belief is derived from any source other than his own personal knowledge, he shall set forth explicitly the facts and circumstances forming the ground of his belief.

Where his belief is derived from information received from another person, the name of his informant shall be stated, and reasonable particulars shall be given respecting the informant, and the time, place, and circumstances of the information.

78. The following regulations shall be observed by Consular Officers before whom affidavits are taken :—

Every affidavit taken in the matter of a suit or proceeding shall be headed in the Court and in the suit or proceeding.

Every affidavit shall state the full name, trade or profession, address and nationality, of the witness.

It may be in the first or in the third person, and may be divided into convenient paragraphs numbered consecutively.

Any erasure, interlineation or alteration, made before the affidavit is sworn, shall be attested by the Consular Officer, who shall affix his signature or initials in the margin immediately opposite to the interlineation, alteration, or erasure.

Where an affidavit proposed to be sworn is illegible or difficult to read, or is in the judgment of the Consular Officer so written as to facilitate fraudulent alteration, he may refuse to swear the witness, and may require the affidavit to be re-written.

The affidavit when sworn shall be signed by the witness (or, if he cannot write, marked by him with his mark) in the presence of the Consular Officer.

The jurat shall be written without interlineation, alteration, or erasure immediately at the foot of the affidavit, and towards the left side of the paper, and shall be signed by the Consular Officer, and be sealed by him with his Consular seal.

It shall state the date of the swearing and the place where it is sworn.

It shall state that the affidavit was sworn before the Consular Officer.

Where the witness is blind or illiterate, it shall state that fact and that the affidavit was read over to him in the presence of the Consular Officer, and that the witness appeared to understand it.

Where the witness makes a mark instead of signing, the jurat shall state that fact and that the mark was made in the presence of the Consular Officer.

Where two more persons join in making an affidavit, their several names shall be written in the jurat, and it shall appear by the jurat that each of them has been sworn to the truth of the several matters stated by him in the affidavit.

The Consular Officer shall not allow an affidavit when sworn to be altered in any manner without being re-sworn.

If the jurat has been added and signed, he shall add a new jurat on the affidavit being re-sworn; and in the new jurat he shall mention the alteration.

He may refuse to allow the affidavit to be re-sworn, and may require a fresh affidavit.

Documentary Evidence.

79. In a civil case any party may call on any other party, by notice filed and served, to admit any document, subject to just exceptions.

In case of refusal or neglect to admit, the costs of proof of the document shall be paid by the party neglecting or refusing, unless the Court is of opinion that the refusal to admit was reasonable.

No costs of proof of any document shall be allowed, unless notice to admit has been given, except in cases where the omission to give notice has, in the opinion of the Court, produced a saving of expense.

Every document offered as evidence, and not objected to, shall be put in and read, or taken as read by consent.

Every document put in evidence shall be marked by the Court at the time, and shall be retained by the Court during the hearing and returned to the party who put it in, or from whose custody it came, immediately after the judgment, unless it is impounded by order of the Court.

Commissions to examine out of Ottoman Dominions.

80. The Supreme Court may, if it thinks fit, order that a commission do issue for examination of witnesses at any place out of the Ottoman dominions, on oath, by interrogatories or otherwise, and may, from time to time, by order, give such directions touching the time, place, and manner of the examination, or anything connected therewith, as to the Court appear reasonable and just.

Ottoman Subjects and Foreigners.

81. Where an Ottoman subject or foreigner desires to institute or take in the Court a suit or proceeding of a civil nature against a subject or protected person—or a subject or protected person desires to institute or take in the Court a suit or proceeding of a civil nature against an Ottoman subject or foreigner—the Court shall entertain the same, and shall hear and determine it, either by the Judge or proper Consular Officer sitting alone, or, if all parties desire, or the Court thinks fit to direct, a trial with a jury or assessors, then at place where such a trial might be had if all parties were subjects, by the Judge or proper Consular Officer with a jury or assessors, but in all other respects according to the ordinary course of the Court:

Provided that the Ottoman subject or foreigner first obtains and files in the Court the consent in writing of the competent authority on behalf of the Sublime Ottoman Porte or of his own nation (as the case may be) to his submitting, and does submit, to the jurisdiction of the Court, and, if required by the Court, gives security to the satisfaction of the Court, by deposit or otherwise, to pay fees, damages, costs and expenses, and abide by and perform such decision as shall be given by the Court originally or on appeal (as the case may require).

82. A cross-suit shall not be instituted in the Court against a plaintiff being an Ottoman subject or foreigner who has submitted to the jurisdiction, by a defendant, without leave of the Court first obtained.

The Court before giving leave shall require proof from the defendant that his claim arises out of the subject-matter in dispute, and that there is reasonable ground for it, and that it is not made for vexation or delay.

Nothing in this provision shall prevent the defendant instituting or taking in the Court any suit or proceeding against the Ottoman subject or foreigner after the termination of the suit or proceeding in which the Ottoman subject or foreigner is plaintiff.

83. Where an Ottoman subject or foreigner obtains in the Court an order against a defendant being a subject or protected person, and in another suit that defendant is plaintiff and the Ottoman subject or foreigner is defendant, the Court may, if it thinks fit, on the application of the subject or protected person, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit.

Where a plaintiff, being an Ottoman subject or foreigner, obtains an order in the Court against two or more defendants being subjects or protected persons jointly, and in another suit one of them is plaintiff and the Ottoman subject or foreigner is defendant, the Court may, if it thinks fit, on the application of the subject or protected person, stay the enforcement of the order pending that other suit, and may set off any amount ordered to be paid by one party in one suit against any amount ordered to be paid by the other party in the other suit without prejudice to the right of the subject or protected person to acquire contribution from his co-defendants under the joint liability.

84. Where an Ottoman subject or foreigner is co-plaintiff in a suit with a subject or protected person who is within the particular jurisdiction, it shall not be necessary for the Ottoman subject or foreigner to make deposit or give security for costs unless the Court so directs, but the co-plaintiff, subject or protected person, shall be responsible for all fees and costs.

Ottoman or Foreign Tribunal.

85. Where it is proved that the attendance within the particular jurisdiction of a subject or protected person to give evidence, or for any other purpose connected with the administration of justice, is required in a Court or before a Judicial Officer of the Sublime Ottoman Porte, or of a State in amity with Her Majesty, the Court may, if it thinks fit, in a case and in circumstances in which the Court would require his attendance before the Court, order that he do attend in such Court or before such Judicial Officer, and for such purposes as aforesaid.

If the person ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court, he shall (independently of any other liability) be deemed guilty of an offence against this Order, and he shall for every such offence, on conviction thereof, by summary trial, be liable to a fine of not more than 50*l.*, or to imprisonment for not more than one month, in the discretion of the Court.

VII.—Civil Authority and Procedure.

86. Each Court shall be a Court of Law and of Equity, and (subject to the provisions of this Order) shall have and may exercise all jurisdiction,

power and authority, legal, equitable or other, which any Consul of Her Majesty by custom has or may exercise in the Ottoman dominions.

i.—Bankruptcy.

87. Each Court shall be a Court of Bankruptcy, and as such shall, as far as circumstances admit, have, for and within its own district, with respect to resident subjects and protected persons, and to their debtors and creditors, being either resident subjects or protected persons, or Ottoman subjects or foreigners submitting to the jurisdiction of the Court, all such jurisdiction as for the time being belongs to the Court of Bankruptcy and the County Courts in England, or to any other judicial authority having for the time being jurisdiction in Bankruptcy in England.

ii.—Admiralty.

88. The Supreme Court shall be a Court of Vice-Admiralty, and as such shall, for and within the Ottoman dominions, and for vessels and persons coming within those dominions, have all such jurisdiction as for the time being ordinarily belongs to Courts of Vice-Admiralty in Her Majesty's possessions abroad.

The Court of Egypt shall be a Court of Vice-Admiralty, and as such shall, for its own district, and for vessels and persons coming within that district, have the like jurisdiction.

iii.—Lunacy.

89. The Supreme Court shall, as far as circumstances admit, have in itself exclusively, for and within the Ottoman dominions, with respect to resident subjects and protected persons, all such jurisdiction relative to the custody and management of the persons and estates of persons of unsound mind as for the time being belongs to the Lord Chancellor or other person or persons in England entrusted, by virtue of Her Majesty's sign manual, with the care and commitment of the custody of the persons and estates of persons found by inquisition in England idiot, lunatic, or of unsound mind.

iv.—Matrimonial Causes.

90. The Supreme Court shall be a Court for Matrimonial Causes, and as such shall, as far as circumstances admit, have in itself exclusively, for and within the Ottoman dominions, with respect to resident subjects and protected persons, all such jurisdiction, except the jurisdiction relative to dissolution or nullity or jactitation of marriage, as for the time being belongs to the Court for Divorce and Matrimonial Causes in England.

v.—Probate.

91. The Supreme Court shall be a Court of Probate, and as such shall, as far as circumstances admit, have, for and within the Ottoman dominions,

with respect to the property of deceased resident subjects or protected persons, all such jurisdiction as for the time being belongs to Her Majesty's Court of Probate in England.

The Court for Egypt or a Provincial Court shall, however, also have power to grant probate or letters of administration where there is no contention respecting the right to the grant, and it is proved that the deceased was resident at his death within the particular jurisdiction. The probate or administration shall have effect over all the property of the deceased within the Ottoman dominions, and shall effectually discharge persons dealing with an executor or administrator thereunder, notwithstanding that any defect afterwards appears in the grant. The grant shall not be impeachable by reason only that the deceased was not at the time of his death resident within the particular jurisdiction.

92. A subject or protected person may in his lifetime deposit for safe custody in the Court his own will, sealed up under his own seal and the seal of the Court.

vi.—Special Jurisdictions.

93. Where a civil suit or proceeding originally instituted in the Supreme Court—

(i) relates to money, goods, or other property, or any civil right or other matter, at issue, of a less amount or value than 100*l.*, or

(ii) is instituted for recovery of damages of a less amount than 100*l.*;

the Judge may refer the same to the Assistant Judge to be heard and determined by him, and the same shall be so heard and determined accordingly; but an appeal shall lie as of course to the Judge.

94. Where a civil suit or proceeding originally instituted in the Court for Egypt—

(i) relates to money, goods, or other property, or any civil right or other matter, at issue, of a less amount or value than 100*l.*, or

(ii) is instituted for recovery of damages of a less amount than 100*l.*,

the Judge may refer the same to the Law Secretary to be heard and determined by him, and the same shall be so heard and determined accordingly; but an appeal shall lie as of course to the Judge.

95. The Supreme Court may, from time to time, by deputation in writing under the hand of the Judge and the seal of the Court, authorize the Consul-General at Tunis to refer from time to time to the Vice-Consul at Tunis such civil cases as are described in the deputation; and all cases referred in pursuance thereof shall be so heard and dertermined accordingly; but an appeal shall lie as of course to the Consul-General at Tunis.

The deputation shall not have effect until it has been approved in writing by the Secretary of State, and may at any time be revoked by the Secretary of State by writing under his hand, or by the Supreme Court by writing under the hand of the Judge and the seal of the Court.

96. A Provincial Court held before an uncommissioned Consular Officer shall not have jurisdiction, except where the claim—

(i) relates to money, goods, or other property, or any civil right or other matter, at issue, of a less amount or value than 10*l.*; or

(ii) is instituted for recovery of damages of a less amount than 10*l.*

vii.—ARBITRATION.

97. The Court may, with consent of parties, refer to arbitration the final determination of any suit or proceeding pending, or of all matters in difference between the parties, on such terms and with such directions as to appointment of an arbitrator and other things as the Court thinks fit, with or without security from the parties, or any of them, that they will abide by the result of the reference.

In any such case the award shall be final and conclusive.

On the application of any party a decree of the Court may be entered in conformity with the award, and the decree shall not be open to appeal or rehearing.

98. Every agreement for reference to arbitration, or submission to arbitration by consent, between or by subjects or protected persons, or subjects and protected persons, may, on the application of any party, be made a rule of the Court having jurisdiction in the matter of the reference or submission; and that Court shall thereupon have authority to enforce the agreement or submission and the award made thereunder, and to control and regulate the proceedings before and after the award, in such manner and on such terms as the Court thinks just.

The following provisions respecting arbitration apply exclusively to cases where the agreement for reference to arbitration, or submission to arbitration by consent, is so made a rule of Court.

99. The arbitrators shall make their award within one month after they have entered on the reference or have been called on to act by a notice in writing from any party, unless the document authorizing or making the reference contains a different limit of time.

100. The Court may, if it thinks fit, on reasonable notice to all parties, from time to time, enlarge the time for making the award for such time as the Court thinks just, the reasons for enlargement being recorded in the minutes.

101. An umpire may enter on the reference in lieu of the arbitrators, if the arbitrators have allowed their time, or their extended time, to expire without making an award, or have filed in the Court a notice in writing that they cannot agree.

102. The authority of arbitrators or an umpire is not revocable, except by the Court.

103. Where it appears to the arbitrators or umpire that any difficult question of law is involved in or raised by the facts as finally ascertained by them or him, they or he may, if it seems to them or him fit, state the award

(as to the whole or any part thereof) in the form of a case for the opinion of the Court having jurisdiction in the matter, or of the Supreme Court.

The Court shall consider and deliver judgment on the case, and shall be at liberty to draw inferences of fact from the facts stated, and to amend the case by reason of any irregularity, mistake, or imperfection.

104. The arbitrators or umpire shall have power to award how the costs of the references shall be borne, in the whole or in part.

But an award respecting costs shall not preclude a party against whom costs are awarded from applying to the Court to tax the costs; and on that application the costs, including the remuneration (if any) of the arbitrators and umpire, or any of them, shall be taxed at a reasonable rate by the Court; and the Court shall make such order respecting the costs or taxation as the Court thinks just.

105. The award shall be in writing, signed by the arbitrators or umpire making it.

It shall contain a conclusive finding, and may not find on the contingency of any matter of fact being afterwards substantiated or deposed to. It shall comprehend a finding on each of the several matters referred.

106. The arbitrators or umpire making an award shall, within the time limited, deposit the award in the Court, enclosed in a sealed cover, and endorsed with the names of the parties to the reference, and with a note of the amount claimed by the arbitrators and umpire for remuneration.

Notice of the award having been deposited shall be served by the Court on the parties, who shall be at liberty to read the award and to have copies of it.

107. Any person interested may, within seven days after notice of the award, apply to the Court to prevent the execution of the award or of any specified part of it.

In default of any such application, the Court shall proceed, on reasonable notice to all parties, to make such order for carrying into effect the award, or any part thereof, and as to costs and other things, as the Court thinks just.

108. The Court may at any time, and from time to time, remit the matters referred, or any of them, to the reconsideration and redetermination of the arbitrators or umpire on such terms as to costs and other things as the Court thinks just.

109. The Court shall not refuse to execute an award merely on the ground of irregularity in the submission, or during the reference, where the irregularity has not been substantially prejudicial to the party applying to prevent the execution of the award.

viii.—Decision on Fact or Law without Suit.

(*a*) *Question of Fact.*

110. Where persons between whom a suit might be instituted agree that there is a question of fact to be determined between them, they may, by

consent and by order of the Court, which order the Court may make on being satisfied that the parties have a real interest in the determination of the question, and that it is fit to be tried, state the question for trial in an issue, and the issue may be tried as if the question were to determined at the hearing of a suit.

The issue and proceedings and decree shall be recorded, and the decree shall have the same effect as a decree in a suit.

The parties may, if they think fit, enter into an agreement in writing, embodied in an order of the Court, that, on the finding of the Court, a sum of money, fixed in the agreement, or to be ascertained by the Court on a question inserted in the issue for that purpose, shall be paid by one of the parties to the other, with or without any costs. On the finding, a decree may be entered for the sum so agreed or ascertained, with or without costs, as the case may be.

Where there is no agreement respecting costs, the costs of the whole proceedings shall be in the discretion of the Court.

(b) Question of Law.

111. Where persons between whom a suit might be instituted agree that there is a question of law to be determined between them, they may, by consent and by order of the Court, which order the Court may make on being satisfied that the parties have a real interest in the determination of the question, and that it is fit to be determined, state any question of law in a case for the opinion of the Supreme Court without petition presented or other pleading.

Where the case is stated under order of a Court other than the Supreme Court, the Court shall send the case to the Supreme Court.

The Supreme Court may direct the case to be restated or to be amended, or may refuse to determine if the facts are not sufficiently stated, or if the question is not properly raised, or if the parties cannot agree on an amended case.

The Supreme Court may draw inferences of fact from facts stated in the case.

The case and proceedings and decree shall be recorded, and the decree shall have the same effect as a decree in a suit.

The parties may, if they think fit, enter into an agreement in writing, embodied in an order of the Court, that on the judgment of the Supreme Court being given, a sum of money, fixed in the agreement, or to be ascertained by the Supreme Court, or in such manner as that Court may direct, shall be paid by one of the parties to the other with or without any costs. On the judgment of the Supreme Court, a decree of the Court under whose order the case was stated may be entered for the sum so agreed or ascertained, with or without costs, as the case may be.

Where there is no agreement respecting costs, the costs of the whole proceedings shall be in the discretion of the Supreme Court.

IX.—Bills of Exchange and Promissory Notes.

112. A suit on a bill of exchange or promissory note, instituted within six months after it becomes due and payable, may be commenced by summons, and may be heard and determined in a summary way.

An appeal shall not lie to the Supreme Court from any order in the suit.

113. The Court shall, on application within seven days from the service of the summons, give the defendant leave to defend the suit on his paying into Court the sum endorsed on the summons, or on proof of a good legal or equitable defence, or such facts as would make it incumbent on the holder to prove consideration, or such other facts as appear to the Court sufficient to support the application, and on such terms as to security and other things as the Court thinks fit; and in that case the Court may direct proceedings to be taken and carried on by petition.

If the defendant does not obtain leave to defend, the plaintiff, on proof of service of the summons, shall be entitled as of course at any time after the expiration of those seven days to an immediate absolute order for any sum not exceeding that endorsed on the summons, with interest at the rate specified (if any) to the date of the order, and a sum for costs to be fixed by the Court in the order.

114. The holder of a bill or note may, if he thinks fit, obtain one summons against all or any of the parties to the bill or note, and subsequent proceedings shall be carried on, as far as the Court thinks fit, as if separate summonses had been issued.

But the summons or its endorsement shall set forth the claims against the several parties, according to their respective alleged liabilities, with sufficient precision and certainty to enable each to set up any defence on which he individually may desire to reply.

115. The Court may, if it thinks fit, order that the bill or note be forthwith deposited in the Court, and that all proceedings be stayed until the plaintiff gives security for costs.

116. The holder of a dishonoured bill or note shall have the like remedies for the recovery of the expenses incurred in the noting of the same for non-acceptance or non-payment, or incurred otherwise by reason of the dishonour, as for recovery of the amount of the bill or note.

117. After order made, the Court may, if it thinks fit, for reasons recorded in the minutes, set aside the order or execution, and give leave to defend.

X.—Claims under £20.

118. Where the claim which any person desires to enforce by proceedings in the Court either—

(1) relates to money, goods or other property, or any civil right or other matter at issue of a less amount or value than 20*l.*, or

(2) Is instituted for the recovery of damages of a less amount than 20*l.*, proceedings shall be commenced by summons, and the suit shall (subject to the provisions of this Order) be heard and determined in a summary way.

119. The summons shall issue without application in writing.

It shall be addressed to the person, as respondent, against whom the claim is made.

It shall state briefly and clearly the nature and particulars of the claim and the amount sought to be recovered.

It shall be served on the respondent within the time and in the manner directed by the Court.

A respondent shall not be bound to attend personally to answer the summons, unless required expressly by the summons so to do, but he shall attend personally if summoned as a witness.

The proceedings on the summons shall (except as far as the Court, in any case for the avoiding of delay and the furtherance of substantial justice, thinks fit otherwise to direct) be governed by the provisions of this Order regulating claims for 20*l.* or upwards.

120. Where, either on the application for a summons, or before or at the hearing thereof, it appears to the Court (for reasons recorded in the minutes) that the nature and circumstances of the case make it unjust or inexpedient to hear and determine the claim in a summary way, the Court may direct that proceedings be taken and carried on by petition.

xi.—Claims before uncommissioned Consular Officers.

121. Every suit instituted in a Provincial Court held before an uncommissioned Consular Officer shall be heard and determined under and according to the provisions of this Order relating to claims under 20*l.*

Within fourteen days after the determination of each suit, the Provincial Court shall report it to the Supreme Court, or in Egypt to the Court for Egypt, and transmit to that Court a copy of the proceedings.

The Provincial Court shall have power to enforce and order by execution on the goods of the party ordered to pay, and not otherwise.

An appeal to the Supreme Court, or in Egypt to the Court for Egypt, from any order of the Provincial Court shall lie as of course on the appellant making a deposit of 1*l.* for costs, to abide the decision on appeal, and execution shall be suspended.

The proceedings on, and hearing of, the appeal shall be conducted, as nearly as may be, according to the provisions of this Order relating to appeals to the Supreme Court by motion.

In any case the Supreme Court or the Court for Egypt may, if it thinks fit, on the application of any party, direct that the suit be heard and determined by the Court for Egypt, or by the superintending Consul of the district of the uncommissioned Consul Officer, or by the Supreme Court.

xii.—Claims for £20 or upwards.

A.—Ordinary Provisions.

Petition.

122. Subject to the foregoing provisions of this Order, where the claim which any person desires to enforce by proceedings in the Court—

(i) relates to money, goods or other property, or any civil right or other matter, at issue, of the amount or value of 20*l.* or upwards, or

(ii) is instituted for recovery of damages of the amount of 20*l.* or upwards,

proceedings shall be commenced by the filing of a petition.

123. The petition shall contain a narrative of the material facts on which the plaintiff relies.

The narrative shall be divided into paragraphs numbered consecutively, each paragraph containing, as nearly as may be, a separate statement or allegation.

The petition shall pray for the specific relief to which the plaintiff conceives himself entitled for and also general relief.

The petition shall be as brief as is consistent with a clear statement of the facts on which the prayer is sought to be supported, and with information to the defendant of the nature of the claim set up.

Documents shall not be unnecessarily set out in full in the petition, but so much only of them as is pertinent and material shall be set out.

Dates and sums shall be expressed in the petition in figures, and not in words.

124. Where there is only one defendants, one copy of the petition, and of any schedule thereto, for service, shall be left with the Court, together with the original.

Where there are two or more defendants, as many copies as are parties to be served shall he left, together with the original.

125. The plaintiff shall obtain an order for service of the petition on the defendant.

Answer.

126. The order for service of the petition shall specify a reasonable time after service, ordinarily not more than eight days, within which the defendant shall put in his answer.

127. The Court may, if it thinks fit, on the application of the defendant, allow him further time for putting in his answer.

128. A defendant failing to answer within the time, or further time, allowed shall not be at liberty to put in an answer without leave of the Court.

129. The answer shall show the nature of the defendant's defence to the claim set up by the petition, but shall not set forth evidence by which the defence is intended to be supported.

It shall not introduce matter irrelevant to the suit, and the provisions of this Order relating to the setting out of documents and the contents of a petition generally shall be observed in an answer as far as they are applicable.

It shall deny all such material allegations in the petition as the defendant intends to deny at the hearing.

Where the answer denies an allegation of fact, it shall deny it directly and fully (as, for example, if a petition alleges that the defendant has received a sum of money, and the defendant denies this, his answer shall deny that he has received that sum, or any part thereof, or else set forth what part he has received. And so, where a matter of fact is alleged in the petition, with certain circumstances, the answer shall not deny it literally as it is alleged but shall answer the point of substance positively and certainly).

The answer shall specifically admit such material allegations in the petition as the defendant knows to be true or desires to be taken as admitted.

The answer shall allege any fact not stated in the petition whereon the defendant intends to rely in his defence (as establishing, for instance, fraud on the part of the plaintiff, or showing that the plaintiff's right to relief has not yet accrued, or is released, or barred, or otherwise gone).

130. The Court may, if it thinks fit, order the defendant to put in an answer on oath.

131. The Court may, if it thinks fit, on the application of the plaintiff, examine the defendant, on oath or otherwise, or written interrogatories allowed by the Court, and take down the answers of the defendant in writing.

Those answers shall be treated as forming part of the answer to the petition.

132. A defendant not putting in any answer shall not, on that ground, be taken as admitting the allegations of the petition or the plaintiff's right to the relief sought.

Proceedings after answers.

133. No replication or other pleading after answer shall be allowed.

134. The plaintiff may, on considering the answer, amend his petition.

Notice of the amendment shall be served on the defendant.

Setting down for Hearing.

135. A suit shall not be set down for hearing without an order of the Court for that purpose, which the plaintiff may obtain at any time after the expiration of the time allowed to the defendant for answering.

Sittings for Hearing.

136. The sittings of the Court for the hearing of suits shall, where the amount of business so requires, be held on stated days.

They shall ordinarily be public, but the Court may, for reasons recorded in the minutes, hear any particular suit or matter in the presence only of the parties and their legal advisers and the officers of the Court.

Hearing with Jury or Assessors.

137. The following regulations respecting juries apply only to the Supreme Court and the Court for Egypt.

Where a suit either—

(i) relates to money, goods, or other property, or any civil right or other matter, at issue, of the amount or value of 50*l.* or upwards; or

(ii) is instituted for recovery of damages of the amount of 50*l.* or upwards;

the suit shall, on the demand of either party in writing, filed in the Court seven days before the day appointed for the hearing, be heard with a jury.

Any other suit may, on the suggestion of any party, at any stage, be heard with a jury, if the Court thinks fit.

Any suit may be heard with a jury if the Court of its own motion, at any stage, thinks fit.

A party demanding a jury shall, on filing the demand, deposit in Court, for the first day's attendance of jurors, 2*l.* 10*s.*, and in default thereof his demand shall have no effect.

If the Court of its own motion orders that a suit be heard with a jury, the plaintiff shall make the deposit.

Where a trial with a jury is begun and adjourned, the party who has made the deposit shall, on each successive day of the trial, and before the trial is proceeded with, make a further deposit of 2*l.* 10*s.*

In default of any successive deposit being so made, the other party may make the deposit; but if neither party makes it, the trial may, if the Court thinks fit, be adjourned generally.

The cost of remuneration of jurors shall be costs in the cause.

138. The Supreme Court, or the Court of Egypt, may, if the Court thinks fit, hear with an assessor, or with two assessors, any suit.

139. A Provincial Court, other than one held before an uncommissioned Consular Officer, shall (subject to the provisions of this order) hear with an assessor, or with assessors, every suit which either—

(i) relates to money, goods, or other property, or any civil right, or other matter, at issue, of the amount or value of 300*l.* or upwards; or

(ii) is instituted for recovery of damages of the amount of 300*l.* or upwards.

In all other cases a Provincial Court, other than one held before an uncommissioned Consular Officer, may, as it thinks fit, hear the suit either with or without an assessor or assessors.

Proceeding at Hearing.

140. The order of proceeding at the hearing shall be as follows:

The party on whom the burden of proof is thrown by the nature of the material questions between the parties has the right to begin; he shall address the Court and open his case.

He shall then call his evidence and examine his witnesses in chief.

When he has concluded his evidence, he shall ask the other party if he intends to call evidence (in which term is concluded evidence taken by affidavit or deposition, or under commission and documentary evidence not already read or taken as read); and, if answered in the negative, the party beginning shall be entitled to sum up the evidence already given, and comment thereon; but if answered in the affirmative, he shall wait for his general reply.

When the party beginning has concluded his case, the second party shall be at liberty to address the Court and to call evidence, and to sum up and comment thereon.

If no evidence is called or read by the second party, the party beginning (saving the right of the Crown) shall have no right to reply, unless he has been prevented from summing up his case by the statement of the second party of his intention to call evidence.

The case on both sides shall then be considered closed.

If the second party calls or reads evidence, the party beginning shall be at liberty to reply generally on the whole case, or he may call fresh evidence in reply to the evidence given on the other side, on points material to the determination of the issues, or any of them, but not on collateral matters.

Where evidence in reply is tendered and allowed to be given, the second party shall be at liberty to address the Court, and the party beginning shall be entitled to the general reply.

141. The answer of defendant shall not debar him at the hearing from disproving any allegation of the petition not admitted by his answer, or from giving evidence in support of a defence not expressly set up by the answer, except where, in the opinion of the Court, the defence is such as ought to have been expressly set up by the answer, or is inconsistent therewith.

Judgment.

142. The decision or judgment given at the hearing shall be delivered in open Court.

Where the Court reserves judgment at the hearing, parties to the suit shall be served with notice to attend and hear judgment, unless the Court at the hearing states the day on which judgment will be delivered, in which case there shall be no further notice.

All parties shall be deemed to have notice of the decision or judgment, if pronounced at the hearing.

All parties served with notice to attend and hear judgment shall be deemed to have notice of the judgment when pronounced.

Costs.

143. In every suit the costs of the whole suit and of each particular proceeding therein, and the costs of every proceeding in the Court, are in the discretion of the Court as regards the person by whom they are to be paid.

But the Court shall not order the successful party in a suit to pay to the unsuccessful party the costs of the whole suit, although the Court may order the successful party, notwithstanding his success in the suit, to pay the costs of any particular proceeding therein.

The Court may order any cost to be paid out of any fund or property to which a suit or proceeding relates.

Where the Court orders costs to be paid by any party, the Court may, if it thinks fit, order all proceedings by or on behalf of that party in the same suit or proceeding, or connected therewith, to be stayed until the costs are paid accordingly.

B.—Exceptional Provisions.

Injunctions and Orders before Suit.

144. On proof of extreme urgency or other peculiar circumstances, the Court may, if it thinks fit, without petition filed, and without notice, make an order of injunction, or an order to sequester money or goods, or to stop a passport or the clearance of a ship, or to hold to bail.

Before making the order, the Court shall require the person applying for it to enter into a recognizance, with or without surety or sureties, as the Court thinks fit, as security for his being answerable in damages to the person against whom the order is sought.

The order shall not remain in force more than twenty-four hours, and shall, at the end of that time, wholly cease to be in force, unless within that time a suit is regularly instituted by petition by the person obtaining the order.

The order shall be dealt with in the suit as the Court thinks just.

An order to hold to bail shall state the amount (including costs) for which bail is required.

It shall be executed forthwith.

The person arrested under it shall be entitled to be discharged from custody under it on bringing into Court the amount stated in the order to abide the event of such suit as may be instituted or on entering into a recognizance, with or without a surety or sureties, as the Court thinks fit, as a security, that he will abide by the orders of the Court in any suit instituted.

He shall be liable to be detained in custody under the order for not more than seven days, if not sooner discharged; but the Court may, from time to time, if it thinks fit, renew the order.

No person, however, shall be kept in custody under any such order and renewed order for a longer time, in the whole, than thirty days.

Plaintiff out of Jurisdiction.

145. Where a person filing a petition, either alone or jointly with any other person, is out of the particular jurisdiction, or is only temporarily therein, he shall file in the Court, at or before the filing of the petition, a written statement of a fit place within the particular jurisdiction where notices and other papers issuing from the Court may be served on him.

He shall also give security for costs by deposit of the sum of 50*l.*, or by bond in the penal sum of 100*l.*

The Court may at any time, either of its own motion or on the application of any defendant, order the plaintiff to give further or better security to the amount aforesaid for costs, and may direct proceedings to be stayed in the meanwhile.

Parties.

146. Persons entitled to use and suing on behalf of others as guardians, executors, or administrators, or on behalf of themselves and others (as creditors in a suit for administration), shall state the character in which they sue.

147. Where a person has jointly with other persons a ground for instituting a suit, all those other persons shall, unless the Court otherwise allows, be made parties to the suit, either as plaintiffs or as defendants.

But where a person has a joint and several demand against more persons than one, either as principals or as sureties, it is not necessary for him to bring before the Court as parties to a suit concerning that demand all the persons liable thereto, and he may proceed against any one or more of the persons severally liable.

If a person not joined as plaintiff or as defendant ought to be so joined, or a person joined as plaintiff or as defendant ought not to be so joined, the Court may order the petition to be amended. But no person shall be so joined as plaintiff without proof to the Court of his consent thereto. Nor shall the name of a plaintiff be so struck out unless he was originally joined as plaintiff without his consent, or he consents to his name being struck out.

148. Where a person sues another as agent for a third person, not seeking to fix the agent with personal liability, the Court, on the fact coming to its knowledge, shall, if the third person is within the particular jurisdiction, forthwith order his name to be substituted, and stay proceedings until the order is complied with.

But if he is not within the particular jurisdiction, the Court shall refuse to proceed further in the matter, unless and until the person sued as agent undertakes, by writing filed in the Court, to defend the suit, and personally to satisfy any order for debt or damages and costs therein. In that case, the person sued as agent shall further, within such time as the Court orders, and

before the hearing of the suit, procure and file with the proceedings a sufficient authority in writing to him from his principal to substitute the name of the principal as defendant for that of the agent, and to defend the suit, or otherwise act in it on behalf of the principal.

The agent shall not, however, be deemed to be thereby discharged from his personal undertaking and liability to satisfy any order in the suit.

149. Proceedings by or on behalf of or against a partnership solely or jointly shall be taken in the several names of the partners as individuals, and not in the name of the firm or otherwise.

Particulars of Demand.

150. Where the plaintiff's claim is for money payable in respect of a contract expressed or implied, or to recover the possession or the value of goods wrongfully taken and detained, or wrongfully detained, by the defendant from the plaintiff, it shall be sufficient for the plaintiff to state his claim in the petition in a general form, and to annex to the petition a schedule, stating the particulars of his demand, in any form which shall give the defendant reasonably sufficient information of the details of the claim.

An application for further or better particulars may be made by the defendant before answer.

The plaintiff shall not, at the hearing, obtain an order for any sum exceeding that stated in the particulars, except for subsequent interest and costs of suit, notwithstanding that the sum claimed in the petition for debt or damages exceeds the sum stated in the particulars.

Particulars of demand shall not be amended, except by leave of the Court, and the Court may, if it thinks fit, on an application for leave to amend, grant the same, on it appearing that the defendant will not be prejudiced by amendment.

Where the Court orders particulars to be amended, or further or better particulars to be given, the order shall state the time within which the thing ordered is to be done.

The order for service of the amended or further or better particulars shall state the time which defendant is to have to put in his answer.

Any variance between the items contained in the particulars and the items proved at the hearing may be amended at the hearing if the Court thinks fit.

Papers annexed to Petition.

151. When the plaintiff seeks (with or without an order for payment of money)—

(i) to obtain a general or special declaration of his rights under a contract or instrument; or

(ii) to set aside a contract; or

(iii) to have a bond, bill, note or instrument in writing delivered up to be cancelled; or

(iv) to restrain a defendant by injunction; or

(v) to have an account taken between himself and any other or others;

he may in his petition refer to and briefly describe any documents on the contents whereof he intends to rely, and may annex copies thereof to the petition.

Amendment of Petition.

152. A plantiff, not giving sufficient information to enable the defendant to understand the plaintiff's claim, may be ordered, on the application of the defendant, to amend his petition.

153. A petition may be amended at any time before answer by leave of the Court, on an application of the plaintiff without notice.

Notice of amendment shall be given to the defendant.

154. If a petition contains libelous or needlessly offensive expression, the Court may, if it thinks fit, either of its own motion, or on application of the defendant, order it to be amended.

155. Where a petition is defective on the face of it by reason of non-compliance with the provisions of this order, the Court may, if it thinks fit, either of its own motion, or on application by a defendant, make an order to stay proceedings until the petition is amended.

Inspection of Documents.

156. A plaintiff may be ordered to produce for inspection and other purposes of the suit such documents in his possession or power as are referred to in the petition, or such other documents, if any, as the defendant is entitled to inspect in the suit.

Equity.

157. A petition implies an offer to do equity in the suit, and admits of any equitable defence.

The plaintiff may obtain at the hearing any such equitable relief as the facts stated and proved entitled him to, though not specifically asked.

Where a defendant in his answer raises a defence of an equitable nature, and it appears to the Court that, on this defence being established, the defendant may be entitled to some equitable relief against the plaintiff in respect of the subject-matter of the suit, the Court may, if it thinks fit, on the application of the defendant, either before or at the hearing, give liberty to him to file a cross-petition asking for that relief, and may make such order for the hearing of the suit and cross-suit together or otherwise, as the Court thinks just.

Defence on ground of Law or Equity.

158. Where a defendant conceives that he has a good defence in law or equity to the petition, so that even if the allegations of fact in the petition were admitted or clearly established, yet the plaintiff would not be entitled to

any order against him (the defendant), he may raise this defence by an application that the petition be dismissed without an answer being required from him.

The application shall be made within the time allowed for answering.

The summons or motion-paper on which the application is made shall state briefly the grounds of law or equity on which the defendant relies.

The application shall be heard and disposed of at as early a time as may be.

For the purposes of the application the defendant shall be taken as admitting the truth of the allegations of facts in the petition; and no evidence respecting matters of fact, and no discussion of questions of fact, shall be allowed.

The Court, on hearing the application, shall either dismiss the petition or order the defendant to put in an answer within a short time to be named in the order, and may, if the Court thinks fit, give leave to the plaintiff to amend his petition.

Where, on the hearing of the application, any grounds of law or equity are urged in support of it other than those stated in the summons or motion-paper, and the grounds stated therein are disallowed, the defendant shall be liable to pay the same costs as if the application were wholly refused, although the grounds newly urged are allowed, unless the Court thinks fit in any case to order otherwise.

Interrogatories for Examination of Plaintiff.

159. A defendant may at any time (but where he is required to answer not until after he has put in a sufficient answer) file in the Court interrogatories for the examination of a plaintiff.

There shall be prefixed to those interrogatories a concise statement of the subjects on which a discovery is sought.

A plaintiff shall answer the interrogatories subject to just exceptions.

The plaintiff's answer to the interrogatories may be read and used by the defendant in the same manner and under the same restrictions in and under which an answer to a bill praying relief may be read and used.

Set-off.

160. A defence of set-off to a claim for money shall be accompanied by a statement of particulars of set-off.

A defence of partial set-off shall also be accompanied by payment into Court of the amount to which, on the defendant's showing, the plaintiff is entitled, unless the plaintiff's claim to that amount is resisted on some other ground of defence.

In default of that payment the defendant shall be liable to bear the costs of the suit, even if he succeeds in his defence to the extent of the set-off on which he relies.

Where a defendant in his answer raises a defence of set-off which, in the opinion of the Court, is not admissible in that form, the Court may, if it thinks fit, either before or at the hearing, on his application, give him liberty to withdraw the defence and to file a cross-petition, and may make such order for the hearing of the suit and cross-suit together or otherwise, as the Court thinks just.

A counter-claim shall not be admitted otherwise than as a defence of set-off.

A defendant, raising by his answer a counter-claim by way of defence, shall not be entitled to any order against the plaintiff for any sum of money other than his costs of the suit.

Tender.

161. A defence alleging tender by the defendant shall be accompanied by payment into Court of the amount alleged to have been tendered.

Payment into Court.

162. Payment into Court by the defendant shall be accompanied by an answer or affidavit. The answer or affidavit shall state distinctly that the money paid in is paid in satisfaction of the plaintiff's claim generally, or (as the case may be) in satisfaction of some specific part of the plaintiff's claim, where the claim is stated in the petition for distinct sums or in respect of distinct matters.

Payment into Court, whether made in satisfaction of the plaintiff's claim generally or in satisfaction of some specific part thereof, operates as an admission of liability to the extent of the amount paid in and no more, and for no other purpose.

Where the defendant pays money into Court the plaintiff shall be at liberty to accept the same in full satisfaction and discharge of the cause of suit in respect of which it is paid in; and in that case the plaintiff may forthwith apply for payment of the money out of Court to him, and on the hearing of the application the Court shall make such order respecting stay of further proceedings in the suit in whole or in part, and respecting costs and other matters, as the Court thinks just.

If the plaintiff does not so apply, he shall be considered as insisting that he has a claim against the defendant to a greater amount than the sum paid in; and in that case the Court, in determining the suit and disposing of costs, shall have regard to the fact of the payment into Court having been made and not accepted.

Absconding Defendants.

163. The Court, on proof that there is good reason to believe that a defendant means to abscond in order to avoid the orders of the Court, after suit or other proceeding instituted, may, if it thinks fit, make an order to hold him to bail, and may require of him such security as it thinks fit for his remaining within the particular jurisdiction and abiding by any order to be made in the suit or proceeding.

Guardian of Defendant for purposes of Suit.

164. Where, on default made by a defendant in answering or otherwise defending the suit after service of the petition, it appears to the Court that he is an infant or a person of weak or unsound mind, so that he is unable of himself to defend the suit, the Court may, if it thinks fit, on the application of the plaintiff, or of its own motion, appoint by order some fit person to be guardian of the defendant for the purposes of the suit, by whom he may defend it.

Before such an order is made, the Court shall cause such notice as it thinks reasonable to be served on or left at the dwelling-house of the person with whom or under whose care the defendant is, and also, unless the Court sees good reason to the contrary, in the case of an infant not residing with or under the care of his father or guardian, to be served on or left at the dwelling-house of his father or guardian.

Facts occurring after Suit.

165. The Court may, by order, allow facts occurring after the institution of a suit to be introduced by way of amendment into the petition or answer at any stage of the proceedings.

Death of Party or other Change.

166. Where, after the institution of a suit, any change or transmission of interest or liability occurs in relation to any party to suit, or any party to the suit dies, or (being a woman) marries, or the suit in any other way becomes defective or incapable of being carried on, any person interested may obtain from the Court any order requisite for curing the defect, or enabling or compelling proper parties to carry on the proceedings.

But any person served with such an order may, within such time, not exceeding fourteen days, as the Court in the order directs, apply to the Court to discharge the order.

Settlement of Issues.

167. At any time after answer the Court may, if it thinks fit, on the application of any party, or of its own motion, proceed to ascertain the material questions in controversy between the parties, and may reduce those questions into writing and settle them in the form of issues, which issues, when settled, shall, for the purposes of the subsequent proceedings, supersede the petition and answer, except that the petition and answer may be used, as containing admissions or otherwise, for purposes of evidence on the trial of the issues.

Dismissal for want of Prosecution.

168. Where the plaintiff does not obtain an order for setting down the suit for hearing within three months from the time at which he might first apply for it, the defendant may apply to the Court for an order to dismiss the petition for want of prosecution.

The Court, thereupon, if it thinks fit, may make an order dismissing the petition, or may make such other order or impose such terms as it thinks fit.

Absence of Parties at Hearing.

169. If, at the hearing, the plaintiff does not appear, the Court shall, unless the Court sees good reason to the contrary, strike out the suit, and make such order respecting costs in favour of any defendant appearing as the Court thinks just.

If the plaintiff a second time in like manner fails to appear, the Court shall, unless it sees good reason to the contrary, dismiss the petition, which dismissal shall have the like effect as a dismissal on the merits at the hearing.

170. If, at the hearing, the plaintiff appears, but the defendant or any of the defendants does not appear, the Court shall, before hearing the suit, inquire into the service of the petition and of notice of hearing on the absent party or parties.

The Court, if not satisfied respecting service on every party, shall order that further service be made as the Court directs, and shall adjourn the hearing for that purpose.

The Court, on being satisfied respecting service on every party, may, if it thinks fit, proceed to hear the suit, notwithstanding the absence of the defendant or any of the defendants.

171. If the Court hears the suit and makes an order against a defendant in his absence, the Court may afterwards, on such terms as the Court thinks fit, re-hear the suit on proof that his absence was excusable, and that he has a defence on the merits.

Amendments at Hearing.

172. The Court shall, at the hearing, order all such amendments as the Court thinks necessary or proper for bringing to a determination in the suit the real questions in controversy between the parties.

Reference of Account.

173. Where it appears to the Court that the matter in dispute in a suit consists either wholly or in part of matters of mere account, the Court may, according to the amount of public business pending, either decide at once the matters of account, or order that they be referred, either wholly or in part of some person agreed on by the parties, or, in case of their non-agreement, appointed by the Court.

The referee shall enter into the account and hear evidence and report on it to the Court, according to the order, and the Court, after hearing the parties, may adopt the conclusions of the report, either wholly or in part, or may direct a further report to be made by the referee, and may grant any necessary adjournment for that purpose.

Case for Supreme Court.

174. In any Court other than the Supreme Court any decision or judgment may be given, or verdict taken, subject to a case to be stated for the opinion for the Supreme Court.

Application by Motion.

175. An application made by motion shall not be entertained until the party moving has filed in the Court a written motion-paper stating the terms of the order sought.

There shall be filed with the motion-paper all affidavits on which the person moving intends to rely. No other evidence shall be used in support of the motion except by leave of the Court.

No paper accompanying the motion-paper other than an affidavit shall be received.

A motion may be made without notice in the first instance or on notice of motion.

Summons.

176. An application for a summons may be made in writing or in person.

If the Court thinks fit, it may issue a summons ordering the person to whom it is directed, as respondent, to appear at the time and place specified therein, and stating the nature of the application to be made.

On the return-day of the summons, if the respondent attends, or in his absence, on proof of service, the Court may, on the application of the person obtaining the summons, consider and deal with the application in a summary way.

Orders.

177. Where an order is made without service of notice of the application, an office copy of the affidavit or deposition on which the order is made shall be served on the person affected by the order, with the order.

Any person affected by the order may, within seven days after service of it, but not later, except by leave of the Court, apply to the Court to vary or discharge it; and the Court, on notice to the person obtaining the order, may make such order as the Court thinks just.

178. An order to show cause shall specify a day when cause is to be shown, called the return-day to the order, which shall ordinarily be not less than four days after service.

A person served with an order to show cause may, before the return-day, file affidavits in order to contradict the evidence used in obtaining the order or setting forth other facts.

On the return-day, if the persons served, do not appear, and the service is not proved, the Court may enlarge the time and direct further service, or make such other order as it thinks just.

If the persons served appear, or service is proved, the Court may proceed with the matter, and make such order as it thinks just.

179. Where a person not a party to a suit obtains an order, or has an order made in his favour, he is entitled to enforce obedience thereto by the same process as if he were a party to the suit.

A person not a party to a suit against whom obedience to an order may be enforced is liable to the same process for enforcing obedience thereto as if he was a party to the suit.

180. All money ordered by the Court to be paid by any person shall be paid into Court, unless the Court otherwise directs.

181. An order shall be drawn up in form only on the application of some party to the suit, and shall then be passed and be certified by the seal of the Court, and be entered, and shall then form part of the record.

An order shall not be enforced or appealed from, nor shall an office copy of it be granted, until it is part of the record.

An order shall be dated on the day of the delivery of the decision or judgment on which the order is founded.

Any party to an application or suit is entitled to obtain an office copy of any order made therein.

182. Ordinarily, an order, other than an order of the Supreme Court, shall not be enforced out of the particular jurisdiction.

Where, however, the Court making the order thinks that the urgency or other peculiar circumstances of the case so require, the Court (for reasons recorded in the minutes) may order it to be enforced out of the particular jurisdiction.

183. Where an order orders a person to pay money, or do any other act, the same or some subsequent order shall state the precise time within which the payment, or other act, is to be made or done, reckoned from the date or service of the order in which the time is stated, or from some other point of time, as the Court thinks fit.

The time stated may be immediately after service of the order, if the Court thinks fit.

A person ordered to pay money, or do any other act, is bound to obey the order on being served with it, and without any demand for payment or performance.

Order for Payment of Money.

184. The Court may, if it thinks fit, order that money ordered to be paid be paid by instalments specified.

185. Where an order orders payment of money, there shall be indorsed on the copy of it served on the person required to obey it a memorandum in the words, or to the effect, following:—

If you, the within-named A B, neglect to obey this order by the time therein appointed, you will be liable to have a writ of execution

issued against your goods, under which they may be seized and sold; and you will also be liable to be summoned by the Court, and to be examined respecting your ability to make the payment directed by this order, and to be imprisoned in case of your not answering satisfactorily on that examination.

186. Where an order orders payment of money, and the person ordered to pay refuses or neglects to do so according to the order, a person entitled to the benefit of the order may apply to the Court for execution against the goods of the disobedient person.

Thereupon the Court shall, unless it sees good reason to the contrary, issue an order of execution (in this Order called an execution order), ordering and empowering an officer of the Court, therein named, to levy the money ordered to be paid, by distress and sale of the goods of the disobedient person (in this Order called the execution debtor), wheresoever they may be found within the particular jurisdiction.

On the order there shall be indorsed the sum of money and costs adjudged and the further sum to be levied for costs of the execution.

187. Where an order orders payment of money by instalments, execution shall not issue until after default in payment of some instalment according to the order; and execution, or successive executions, may then issue for the whole money then remaining unpaid, or for such portion thereof as the Court orders, either then making the original order, or at any subsequent time.

188. The officer executing the order may, by virtue thereof, seize any of the goods of the execution debtor, except the wearing apparel and bedding of himself and his family, and the tools and implements of his trade, to the value of 5*l*., all which shall to that extent be exempted from seizure.

189. The sale of the goods seized shall be made by order of the Court, and shall be conducted under the direction of the Court, and by a person nominated by the Court.

But no steps shall be taken therein without the demand of the person obtaining the execution order (in this Order called the execution creditor), and the execution creditor shall be liable for any damage ensuing from any proceeding taken at his instance.

The sale shall not be made until after the end of five days at least next following the day of seizure, unless the goods are of a perishable nature, or on the request in writing of the execution debtor.

Until sale the goods shall be deposited by the officer in some fit place, or they may remain in the custody of a fit person approved by the Court and put in possession by the officer.

190. The Court shall not order the sale of the goods seized, unless it is proved that they belonged to the execution debtor, and are in a place where the Court has jurisdiction.

Where a claim is made by a third party to the goods or part thereof, the same, if made by a subject or protected person, shall be decided by the Court in a summary way as between the claimant and the execution creditor.

If the claim is made by an Ottoman subject or foreigner, the Court may, if it thinks fit, either oblige the execution creditor to establish his claim before selling the goods, or sell the goods and require the execution creditor to defend any claim.

191. The officer executing an execution order may, by virtue thereof, seize any money, bank notes, cheques, bills of exchange, promissory notes, bonds, or securities for money belonging to the execution debtor.

The Court shall hold the same (other than money and securities immediately convertible into money) as security for the amount directed to be levied, or so much thereof as is not otherwise levied for the benefit of the execution creditor.

The execution creditor may sue in the name of the execution debtor, or in the name of any person in whose name the execution debtor might have sued, for recovery of the money secured or made payable thereby, when the time for suing arrives.

192. If before or after seizure the execution debtor, by payment into Court or to the officer executing the order, satisfies the execution, the order shall be superseded, and the goods and property seized shall be released and delivered up.

Commitment of Debtor.

193. Where an order ordering payment of money remains wholly or in part unsatisfied (whether an execution order has been made or not), the person prosecuting the order (in this Order called the judgment creditor) may apply to the Court for an order ordering the person by whom payment is to be made (in this Order called the judgment debtor) to appear and be examined respecting his ability to make the payment; and the Court shall, unless it sees good reason to the contrary, make an order accordingly.

194. On the appearance of the judgment debtor, he may be examined on oath by or on behalf of the judgment creditor, and by the Court, respecting his ability to pay the money directed to be paid, and for discovery of property applicable thereto, and respecting his disposal of any property.

He shall produce, on oath or otherwise, all books, papers, and documents in his possession or power relating to any property applicable to payment.

He may be examined respecting the circumstances under which he contracted or incurred the debt or liability in respect of which the payment of money is ordered to be made, and respecting the means or expectation he then had of paying or discharging the debt or liability.

He shall sign his examination as taken down in writing.

Whether the judgment debtor appears or not, the judgment creditor, and any witness whom the Court thinks requisite, may be examined, on oath or otherwise, respecting the same matters.

The Court may, if it thinks fit, adjourn the examination from time to time, and require from the judgment debtor such security for his appearance as the Court thinks fit, and in default of his finding security may, by order, commit him to the custody of an officer of the Court, there to remain until the adjourned hearing, unless sooner discharged.

195. If it appears to the Court by the examination of the judgment debtor or other evidence—

(i) that the judgment debtor has then, or has had since the making of the order, sufficient means to pay the money directed to be paid by him, and he refuses or neglects to pay the same according to the order; or

(ii) that, with intent to defraud his creditors, or any of them, he has made or suffered any gift, delivery, or transfer of any property, or charged, removed, or concealed any property; or

(iii) that the debt or liability in question has been contracted or incurred by him by or by reason of fraud, or false pretence, or breach of trust, committed by him; or

(iv) that forbearance thereof was obtained by him by fraud or false pretence; or

(v) that the debt or liability was wilfully contracted or incurred by him without his having had at the same time a reasonable expectation of being able to pay or discharge it;

then and in any such case the Court may, if it thinks fit, by order, commit him to prison for any time not exceeding forty days.

196. On the examination, the Court, if it thinks fit, whether it makes an order for commitment or not, may rescind or alter any order for the payment of money by instalments or otherwise, and may make any further or other order, either for payment of the whole amount forthwith, or by instalments, or in any other manner, as the Court thinks just.

197. In places where there is no other place for the detention of a debtor in custody than the prison of the Ottoman authorities, the Court shall not commit the debtor to prison if it appears that that prison is unfit, regard being had to the requirements of health and decency, for the confinement of a subject or protected person under civil process.

198. The expenses of the judgment debtor's maintenance in prison shall be defrayed, in the first instance, by the judgment creditor, and may be recovered by him as the Court directs.

The expenses shall be estimated by the Court, and shall be paid by the judgment creditor at such times and in such manner as the Court directs. In default of payment, the judgment debtor may be discharged if the Court thinks fit.

199. Imprisonment of a judgment debtor under the foregoing provisions shall not operate as a satisfaction or extinguishment of the debt or liability to which the order relates, or protect the debtor from being anew

imprisoned for any new fraud or other default making him liable to be imprisoned, or deprived the judgment creditor of any right to have execution against his goods, as if there had not been such imprisonment.

200. The judgment debtor, on paying at any time the amount ordered to be paid, and all costs and expenses, shall be discharged.

Order other than for Payment of Money.

201. Where the order is one ordering some act to be done other than payment of money, there shall be endorsed on the copy of it served on the person required to obey it a memorandum in the words, or to the effect, following:—

If you, the within-named A B, neglect to obey this order within the time therein appointed, you will be liable to be arrested, and to have your property sequestered.

202. Where the person directed to do the act refuses or neglects to do it according to the order, the person prosecuting the order may apply to the Court for another order for the arrest of the disobedient person.

Thereupon the Court shall, unless it sees good reason to the contrary, make an order ordering and empowering an officer of the Court therein named to take the body of the disobedient person, and detain him in custody until further order.

He shall be liable to be detained in custody until he has obeyed the order in all things that are to be immediately performed, and given such security as the Court thinks fit to obey the order in other respects (if any) at the future times thereby appointed, or in case of his no longer having the power to obey the order, then until he has been imprisoned for such time, or until he has paid such fine as the Court thinks just.

Sequestration.

203. In case the person against whom an order of arrest issues is not and cannot be found, or is taken and detained in custody without obeying the order, then the person prosecuting the order may apply to the Court for an order of sequestration against his property.

Pauper.

204. The Court may admit a person to sue as a pauper on his poverty, and his having a case proper for some relief in the Court being proved; and may admit a person to defend as a pauper on his poverty being proved.

The Court may, if it thinks fit, by order, assign a counsel or attorney to assist a person admitted to sue or defend as a pauper, and the counsel or attorney so assigned shall not be at liberty to refuse his assistance, unless he satisfies the Court of some good reason for refusing.

If a person admitted to sue or defend as a pauper gives, or agrees to give, any fee, profit, or reward for the conduct of his business in the Court, he shall

be deemed guilty of a contempt of Court, and he shall also be forthwith dispaupered, and shall not be afterwards admitted again in that suit to sue or defend as a pauper.

A person admitted to sue or defend as a pauper may be dispaupered by order of the Court on it being proved that he was not when admitted, or no longer is of sufficient poverty, or that he is abusing his privilege by vexatious proceedings.

Re-hearing.

205. The Court may, if it thinks fit, at any time, on the application of any party, order a re-hearing of a suit.

The provisions of this Order respecting a hearing with a jury or with assessors shall extend to a re-hearing.

VIII.—Proceedings on Death of Subject or Protected Person.

1—Preliminary.

206. The Court shall endeavour to obtain, as early as may be, notice of the death of every subject or protected person dying within the particluar jurisdiction, whether resident or not, and all such information respecting his affairs as may serve to guide the Court with respect to the securing and administration of his property.

On receiving notice of the death, the Court shall put up a notice thereof at the place where its sittings are ordinarily held, and shall keep the same there until probate or administration is granted, or where it appears to the Court that probate or administration will not be applied for, or cannot be granted, for such time as the Court thinks fit.

207. Where a subject or protected person resident dies in the Ottoman dominions intestate, then, until administration is granted, his personal property shall be vested in the Judge of the Supreme Court.

208. Where a subject or protected person not resident dies in the Ottoman dominions, the Court within whose particular jurisdiction he dies shall, where the circumstances of the case appear to the Court so to require, forthwith on his death, or as soon after as may be, take possession of his personal property within the particular jurisdiction, or put it under the seal of the Court (in either case, if the nature of the property or other circumstances so require, making an inventory), and so keep it until it can be dealt with according to law.

209. If any person, other than the person named, executor or administrator or an officer of the Court, takes possession of and administers or otherwise deals with any part of the personal property of a subject or protected person dying in the Ottoman dominions, whether resident or not, he shall be deemed guilty of a contempt of Court, and shall be liable to such fine, not exceeding 50*l.*, as the Court having jurisdiction over the property of the deceased thinks fit to impose.

210. Where a subject or protected person dies in the Ottoman dominions, whether resident or not, then any person having in his possession or under his control any paper or writing of the deceased, being or purporting to be testamentary, shall forthwith bring the original to the Court within whose particular jurisdiction the death happens, and deposit it there.

If any person fails to do so for fourteen days after having knowledge of the death of the deceased, he shall be deemed guilty of a contempt of Court, and shall be liable to such fine, not exceeding 50*l.*, as the Court thinks fit to impose.

211. Where it is shown to the Court that any paper of the deceased, being or purporting to be testamentary, is in the possession or under the control of a subject or protected person, the Court may, in a summary way, whether a suit or proceeding respecting probate or administration is pending or not, order him to produce the paper and bring it into Court.

Where it appears to the Court that there are reasonable grounds for believing that any person has knowledge of any paper, being or purporting to be testamentary (although it is not shown that the paper is in his possession or under his control), the Court may, in a summary way, whether a suit or proceeding for probate or administration is pending or not, order that he be examined respecting it in open Court or on interrogatories, and that he do attend for that purpose, and after examination that he do produce the paper and bring it into Court.

2.—*Probate or Administration in General.*

212. Probate or letters of administration with will annexed shall not issue for seven days from the death of the deceased, except under the direction of the Supreme Court, or in case of great urgency.

Letters of administration (not with will annexed) shall not issue for fourteen days from the death of the deceased, except under the direction of the Supreme Court, or in case of great urgency.

213. If any person, named executor in the will of the deceased, takes possession of and administers or otherwise deals with any part of the personal property of the deceased, and does not obtain probate within one month after the death, or after the termination of any suit or dispute respecting probate or administration, he shall be deemed guilty of a contempt of Court, and shall be liable to such fine, not exceeding 50*l.*, as the Court thinks fit to impose.

214. The Court may, of its own motion, or on the application of any person claiming an interest under a will, give notice to the executors (if any) therein named, to come in and prove the will, or to renounce probate, and they, or some or one of them shall, within fourteen days after notice, come in and prove or renounce accordingly.

215. Where probate or administration is, for the first time, applied for after three years from the death of the deceased, a grant shall not be made, except under the direction of the Supreme Court.

216. Where the deceased was resident in the particular jurisdiction of a Court other than the Supreme Court, an application for a grant of probate or administration shall not be entertained by the Supreme Court, except on request of that other Court.

217. Where, in a Court other than the Supreme Court, a dispute or question arises in relation on the grant or the application for it, or it appears to the Court doubtful whether or not the grant should be made, the Court shall communicate with the Supreme Court.

The Supreme Court shall direct the other Court to proceed in the matter according to such instructions as the Supreme Court thinks fit, or shall by order remove the matter to the Supreme Court.

218. A Court, other than the Supreme Court, before proceeding on an application, shall ascertain that the deceased was at his death resident in the particular jurisdiction, and shall not for this purpose consider itself bound to rest satisfied with the evidence offered by the applicant.

219. The Court shall require evidence, in addition to that offered by the applicant, of the identity of the deceased, or of the applicant, where additional evidence in that behalf seems to the Court necessary or desirable.

220. The Court shall ascertain the value of the property of the deceased as correctly as circumstances allow.

221. In no case shall the Court issue probate or letter of administration until all inquiries which the Court sees fit to institute have been answered to its satisfaction.

The Court shall, however, afford as great facility for the obtaining of probate or administration as is consistent with due regard to the prevention of error and fraud.

222. In the following cases a grant shall not issue, except from the Supreme Court under the immediate direction of the Judge, namely,—

probate or administration with will annexed, where the will was executed before the 1st of January 1838, and there is no testamentary paper of a date later than the 31st of December 1837;

probate and administration with will annexed, the will being merely an execution of a special power, or being the will of a married woman made by virtue of a power;

administration for the use or benefit of a minor or infant, or of a lunatic or person of unsound mind;

administration (with or without will annexed) of the property of a bastard dying either a bachelor or spinster, or a widower or widow without issue, or of a person dying without known relative;

limited administration;

administration to be granted to a person not resident.

223. Revocation or alteration of a grant of probate or administration shall not be made, except by the Supreme Court under the immediate direction of the Judge.

224. A notice to prohibit a grant of probate or administration may be filed in the Supreme or other Court.

Immediately on such a notice being filed in the Supreme Court, a copy thereof shall be sent to the Court of the district (if any) in which it is alleged the deceased was resident at his death, and to any other Court to which it appears to the Supreme Court expedient to send a copy.

Immediately on such a notice being filed in a Court other than the Supreme Court, the Court shall send a copy thereof to the Supreme Court, and also to the Court of any other district in which it is known or alleged the deceased had at his death a place of abode.

The notice shall remain in force three months only from the day of filing, but it may be renewed from time to time.

The notice shall not affect a grant made on the day on which the notice is filed, or on which a copy thereof is received, as the case may be.

The person filing the notice shall be warned by a warning in writing, under the seal of the Court, delivered at the place mentioned in the notice as his address.

After the notice has been filed in, or a copy thereof has been received by, a Court other than the Supreme Court, a grant of probate or administration shall be made only by the Supreme Court, under the immediate direction of the Judge.

225. Notices in the nature of citations shall be given by publication in such newspapers or in such other manner as the Court in each case thinks fit.

226. Suits respecting probate or administration shall be instituted by petition; and the provisions of this Order respecting proceedings in other suits instituted by petition shall extend and apply thereto.

227. Every original will, of which probate or administration with will annexed is granted, shall be filed and kept in the public office of the Supreme or other Court from which the grant issues, in such manner as to secure at once the due preservation and the convenient inspection of the same.

No original will shall be delivered out for any purpose without the direction in writing of the Judge of the Supreme Court.

An office copy of the whole or of any part of a will, or an official certificate of a grant of administration, may be obtained from the Supreme or other Court where the will is proved, or the administration granted, on payment of the proper fees.

228. On the 1st of February and the 1st of August in every year every Court, other than the Supreme Court, shall send to the Supreme Court—

A list of the grants of probate and administration made by the Court up to the last preceding 1st of January and 1st of July, respectively, not included in any previous list;

And a copy, certified by the Court to be a correct copy, of every will to which each probate or administration relates.

8.—*Probate or Administration with Will annexed.*

229. On receiving an application for probate or for administration with will annexed, the Court shall inspect the will and see whether it appears to be signed by the testator, or by some other person in his presence and by his direction, and to be subscribed by two witnesses, according to the enactments relative thereto, and shall not proceed further if the will does not appear to be so signed and subscribed.

If the will appears to be so signed and subscribed, the Court shall then refer to the attestation clause (if any), and consider whether the wording thereof states the will to have been, in fact, executed in accordance with those enactments.

If there is no attestation clause, or if the attestation clause is insufficient, the Court shall require an affidavit from at least one of the subscribing witnesses, if either of them is living, to prove that the will was, in fact, executed in accordance with those enactments.

The affidavit shall be engrossed and form part of the probate, so that the probate may be a complete document on the face of it.

If, on perusal of the affidavit, it appears that the will was not, in fact, executed in accordance with those enactments, the Court shall refuse probate.

If, on perusal of the affidavit, it appears to the Court doubtful whether or not the will was, in fact, executed in accordance with those enactments, the Court, if other than the Supreme Court, shall communicate with the Supreme Court for directions.

If both the subscribing witnesses are dead, or if, from other circumstances, such an affidavit cannot be obtained from either of them, resort for such an affidavit shall be had to other persons (if any) present at the execution of the will; but if no such affidavit can be obtained, proof shall be required of that fact and of the handwritings of the deceased, and of the subscribing witnesses, and also of any circumstances raising a presumption in favour of the due execution of the will.

230. Where the testator was blind or illiterate, the Court shall not grant probate of the will, or administration with the will annexed, unless the Court is first satisfied, by proof or by what appears on the face of the will, that the will was read over to the deceased before its execution, or that he had at that time knowledge of its contents.

Where this information is not forthcoming, the Court, if other than the Supreme Court, shall communicate with the Supreme Court for directions.

231. The Court, on being statisfied that the will was duly executed, shall carefully inspect it to see whether there are any interlineations or alterations or erasures or obliterations appearing in it, and requiring to be accounted for.

Interlineations, alterations, erasures, and obliterations are invalid, unless they existed in the will at the time of its execution, or unless, if made afterwards, they have been executed and attested in the mode required by the said

enactments, or unless they have been made valid by the re-execution of the will, or by the subsequent execution of some codicil thereto.

Where interlineations, alterations, erasures, or obliterations appear in the will (unless duly executed or recited in or otherwise identified by the attestation clause), an affidavit, in proof of their having existed in the will before its execution, shall be filed.

If no satisfactory evidence is adduced respecting the time when an erasure or obliteration was made, and the words erased or obliterated are not entirely effaced, and can, on inspection of the will, be ascertained, they shall form part of the probate.

Where words have been erased which might have been of importance, an affidavit shall be required.

If reasonable doubt exists in regard to any interlineation, alteration, erasure, or obliteration, the Court, if other than the Supreme Court, shall communicate with the Supreme Court for directions.

232. Where a will contains a reference to any document of such a nature as to raise a question whether it ought or ought not to form a constituent part of the will, the Court shall require the production of the document, with a view to ascertain whether or not it is entitled to probate; and if it is not produced, a satisfactory account of its non-production shall be proved.

A document cannot form part of a will, unless it was in existence at the time when the will was executed.

If there are vestiges of sealing-wax or wafers or other marks on the will, leading to the inference that some document has been at some time annexed or attached thereto, a satisfactory account of them shall be proved, or the production of the document shall be required; and if it is not produced, a satisfactory account of its non-production shall be proved.

If doubt exists whether or not a document is entitled to probate as a constituent part of a will, the Court, if other than the Supreme Court, shall communicate with the Supreme Court for directions.

233. Where a person appointed executor in a will survives the testator, but either dies without having taken probate, or having been called on by the Court to take probate does not appear, his right in respect of the executorship wholly ceases; and, without further renunciation, the representation to the testator and the administration of his property go and may be committed as if that person had not been appointed executor.

234. Every will or copy of a will to which an executor or an administrator with will annexed is sworn shall be marked by the executor or administrator and by the person before whom he is sworn.

235. The Court shall take care that the copies of wills to be annexed to probates or letters of administration are fairly and properly written, and shall reject any not so written.

4.—Intestacy

236. The Court, in granting letters of administration, shall proceed, as far as may be, as in cases of probate.

The Court shall ascertain the time and place of the deceased's death and the value of the property to be covered by the administration.

The person to whom administration is granted shall give bond with two or more responsible subjects, or protected persons, as sureties, to the Judge of the Supreme Court, to ensure to the Judge for the time being, conditioned for duly collecting, getting in, and administering the personal property of the deceased.

Where, however, the property is under the value of 50*l.*, the Court may, if it thinks fit, take one surety only.

The bond shall be in a penalty of double the amount under which the personal estate of the deceased is sworn, unless the Court in any case thinks it expedient to reduce the amount, for reasons to be forthwith certified to the Supreme Court, if the Court is other than that Court.

The Court may also in any case direct that more bonds than one shall be given, so as to limit the liability of any surety to such amount as the Court thinks reasonable.

The Judge of the Supreme Court may, on being satisfied that the condition of the bond has been broken, assign the same to some person, and that person may thereupon sue on the bond in his own name, as if it had been originally given to him instead of to the Judge, and may recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach of the condition of the bond.

237. Where administration is applied for by one or some of the next-of-kin only, there being another or other next-of-kin equally entitled thereto, the Court shall require proof that notice of the application has been given to the other next-of-kin.

5.—Administration of Property.

238. A person claiming to be a creditor or legatee, or the next-of-kin, or one of the next-of-kin, of a deceased person, may apply for and obtain, without petition filed or other preliminary proceeding, a summons from the Court requiring the executor or administrator (as the case may be) of the deceased to attend before the Court and show cause why an order for the administration of the property of the deceased should not be made.

On proof of service of the summons, or on appearance of the executor or administrator, and on proof of all such other things (if any) as the Court thinks fit, the Court may, if it thinks fit, make an immediate order for the administration of the property of the deceased, and the order so made shall have the force of an order to the like effect made on the hearing of a suit between the same parties.

The Court shall have full discretionary power to make or refuse any such order, or to give any special directions respecting the carriage or execution of

it, and in the case of applications for such an order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or classes of claimants, as the Court thinks fit.

If the Court thinks fit, the carriage of the order may subsequently be given to such person, and on such terms, as the Court thinks fit.

On making such an order, or at any time afterwards, the Court may, if it thinks fit, make any further or other order for compelling the executor or administrator to bring into Court for safe custody all or any part of the money, or securities, or other property of the deceased, from time to time coming to his hands, or otherwise for securing the safe-keeping of the property of the deceased, or any part thereof.

If the extreme urgency or other peculiar circumstances of the case appear to the Court so to require (for reasons recorded in the minutes), the Court may of its own motion issue such a summons, and make such an order or such orders, and cause proper proceedings to be taken thereon.

239. In a case of intestacy, where the peculiar circumstances of the case appear to the Court so to require (for reasons recorded in the minutes), the Court may, if it thinks fit, of its own motion, grant letters of administration to an officer of the Court.

The officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

He shall publish such notices, if any, as the Court thinks fit, in the Ottoman dominions, the United Kingdom, India, and elsewhere.

The Court shall require and compel him to file in the Court his accounts of his administration at intervals not exceeding three months.

The accounts shall be in all cases audited by the Supreme Court, or in Egypt by the Court for Egypt, for which purpose every Court other than those shall, on the first day of February and the first day of August in every year, send to the Supreme Court, or to the Court for Egypt, as the case requires, all accounts so filed in the then last preceding half year.

IX.—Appeal to Supreme Court.

I.—*General Provisions.*

240. Where in a civil suit or proceeding a decision of a Court, other than the Supreme Court, sitting with or without assessors—

(i) is given in respect of a sum of 50*l.* or upwards, or

(ii) determines, directly or indirectly, a claim or question respecting money, goods, or other property or any civil right or other matter of the amount or value of 50*l.* or upwards,

any party aggrieved by the decision may apply to the Court (in this Order referred to as the Court below) for leave to appeal to the Supreme Court.

The applicant shall give security to the satisfaction of the Court below to an amount not exceeding 100*l.* for prosecution of the appeal, and for payment of all such costs as may be awarded to any respondent by the Supreme Court.

He shall also pay into the Court below a sum estimated by that Court to be the amount of the expense of the making-up and transmission to the Supreme Court of the record.

If security and payment are so given and made within fourteen days after application made, then and not otherwise the Court below shall (subject to the provisions of this Order) give leave to appeal.

In any other case the Court below may, if that Court thinks fit, give leave to appeal on like terms.

In any case the Supreme Court may give leave to appeal on such terms as that Court thinks just.

241. After six months from the date of an order, application for leave to appeal against it shall not be entertained by the Court below.

After twelve months from the date of an order, application for leave to appeal against it shall not be entertained by the Supreme Court.

242. Where leave to appeal is applied for by a person ordered to pay money, or do any other act, the Court below shall direct either that the decision to be appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as that Court thinks just.

If the Court directs the decision to be carried into execution, the person in whose favour it is given shall, before the execution of it, give security to the satisfaction of the Court for performance of such order as shall be made on appeal.

If the Court directs the execution of the decision to be suspended, the person against whom it is given shall, before an order or suspension is made, give security to the satisfaction of the Court for performance of such order as shall be made on appeal.

243. An appeal shall not lie from an order made without notice.

If any person thinks himself aggrieved by an order so made, he may apply to the Court below to vary or discharge it, and an appeal lies from the decision on that application.

244. An appeal from an order made at the hearing of a suit shall be made by petition.

Other appeals shall be made by motion.

2.—Appeals by Petition.

245. In case of an appeal by petition, the appellant shall file his petition of appeal in the Court below within fourteen days after leave to appeal is given.

246. The petition shall contain an exposition of the appellant's case as supported by evidence already before the Court and by the record as it stands.

It shall set forth the grounds of appeal and the particulars in which the order appealed from is considered by the appellant to be erroneous or

defective, and shall pray that the order may be reserved or varied, and that the Supreme Court may make the particular order to which, on the record and evidence as it stands, the appellant conceives himself entitled, or such other order as the Court shall think just.

It may contain any matter by way of argument in support of the appeal.

The petition of appeal shall be served on such persons as respondents as the Court below directs.

247. A respondent may, within fourteen days after service, file in the Court below an answer to the petition.

The answer shall contain an exposition of his case as supported by the evidence already before the Court and by the record as it stands.

It may contain any matter by way of argument against the appeal.

Copies of the answer shall be furnished by the Court below to such persons as the Court thinks fit.

248. An objection to an appeal as being out of time, or on any ground other than on the merits, shall be substantially raised by the party desiring to rely thereon in and by his answer.

Where an answer is not filed, or such an objection is not raised in the answer, no such objection shall be admitted at the hearing of the appeal.

But the absence of an answer shall not preclude any person interested in supporting the order from supporting it on the merits at the hearing of the appeal.

249. On the expiration of the time for answering, the Court below shall, without receiving any further pleading in appeal, and without the application of any party, make up the record of appeal, which shall consist of the petition, answer, orders, and proceedings, a certified copy of all written and documentary evidence admitted or tendered, and the notes of the oral evidence, the petition of appeal, and the answer.

The several pieces shall be fastened together, consecutively numbered, and the whole shall be secured by the seal of the Court below, and be forthwith forwarded by that Court to the Supreme Court.

The Court below shall not, except for some special cause, take on itself the responsibility of the charge or of the transmission to the Supreme Court of original letters or documents produced in evidence. They shall be returned to the parties producing them, and they shall produce the originals if required by the Supreme Court, at or before the hearing of the appeal.

250. After the record of appeal is transmitted, until the appeal is disposed of, the Supreme Court shall be in possession of the whole suit as between the parties to the appeal.

Every application in the suit shall be made to the Supreme Court, and not to the Court below, but any application may be made through the Court below.

251. The Supreme Court shall, after receiving the record of appeal, fix a day for the hearing thereof, and shall give notice thereof through the Court

below to the parties to the appeal, such a day being fixed as will allow of the parties attending in person or by counsel or attorney, if they so desire.

But if all the several parties to an appeal appear in person at Constantinople or appoint persons there to represent them as their counsel or attorneys in the appeal and cause the appearance or appointment to be notified to the Supreme Court, the Court shall dispose of the appeal without giving notice through the Court below of the day fixed for the hearing thereof.

252. The Supreme Court may, if it thinks fit, require a party to an appeal to appear personally before it on the hearing of the appeal, or on any occasion pending the appeal.

253. It is not open, as of right, to a party to an appeal, to adduce new evidence in support of his original case, but a party may allege any facts essential to the issue that have come to his knowledge after the decision of the Court below, and may adduce evidence in support of his allegations.

The Supreme Court may, if it thinks fit, allow or require new evidence to be adduced.

254. The Supreme Court may, from time to time, make any order necessary for determining the real question in controversy in the appeal, and for that purpose may, as among the parties to the appeal, amend any defect or error in the record of appeal.

The Supreme Court may direct the Court below to inquire into and certify its finding on any question as among those parties, or any of them, which the Supreme Court thinks fit to determine before final judgment in the appeal.

Generally, the Supreme Court shall, as among the parties to the appeal, have as full jurisdiction over the whole suit as if had been generally instituted and prosecuted in the Supreme Court by parties subject to the ordinary original jurisdiction of the Supreme Court, and may re-hear the whole case, or may remit it to the Court below to be re-heard, or to be otherwise dealt with as the Supreme Court directs.

255. On appeal from a Court where trial with a jury can be had, if the Supreme Court thinks fit to direct a re-hearing, it may direct that the re-hearing shall be with a jury.

3.—Appeals by Motion.

256. In case of an appeal by motion, the appellant shall file his appeal motion-paper in the Court below within seven days after leave to appeal is given.

He may at the same time file any argument which he desires to submit to the Supreme Court in support of the appeal.

The motion-paper and the argument (if any) shall be served on such persons as respondents as the Court below directs.

A respondent may, within seven days after service, file in the Court below such argument as he desires to submit to the Supreme Court against the appeal.

Copies thereof shall be furnished by the Court below to such persons as the Court thinks fit.

On the expiration of the time for the respondent filing his argument, the Court below shall make up the record of appeal as nearly as may be as on an appeal by petition.

Where a party to the appeal notifies to the Supreme Court his desire to attend in person, or by counsel or attorney, when the motion is being disposed of, he shall be at liberty to do so, and the Court shall hear him, or his counsel or attorney, before disposing of the motion.

X.—Appeal from Supreme Court to Her Majesty in Council.

257. Where in a civil suit or proceeding a final order of the Supreme Court, or a rule or order of that Court having the effect of a final or definitive judgment, decree, or sentence—

(i) is made or given in respect of a sum of 500*l.* or upwards; or

(ii) determine, directly or indirectly, a claim or question respecting money, goods, or other property, or any civil right or other matter at issue, of the amount or value of 500*l.* or upwards;

any party aggrieved thereby may, within fifteen days after the same is made or given, apply by motion to the Supreme Court for leave to appeal to Her Majesty the Queen in Council.

The applicant shall give security to the satisfaction of the Court to an amount not exceeding 500*l.* for prosecution of the appeal, and for payment of all such costs as may be awarded to any respondent by Her Majesty in Council, or by the Lords of the Judicial Committee of Her Majesty's Privy Council.

He shall also pay into the Supreme Court a sum estimated by that Court to be the amount of the expense of the making-up and transmission to England of the transcript of the record.

If security and payment are so given and made within one month from the filing of the motion-paper for leave to appeal, then, and not otherwise, the Supreme Court shall give leave to appeal, and the appellant shall be at liberty to prefer and prosecute his appeal to Her Majesty in Council according to the rules for the time being in force respecting appeals to Her Majesty in Council from Her Colonies, or such other rules as Her Majesty in Council from time to time thinks fit to make concerning appeals from the Supreme Court.

In any case the Supreme Court, if it considers it just or expedient to do so, may give leave to appeal on the terms and in the manner aforesaid.

258. Where leave to appeal is applied for by a person ordered to pay money or do any other act, the Supreme Court shall direct either that the order appealed from be carried into execution, or that the execution thereof be suspended pending the appeal, as the Court thinks just.

If the Court directs the order to be carried into execution, the person in whose favour it is made shall, before the execution of it, give security to the

satisfaction of the Court for performance of such order as Her Majesty in Council may think fit to make.

If the Court directs the execution of the order to be suspended, the party against whom it is given shall, before an order for suspension is made, give security to the satisfaction of the Court for performance of such order as Her Majesty in Council may think fit to make.

259. This Order shall not affect the right of Her Majesty at any time, on the humble petition of a person aggrieved by a decision of the Supreme Court, to admit his appeal thereon on such terms and in such manner as Her Majesty in Council may think fit, and to deal with the decision appealed from in such manner as may be just.

XI.—Criminal Authority and Procedure.

1.—General Provisions.

260. Except as regards offences against the Capitulations, Articles of Peace, and Treaties between Her Majesty the Queen and the Sublime Ottoman Porte, or against any Rules and Regulations for the observance thereof or for the maintenance of order among Her Majesty's subjects and protected persons in the Ottoman dominions made by or under the authority of Her Majesty, or against any of the provisions of this Order,—

Any act done by a subject or protected person in the Ottoman dominions, or on board a British vessel within those dominions, that would not by a Court of justice having criminal jurisdiction in England be deemed a crime or offence making the person doing the act amenable to punishment in England, shall not, in the exercise of criminal jurisdiction under this Order, be deemed a crime or offence, making the person doing the act amenable to punishment.

261. If a subject or protected person is guilty—

(i) of publicly deriding, mocking, or insulting any religion established or observed within the Ottoman dominions; or

(ii) of publicly offering insult to any religious service, feast, or ceremony established or kept in any part of those dominions, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those dominions, or belonging to the ministers or professors thereof; or

(iii) of publicly and wilfully committing any act tending to bring any religion established or observed within those dominions, or its ceremonies, mode of worship, or observances, into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace:

he shall be deemed guilty of an offence against this Order, and shall for every such offence be liable, in the discretion of the Court, to imprisonment for not more than two years, with or without hard labour, and with or without a fine of not more than 100*l.*, or to a fine of not more than 100*l.* alone.

Notwithstanding anything in this Order, every charge against a subject or protected person of having committed an offence under this provision shall be heard and determined by summary trial; and any Provincial Court held before a commissioned Consular Officer shall have power to impose the punishment aforesaid.

Consular Officers shall take such precautionary measures as seem to them proper and expedient for the prevention of such offences.

262. Every Court shall have authority to cause to be apprehended and brought before it any subject or protected person being within the district of the Court and charged with having committed a crime or offence within the Ottoman dominions, or on board a British vessel being at the time of the commission thereof within those dominions, and to deal with the accused according to the jurisdiction of the Court, and in conformity with the provisions of this Order; or where the crime or offence is triable and is to be tried in England, to take the preliminary examination, and to commit the accused for trial, and cause or allow him to be taken to England.

263. Where a person charged with a crime or offence escapes or removes from the Consular district within which the crime or offence was committed, and is found within another Consular district, the Court within whose district he is found may proceed in the case to examination, trial on indictment, and punishment, or to summary trial (as the case may require), in like manner as if the crime or offence had been committed in its own district; or may, on the requisition or with the consent of the Court within whose district the crime or offence was committed, send him in custody to that Court, or require him to give security for his surrender to that Court, there to answer the charge and to be dealt with according to law.

Where any person is to be so sent in custody, a warrant shall be issued by the Court within whose district he is found, and that warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up to the Court within whose district the crime or offence was committed, according to the warrant.

264. Where a warrant or order of arrest is issued by a competent authority in Malta for the apprehension of a subject, a native of Malta, or of any of its dependencies, who is accused of having committed a crime or offence within the jurisdiction of the authority issuing the warrant or order, and who is, or is supposed to be, in the Ottoman dominions, and the warrant or order is produced to the Court, the Court may back the warrant or order, and the same, when so backed, shall be sufficient authority to any person to whom it was originally directed, and also to any constable or any other officer of the Court by which it is backed, to apprehend the accused at any place in the Ottoman dominions where the Court backing the warrant or order has jurisdiction, and to carry him to and deliver him up at Malta, according to the warrant or order.

265. Where a subject is charged with the commission of a crime or offence, the cognizance whereof appertains to the Court, and it is expedient

that the crime or offence be inquired of, tried, determined, and punished within Her Majesty's dominions elsewhere than in England, the accused may (under the Foreign Jurisdiction Act, section 4) be sent for trial as follows, namely,—with respect to native Indian subjects, to Bombay, and with respect to other subjects, to Malta.

The Judge of the Supreme Court or the Court for Egypt may, where it appears so expedient, by warrant under his hand and the seal of that Court, cause the accused to be sent for trial to Bombay or to Malta (as the case may require) accordingly.

The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up to Bombay or to Malta (as the case may be), according to the warrant.

Where any person is to be so sent to Bombay or to Malta, the Court before which he is charged shall take the preliminary examination, and shall bind over such of the proper witnesses as are subjects or protected persons in their own recognizances to appear and give evidence on the trial.

2.—Supreme Court and Court for Egypt.

266. All crimes which in England are capital, tried elsewhere than in Egypt, shall, subject to the provisions of this Order, be tried by the Judge of the Supreme Court with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an assessor or assessors.

Other crimes and offences above the degree of misdemeanour, tried before the Supreme Court, and not heard and determined by summary trial, shall, subject to the provisions of this Order, be tried with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an assessor or assessors.

A crime or offence tried before the Supreme Court may be tried with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an assessor or assessors, if the Judge or Assistant Judge so directs.

Subject to the foregoing provisions, such classes of criminal cases being within the original jurisdiction (ordinary or concurrent) of the Supreme Court and tried before that Court, as the Judge, having regard to the law and practice existing in England, from time to time directs, shall be heard and determined by summary trial.

The Assistant Judge of the Supreme Court shall hear and determine, by summary trial, such criminal charges as may under this Order be properly so heard and determined, and as are from time to time referred to him by the Judge.

267. All crimes which in England are capital, tried in Egypt, shall, subject to the provisions of this Order, be tried by the Judge of the Court for Egypt with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an assessor or assessors.

Other crimes and offences above the degree of misdemeanour, tried before the Court for Egypt, and not heard and determined by summary trial, shall, subject to the provisions of this Order, be tried with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an assessor or assessors.

A crime or offence tried before that Court may be tried with a jury, or, where, in the opinion of the Judge, a jury cannot be obtained, with an assessor or assessors, if the Judge so directs.

Subject to the foregoing provisions, such classes of criminal cases being within the original jurisdiction (ordinary or concurrent) of the Court for Egypt, and tried before that Court, as the Supreme Court, with the advice and assistance of the Court for Egypt, having regard to the law and practice existing in England, from time to time directs, shall be heard and determined by summary trial.

The Law Secretary of the Court for Egypt shall hear and determine, by summary trial, such criminal charges as may under this Order be properly so heard and determined, and as are from time to time referred to him by the Judge of the Court for Egypt.

268. The Supreme Court and the Court for Egypt may impose the punishment of imprisonment for not more than twenty years, with or without hard labour, and with or without a fine of not more than 500*l.*, or the punishment of a fine alone of not more than 500*l.*

269. When an accused person is convicted of murder, the proper officer of the Court, under the direction of the Judge, shall, in open Court, require the offender to state if he has anything to say why judgment of death should not be recorded against him.

If the offender does not allege anything that would be sufficient in law to prevent judgment of death if the offence and trial had been committed and had in England, the Judge may order that judgment of death be entered on record.

Thereupon the proper officer shall enter judgment of death on record against the offender, as if judgment of death had been actually pronounced on him in open Court by the Judge.

Where the case is tried in Egypt, the Judge shall forthwith send a report of the judgment, with a copy of the minutes and of the notes of evidence and any observations which he thinks fit to make, to the Supreme Court. The Supreme Court shall send the same to the Secretary of State for his direction respecting the punishment to be actually imposed.

Where the case is tried elsewhere than in Egypt, the Judge of the Supreme Court shall, in like manner, report the case to the Secretary of State for his direction.

The punishment actually imposed shall not in any case exceed the measure of imprisonment and fine which the Supreme Court and the Court for Egypt are empowered by this Order to impose.

3.—Provincial Court at Tunis.

270. The Supreme Court may, from time to time, by deputation in writing under the hand of the Judge and the seal of the Court, authorize the Consul-General at Tunis—

(i) to exercise there such criminal jurisdiction, vested in the Supreme Court, as is described in the deputation; and

(ii) to refer, from time to time, to the Vice-Consul at Tunis such criminal charges as are described in the deputation;

and all such jurisdiction as aforesaid may be exercised, and all criminal charges referred in pursuance of the deputation shall be so heard and determined accordingly.

A deputation shall not have effect until it has been approved in writing by the Secretary of State, and may at any time be revoked by the Secretary of State, by writing under his hand, or by the Supreme Court by writing under the hand of the Judge and the seal of the Court.

In the absence of any such deputation, and as far as the same does not extend, the Consul-General at Tunis shall have the same jurisdiction in criminal matters as he would have had if this provision had not been inserted in this Order.

4.—Provincial Courts generally.

271. Where the crime or offence with which a person is charged before a Provincial Court, held before a commissioned Consular Officer, is any crime or offence other than assault endangering life, cutting, maiming arson, or house-breaking, and appears to the Court to be such that, if proved, it would be adequately punished by imprisonment, with or without hard labour, for not more than three months, or by a fine of not more than 20*l.*, the Court shall hear and determine the case by summary trial and without assessors.

In other cases the Court shall hear and determine the case on indictment and with assessors.

The Court may impose the punishment of imprisonment for not more than twelve months, with or without hard labour, and with or without a fine of not more than 50*l.*, or the punishment of a fine alone of not more than 50*l.*

272. A Provincial Court, held before an uncommissioned Consular Officer, shall have authority to impose the punishment only of a fine of not more than five pounds.

The Court shall hear and determine each case by summary trial.

The conviction may be enforced by execution on the goods of the party ordered to pay the fine, and not otherwise.

In any case pending, the superintending Consul may, on application of either party, order that the case be sent to him, to be heard and determined by him, or that it be transmitted to the Supreme Court, or in Egypt to the Court for Egypt, to be there heard and determined; and the case shall be so heard and determined accordingly.

Within seven days after deciding any case, the Consular Officer shall report the same to his superintending Consul, and transmit therewith a copy of all the proceedings.

273. Where the crime or offence with which an accused person is charged before the Provincial Court appears to the Court to be such that, if proved, it would not be adequately punished by such punishment as the Court has power to impose, and the accused is not to be sent for trial to England, Bombay, or Malta, the Court shall reserve the case—in Egypt, to be heard and determined by or under the direction of the Court for Egypt—and elsewhere to be heard and determined by or under the direction of the Supreme Court.

The Court shall take the depositions, and forthwith send them, with a minute of other evidence, if any, and a report on the case, to the Court for Egypt or the Supreme Court, as the case may be.

The Court for Egypt or the Supreme Court, as the case may be, shall direct in what mode and where, consistently with the provisions of this Order, the case shall be heard and determined, and the same shall be so heard and determined accordingly.

5.—Preliminary Procedure.

Summons or Warrant.

274. In every case, whether the charge is or is not such as must or may be heard and determined by summary trial, the Court shall proceed, if the accused is not already in custody, either by way of summons to him, or by way of warrant for his apprehension in the first instance, according to the nature and circumstances of the case.

For the issuing of a summons the charge need not be put in writing or to be sworn to, unless the Court so directs.

The person effecting service shall attend at the time and place mentioned in the summons to prove service.

Notwithstanding the issuing of a summons, a warrant may be issued at any time before or after the time appointed in the summons for the appearance of the accused.

A warrant shall not be issued in the first instance, unless the charge is in writing on the oath of the person laying the charge or of some witness.

If a person summoned does not obey the summons, the Court may (after proof of the service of the summons) issue a warrant for his apprehension.

A warrant need not be made returnable at any particular time, but may remain in force until executed.

It may be executed by the apprehension of the accused at any place within the particular jurisdiction, and in case of fresh pursuit it may be executed at any place in another Consular district without application to the Court for that district.

Search Warrant.

275. Where it is proved that in fact, or according to reasonable suspicion, anything on, by, or in respect of which a crime or offence cognisable by the Court has been committed is in a house or place of a subject or protected person, the Court may, by warrant (called a search warrant), authorize an officer of the Court therein named to search the house or place (which shall be named or described in the order), and if anything searched for be found, to seize it and apprehend the occupier of the house or place.

A general search warrant shall not be granted.

The officer named in the warrant shall alone execute it, but he may be accompanied by any persons necessary to assist him.

If the house or place is closed, and the officer is denied admission, after demanding admission and disclosing his authority and the object of his visit, it may be forced open.

Where there is suspicion only, the warrant shall so state, and then it shall be executed in the day-time; otherwise, it may be executed in the night-time.

Sunday and Holydays.

276. A search warrant, or a warrant for apprehension or commitment, or other purpose, may be issued and executed on Sunday, Good Friday, or Christmas Day where the urgency of the case so requires.

Expenses.

277. The Court may order a person convicted before it, by summary trial or on indictment, to pay all or any specified part of the expenses of his prosecution, or of his imprisonment or other punishment, or of both.

Where it appears to the Court that a charge is malicious, or frivolous and vexatious, the Court may order the prosecutor to pay all or any specified part of the expenses of the prosecution.

In these respective cases the Court may order that the whole, or such portion as the Court thinks fit, of the expenses so paid be paid over to the prosecutor or to the accused (as the case may be).

In all cases the reasons of the Court for making or refusing any such order shall be recorded in the minutes.

Damages for Assault.

278. The Court may, if it thinks fit, order a person convicted before it, by summary trial or on indictment, of an assault, to pay to the person assaulted, by way of damages, a sum not exceeding 10*l.*

Damages so ordered to be paid may be either in addition to or in lieu of a penalty, and shall be recoverable in like manner as a penalty.

6.—Summary Trial.

279. The following provisions, under the head of Summary Trial, apply exclusively to cases where the charge is heard and determined by summary trial.

280. Where the accused comes before the Court on summons, or warrant, or otherwise, either originally or on adjournment, then, if the prosecutor, having had notice of the time and place appointed for the hearing, or adjourned hearing, of the charge, does not appear, the Court shall dismiss the charge, unless for some reason, recorded in the minutes, it thinks fit to adjourn, or further adjourn, the hearing.

If both parties appear, the Court shall proceed to hear and finally determine the charge.

281. The room or place in which the Court sits to hear and determine the charge is an open and public Court, and the public generally may have access thereto as far as it can conveniently contain them.

282. The substance of the charge shall be stated to the accused, and he shall be asked if he admits or denies the truth of the charge.

If he admits the truth of the charge, the Court may convict him thereof.

If he denies the truth of the charge, the Court shall proceed to hear the prosecutor and his witnesses and other evidence.

At the close of the prosecutor's evidence, if it appear to the Court that the case is made out against the accused sufficiently to require him to make a defence, the Court shall ask him if he wishes to say anything in answer to the charge, or has any witnesses to examine or other evidence to adduce in his defence; and the Court shall then hear the accused and his witnesses, and other evidence, if any.

283. The prosecutor shall be at liberty to conduct the charge, and to have witnesses examined and cross-examined by counsel or attorney on his behalf.

284. The accused shall be at liberty to make his full answer and defence to the charge, and to have witnesses examined and cross-examined by counsel or attorney on his behalf, and if he does not employ counsel or attorney, the Court shall, at the close of the examination of each witness for the prosecution, ask the accused whether he wishes to put any questions to that witness.

If he puts any question to a witness, that witness may be re-examined by or on behalf of the prosecutor.

285. If the accused adduces in his defence any evidence other than evidence to character, the prosecutor may, if the Court thinks fit, adduce evidence in reply.

But the prosecutor shall not in any case be allowed to make any observations by way of reply to the evidence adduced by the accused, nor shall the accused in any case be allowed to make any observations on evidence adduced by the prosecutor in reply.

286. A variance between the charge and the evidence adduced in support of it with respect to the time at which the alleged crime or offence was committed shall not be deemed material, if it is proved that the charge was in fact made within the time (if any) limited by law for the making thereof.

But if any variance between the charge and the evidence appears to the Court to be such that the accused has been thereby deceived or misled, the Court may adjourn the hearing.

287. At any time before or during the hearing of the charge, the Court may, if it thinks fit, for reasons recorded in the minutes, adjourn the hearing.

An adjournment ordered for any cause shall be made to a certain time and place appointed and stated at the time of adjournment in the presence and hearing of the parties or their respective counsel or attorneys.

During an adjournment the Court may, in its discretion, according to the nature and circumstances of each case, either suffer the accused to go at large, or commit him by warrant to such prison or other place of security, or to such other safe custody, as the Court thinks fit, or may discharge him on his entering into a recognisance, with or without surety or sureties, at the discretion of the Court, for his appearance at the time and place of adjournment.

If at any time and place of adjournment of a trial which has once begun the accused does not appear, the Court may, if it thinks fit, proceed with the further hearing as if he was present.

288. The Court having heard what each party has to say as aforesaid, and the witnesses, and the evidence adduced, shall consider the whole matter and finally determine the same, and shall either convict the accused or dismiss the charge.

In case of conviction, an order of conviction shall be drawn up in form, and shall be preserved among the records of the Court.

In case of dismissal, the Court shall, on the application of the accused, make an order of dismissal, an office copy whereof shall, on being produced, without further proof, be a bar to any subsequent charge against him for the same matter.

289. Where the Court orders money to be paid by a person convicted, or by a prosecutor, for penalty, compensation expenses, or otherwise, the money may be levied on the goods of the person ordered to pay the same by distress and sale under warrant.

That person may pay or tender to the officer having the execution of the warrant the sum therein mentioned with the amount of the expenses of the distress up to the time of payment or tender, and thereupon the officer shall cease to execute the same.

290. If the officer having the execution of the warrant returns that he could find no goods, or no sufficient goods, whereon to levy the money mentioned in the warrant with expenses, the Court may by warrant commit the person ordered to pay to prison for a time specified in the warrant, unless the

money, and all expenses of the distress, commitment, and conveyance to prison, to be specified in the warrant, are sooner paid.

Where it is proved that distress and sale of goods will be ruinous to the person ordered to pay the money and his family, or (by his confession or otherwise) that he has no goods whereon a distress may be levied, then the Court, if it thinks fit, may, instead of issuing a warrant of distress, commit him to prison, with or without hard labour, for a time specified in the warrant, unless the money, and all expenses of the commitment and conveyance to prison, to be specified in the warrant, are sooner paid.

The person committed may pay the sum mentioned in the warrant, with the amount of expenses therein mentioned (if any) to the person in whose custody he is, and that person shall thereupon discharge him if he is in custody for no other matter.

The commitment, in case of a Provincial Court held before an uncommissioned Consular Officer, shall not be for more than fourteen days, and in any other case shall not be for more than two months.

291. Where a conviction does not order the payment of money, but orders that the offender be imprisoned, the Court shall issue a warrant of commitment accordingly.

7.—Trial on Indictment.

292. The following provisions, under the head of Trial on Indictment, apply exclusively to cases where the charge is not heard and determined by summary trial.

293. Where the accused comes before the Court on summons or warrant, or otherwise, the Court shall, in his presence, take the statements on oath of those who know the facts and circumstances of the case, and put them in writing (called the depositions).

The accused may put questions to each witness produced against him, and the witness's answer thereto shall be part of his deposition.

The deposition of each witness shall be read over to the witness, and shall be signed by him.

294. No objection to a charge, summons or warrant, for defect in substance or in form, or for variance between it and the evidence for the prosecution, shall be allowed; but if a variance appears to the Court to be such that the accused has been thereby deceived or misled, the Court may on his application adjourn the examination.

295. The Court may by warrant, from time to time, if it thinks fit, on account of the absence of witnesses or for any other reason (recorded in the minutes), remand the accused for a reasonable time, not exceeding eight days, to some prison or other place of security.

Or if the remand is for not more than three days, the Court may, by word of mouth, order the officer or person in whose custody the accused is, or any other fit officer or person, to continue or keep the accused in the custody,

and to bring him up at the time appointed for commencement or continuance of the examination.

During remand the Court may, nevertheless, order the accused to be brought before it.

Or the Court may admit the accused to bail on the remand.

296. At the close of the evidence for the prosecution, if the Court considers it not sufficient to put the accused on his trial, the Court shall forthwith order him, if in custody, to be discharged.

297. Otherwise the Court shall (without requiring the attendance of the witnesses) read over to the accused the depositions, and shall then say to him these words:—

Having heard the evidence, do you wish to say anything in answer to the charge? You need not say anything unless you wish. You have nothing to hope from any promise of favour, and nothing to fear from any threat held out to you to induce you to make any admission or confession. Whatever you say will be written down and may be given in evidence against you.

Whatever the accused then says shall be written down, and shall be read over to him, and shall be kept with the depositions.

298. If the Court considers the evidence sufficient to put the accused on his trial, the Court shall order that he be tried on indictment, and shall until the trial either admit him to bail or send him to prison for safe keeping.

299. Where the charge is not of a crime which in England is capital, but is of a crime or offence above the degree of misdemeanour, and is to be tried before the Supreme Court or the Court for Egypt, and the trial is to be had where a jury can be obtained, then the Court, on ordering that the accused be tried on indictment, shall ask him whether or not he wishes to be tried with a jury.

If he answers in the negative, then the trial shall be had without a jury, unless not less than forty-eight hours before the time appointed for the trial he files in the Court a notice in writing, stating his wish to be tried with a jury.

300. Where the accused is charged with—

Felony;

Assault with intent to commit felony;

Attempt to commit felony;

Obtaining or attempting to obtain property by false pretences;

Receiving stolen property or property obtained by false pretences;

Perjury, or subornation of perjury;

Concealing the birth of a child by secret burying or otherwise;

Indecent exposure of the person;

Riot

Assault on a constable or officer of the Court in the execution of his duty, or on any person acting in his aid;

Neglect or breach of duty as a constable or officer of the Court; the Court may, if it thinks fit, admit him to bail.

Where he is charged with an indictable misdemeanour, not before in this provision specified, the Court shall admit him to bail, unless the Court sees good reason to the contrary (recorded in the minutes).

If he is charged with murder or treason, he shall not be admitted to bail, except by the Judge of the Supreme Court.

The Judge of the Supreme Court may, if he thinks fit, admit any person to bail, although the Court, before which the charge is made, has not thought fit to do so.

A person may be admitted to bail at any time after he has been ordered to be tried on indictment.

301. The accused who is to be admitted to bail, either on remand or on or after trial ordered, shall produce such surety or sureties as, in the opinion of the Court, will be sufficient to ensure his appearance as and when required, and shall with him or them enter into a recognisance accordingly.

302. The Court shall bind by recognisance the prosecutor and every witness to appear at the trial to prosecute, or to prosecute and give evidence or to give evidence (as the case may be).

If a person refuses to enter into a recognisance, the Court may send him to prison, there to remain until after the trial, unless in the meantime he enters into a recognisance.

But if afterwards, from want of sufficient evidence or other cause, the accused is discharged, the Court shall order that the person imprisoned for so refusing be also discharged.

303. The room or place in which the preliminary examination is held is not an open or public Court for that purpose, and the Court may, if it thinks that the ends of justice will be best answered by so doing, order that no person have access to, or be or remain in, that room or place without the express permission of the Court.

304. A person who has been ordered to be tried on indictment shall be entitled to have a copy of the depositions on payment of a reasonable sum not exceeding 6*d.* for every 100 words, or, if the Court thinks fit, without payment.

The Court shall, at the time of ordering the trial, inform him of the effect of this provision.

305. The written charge (if any), the depositions, the statement of the accused, the recognisances of prosecutor and witnesses, and the recognisances of bail (if any), shall be carefully transmitted in proper time to the Court before which the trial is to be held.

306. The Supreme Court shall, when required by the Secretary of State, send to him a report of the sentence of the Court in any case tried on indictment, with a copy of the minutes and notes of evidence and with any observations which the Court thinks fit to make.

The Court for Egypt and every Provincial Court shall forthwith send to the Supreme Court a report of the sentence of the Court in every case tried on indictment, with a copy of the minutes and notes of evidence and with any observations which the Court thinks fit to make. The Supreme Court shall, when required by the Secretary of State, transmit the same to him, with any observations which the Court thinks fit to make.

8.—Appeal on Law to Supreme Court.

307. Where a person is convicted, either by summary trial or on indictment, before a Court other than the Supreme Court (in this provision referred to as the Court below)—

(i) if he considers the conviction erroneous in law, then, on this application (unless it appears merely frivolous, when it may be refused); or,

(ii) if the Court below thinks fit to reserve for consideration of the Supreme Court any question of law arising on the trial;

the Court below shall state a case, setting out the facts and the grounds of the conviction, and the question of law, and send it to the Supreme Court.

Thereupon the Court below shall, as it thinks fit, either postpone judgment on the conviction, or respite execution of the judgment, and either commit the person convicted to prison, to take security for him to appear and receive judgment, or to deliver himself for execution of the judgment (as the case may require) at an appointed time and place.

The Supreme Court shall hear and finally and determine the matter, and thereupon shall reverse, affirm, or amend the judgment given [or set it aside, and order an entry to be made in the minutes that in the judgment of the Supreme Court the person ought not to have been convicted], or order judgment to be given at a subsequent sitting of the Court below,—or make such other order as the Supreme Court thinks just,—and shall also give all necessary and proper consequential directions.

The judgment of the Supreme Court shall be delivered in open Court, after the public hearing of any argument offered on behalf of the prosecution or of the person convicted.

Before delivering judgment the Supreme Court may, if necessary, cause the case to be amended by the Court below.

9.—Punishment.

308. The Supreme Court may, if it thinks fit, by warrant under the hand of the Judge and the seal of the Court, cause an offender convicted before any Court and sentenced to imprisonment to be sent to, and imprisoned at, any place in the Ottoman dominions approved for that purpose by the Secretary of State.

The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up at the place named, according to the warrant.

309. When an offender convicted before any Court is sentenced to imprisonment, and it appears to the Supreme Court or, as regards Egypt, the Court for Egypt, expedient that the sentence be carried into effect within Her Majesty's dominions, the offender may (under the Foreign Jurisdiction Act, section 5) be sent for imprisonment as follows, namely,—with respect to native Indian subjects, to Bombay, and with respect to other persons, to Malta or Gibraltar.

The Supreme Court or the Court for Egypt may, by warrant under the hand of the Judge and the seal of the Court, cause the offender to be sent to Bombay or Malta or Gibraltar (as the case may require), in order that the sentence may be there carried into effect accordingly.

The warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named, and to carry him to and deliver him up at the place named, according to the warrant.

310. The Supreme Court may, if it thinks fit, report to the Secretary of State, recommending a mitigation or remission of any punishment awarded by any Court; and thereupon the punishment may be mitigated or remitted.

But such a recommendation shall not be made with respect to a punishment awarded by a Court other than the Supreme Court, except on the recommendation of that other Court, or on the dissent of the assessors or assessor, if any, from the conviction or from the amount of punishment awarded.

10.—Deportation of Offenders.

311. (i) Where it is proved that there is reasonable ground to apprehend that a subject or protected person is about to commit a breach of the public peace, or that the acts or conduct of a subject or protected person are or is likely to produce or incite to a breach of the public peace, the Court may, if it thinks fit (for reasons recorded in the minutes), cause him to be brought before it and require him to give security to the satisfaction of the Court to keep the peace, or for his future good behaviour, as the case may require:

(ii) Where a subject or protected person is convicted of a crime or offence before the Court, or before a Court in the sentence of which one of Her Majesty's Consular Officers concurs, the Court for the district in which he is may, if it thinks fit, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may (if need be) cause him to be brought before the Court:

In either of these cases, if the person required to give security fails to do so, the Court may order that he be deported from the Ottoman dominions to such place as the Court directs.

The Court shall not however, without the consent of the person to be deported, direct the deporation of a native Indian subject to any place other than Bombay,—or of a native of Malta or of any of its dependencies to any

place other than Malta,—or of a native of Gibraltar to any place other than Gibraltar,—or of a person not being a native Indian subject and being a native of any part of Her Majesty's dominions other than Malta, its dependencies, or Gibraltar, to any place other than England.

A Court other than the Supreme Court or the Court for Egypt shall report to the Supreme Court any order of deportation made by it, and the grounds thereof, before the order is executed. The Supreme Court may reverse the order, or may confirm it with or without variation, and in case of confirmation shall direct it to be carried into effect.

The person to be deported shall be detained in custody until a fit opportunity for his deportation occurs.

He shall, as soon as is practicable—and in the case of a person convicted either after execution of the sentence or while it is in course of execution —be embarked in custody under the warrant of the Supreme Court, or, as regards Egypt or the Court for Egypt, on board one of Her Majesty's vessels of war, or if there is no such vessel available, then on board any British or other fit vessel bound to the place of deportation.

The warrant shall be sufficient authority to the commander or master of the vessel to receive and detain the person therein named, and to carry him to, and deliver him up at, the place named, according to the warrant.

The Court may order the person to be deported to pay all or any part of the expenses of his deportation. Subject thereto, the expenses of deportation shall be defrayed as the expenses relating to distressed British subjects are defrayed, or in such other manner as the Secretary of State from time to time directs.

The Supreme Court and the Court for Egypt (as the case may be) shall forthwith report to the Secretary of State any order of deportation made or confirmed by it and the grounds thereof; and shall also inform thereof Her Majesty's Ambassador, Minister, or Chargé d'Affaires at the Sublime Ottoman Porte.

If any person deported under this or any former order returns to the Ottoman dominions without permission in writing of the Secretary of State (which permission the Secretary of State may give), he shall be deemed guilty of an offence against this order, and shall for every such offence be liable to imprisonment for not more than one month, with or without hard labour, and with or without a fine of not more than 10*l.*, or to a fine of not more than 20*l.* alone; and he shall also be liable to be forthwith again deported, and shall not be again entitled to registration under this order.

And the Right Honourable the Earl Granville, and the Right Honourable the Earl of Kimberley, and the Most Noble the Duke of Argyll, three of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

Arthur Helps.

THE FIRST SCHEDULE.

Orders in Council and Rules repealed.

Order in Council; Windsor, 30th November 1864—General Regulation of Jurisdiction.

Order in Council; Windsor, 10th November 1866—Deputation Egypt.

Order in Council; Windsor, 29th June 1871—Deputation and References; Tunis.

Rules; 29th January 1863—General Regulation of Procedure.

Rules; 2nd December 1870—Remuneration of Jurors.

THE SECOND SCHEDULE.

FORMS.

I.—CIVIL.

1.

Issue for Decision on Question of Fact without Suit.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Saturday*] the [ ] day of [ ] 18 . .

Between *A.B.*

and

C.D.

This Court has ordered that the above-named *A.B.* of [*gentleman*] and the above-named *C.D.* of [*merchant*] may proceed to the trial of the questions of fact to be determined between them without any petition presented or other pleading.

This Court, therefore, now further orders that the following questions be tried:—

1. Whether, &c.
2. Whether, &c.

The said *A.B.* maintaining the affirmative and the said *C.D.* the negative thereof, respectively.

(Seal.)

2.

Summons on Bill of Exchange or Promissory Note.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*] the [ ] day of [ ] 18 .

Between *A.B.* ... ... Plaintiff,
and
C.D. ... ... Defendant.

To *C.D.*, of , the above-named Defendant.

You are hereby commanded, in Her Majesty's name, to attend this Court within seven days after service of this Summons on you, inclusive of the day of service, and obtain leave from this Court to defend this suit; otherwise *A.B.*, of , the above-named Plaintiff, will be entitled, as of course, to an immediate absolute order against you.

(Seal.)

Indorsement on Summons.

The Plaintiff claims [ ] pounds sterling, principal and interest [*or* balance of principal and interest], due to him as the payee [*or* indorsee] of a bill of exchange or promissory note, of which the following is a copy :—

(*Here copy bill or note and all indorsements on it.*)

And if the amount thereof be paid to the Plaintiff within [ ] days from the service hereof, further proceedings will be stayed.

NOTICE.

If the Defendant does not, within seven days after having been served with this Summons, inclusive of the day of service, obtain leave from the Court to defend this suit, the Plaintiff will be entitled, as of course, at any time after the expiration of those seven days, to an immediate absolute order for any amount not exceeding the sum above claimed, and such sum as may be fixed by the Court for costs.

Leave to defend the suit may be obtained on application to the Court, supported by evidence on oath, showing that there is a defence to the suit on the merits, or that it is reasonable that the Defendant should be allowed to defend the suit, or on payment into Court of the sum hereon indorsed.

3

Summons on Claim under 20l.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Saturday*], the [ ] day of [18 .]

Between *A.B.* ... ... Plaintiff,

and

C.D. ... ... Defendant.

[*or*

In the matter of *E.F.*, an infant].

To *C.D.*, of

[*gentleman*], the above-named Defendant.

You are hereby commanded, in Her Majesty's name, to attend this Court at [ ] on [ ] the [ ] day of [ ] at o'clock in the [ ] noon on the hearing of a claim [*or* an application] on the part of *A.B.*, of [*merchant*], the above-named plaintiff [*state the precise nature and particulars of the claim, and the amount sought to be recovered, or the precise object of the application, as the case may be*].

(Seal.)

The following Note is to be added to the original Summons, and when the time is altered by indorsement, the indorsement is to be referred to as below :—

NOTE.—If you do not attend, either in person or by counsel or attorney, at the time and place above mentioned [*or* at the place above mentioned at the time mentioned in the indorsement hereon], such order will be made and such proceedings taken as the Court may think just and expedient.

4.

Petition.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Between *A.B.* ... ... Plaintiff,

and

C.D. and *E.F.* ... ... } Defendants.

To *X.Y.*, Esquire, Her Britannic Majesty's Consul at [*Smyrna*].

The petition of *A.B.*, of [*merchant*], the above-named Plaintiff, Shows as follows :—

1. [On the 1st day of June 1859, the Defendant, etc.]

2. [On the next day the Plaintiff wrote and sent a letter to the Defendant, the material parts of which were as follows, etc.]

3.....

4.....

The Plaintiff therefore prays—

1. [That an account may be taken of what is due for principal and interest on, etc.]
2. [That the Defendant may be decreed to pay to the Plaintiff the amount which shall be so found due within one calendar month, &c.
3. [That the Plaintiff may have such further or other relief as the nature of the case may require.]

The Defendants to this petition are—

C.D., of [*merchant*].
E.F., of [*widow*].

A.B.

[*or* *A.B.* the Plaintiff,
by *L.M.*, his Attorney.]

5.

Answer.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Between *A. B.* ... ... plaintiff,
and
C. D. and ... ... } Defendants.
E. F. ... ...

The answer of *C.D.*, one of the above-named Defendants, to the petition of the above-named Plaintiff.

In answer to the petition, I, *C.D.*, say as follows:—

1. .....
2. .....
3. .....

C.D.

[*or* *C.D.*, the Defendant,
by *N.O.*, his Attorney.]

6.

Notice of Hearing.

In Her Britannic Majesty's Consular Court at [*Smyrna*],
[*Saturday*], the [ ] day of [ ],
18 .

Between *A.B.* ... ... Plaintiff,

and

C.D. and ... ...
E.F. ... ... } Defendants.

To *A.B.*, the above-named Plaintiff.

[*or*

To *C.D.*, one of the above-named Defendants].

This cause will be set down for hearing on , the day of 18 , and will come on to be heard in its turn on that day if the business of the Court permits.

(Seal.)

7.

Motion-paper.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Between *A.B.* ... ... Plaintiff,

and

C.D. ... ... Defendant.

The Plaintiff [*or as the case may be*] moves that [*here state the terms of the motion*].

II.—Probate and Administration.

8.

Affidavit of attesting Witness in proof of the due execution of a Will or Codicil, dated after 31st December 1837.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that I am one of the subscribing witnesses to the last Will [*or* Codicil *as the case may be*] of *A.B.*, late of , deceased, the said Will [*or* Codicil] being now hereto annexed, bearing date , and that the testator executed the said

Will [*or* Codicil] on the day of the date thereof by signing his name at the foot or end thereof [*or* in the testimonium clause thereof, *or* in the attestation clause thereto, *as the case may be*], as the same now appears thereon (*), in the presence of me and of , the other subscribed witness thereto, both of us being present at the same time, and we thereupon attested and subscribed the said Will [*or* Codicil] in the presence of the testator.

Sworn at , this day of 18 , before me, *X.Y.* } *C.D.*

9.

Oath for Executor.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that I believe the paper writing [*or* the paper writings], hereto annexed and marked by me (†), to contain the true and original last Will [*or* last Will with Codicils] of *A.B.*, late of , deceased, and that I am the sole executor [*or* one of the executors] therein named [*or* executor according to the tenour thereof, executors during life, executrix during widowhood, *or as the case may be*], and that I will faithfully administer the personal property of the testator by paying his just debts and the legacies given by his Will [*or* Will and Codicils], so far as his personal property shall extend as the law bind me; that I will exhibit an inventory, and render an account of my executorship, whenever lawfully required; that the testator died at on the day of 18 ; that at the time of his death he had his fixed place of abode at , within the jurisdiction of this Court; and that the whole of his personal property does not amount in value to the sum of pounds to the best of my knowledge, information, and belief.

Sworn at , this day of 18 , before me, *E.F.* } *C.D.*

* If the signature is in the testimonium clause or attestation clause, insert "intending the same for his final signature to his Will."

† Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

Where more executors than one are appointed, and all are not sworn, a memorandum should be made in the margin of the oath that power is to be reserved to the other executors or executor, or that they have or he has renounced.

10.

Oath for Administrator with Will annexed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that I believe the paper writing [*or* the paper writings] hereto annexed, and marked by me (*), to contain the true original last Will [*or* last Will with Codicils] of *A.B.*, late of , deceased; that the executor therein named is dead without having taken probate thereof [*or as the case may be*]; that I am the residuary legatee in trust named therein [*or as the fact may be*]; that I will faithfully administer the personal property of the testator, by paying his just debts and the legacies given by his Will [*or* Will and Codicils], so far as his personal property shall extend and the law bind me, and distributing the residue of his personal property according to law; that I will exhibit an inventory and render an account of my administration whenever lawfully required; that the testator died at on the 18 ; that at the time of his death he had his fixed place of abode at , within the jurisdiction of this Court; and that the whole of his personal property does not amount in value to the sum of pounds to the best of my knowledge, information, and belief.

C.D.

Sworn at , this day of 18 , before me, *E.F.*

11

Oath for Administrator (not with Will annexed).

In Her Brittanic Majesty's Consular Court at [*Smyrna*].

In the name of *A.B.*, deceased.

I, *C.D.*, of , make oath and say that *A.B.*, late of , deceased, died intestate, a bachelor, without parent, brother or sister, uncle or aunt, nephew or neice, and that I am his lawful cousin-german and one of his next of kin [*this must be altered in accordance with the circumstances of the case*]; that I will faithfully administer the personal property of the deceased, by paying his just debts and distributing the residue of his property according to law; that I will exhibit an inventory and render an account of my administration whenever lawfully required; that the deceased died at on the day of 18 ; that at the time of his death he had his fixed place of abode at ,

* Each testamentary paper is to be marked by the persons sworn and the person administering the oath.

within the jurisdiction of this Court; and that the whole of his personal property does not amount in value to the sum of pounds to the best of my knowledge, information, and belief.

C.D.

Sworn at , this day of 18 , before me,
E.F.

12.

Probate.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known that on the day of 18 , the last Will [*or* the last Will with Codicils] (a copy whereof is hereto annexed) of *A.B.*, late of , deceased, who died on at , and who at the time of his death had his fixed place of abode at , within the jurisdiction of this Court, was proved and registered in this Court; and that the administration of the personal property of the said deceased was granted by the Court to *C.D.*, the sole executor [*or as the case may be*] named in the said Will, he having been first duly sworn.

To be written in margin. } *Sworn under £ and that the Testator died on or about the day of 18 .*

X.Y.,
H. B. M. Consul at [*Smyrna*].
(Seal.)

13.

Letters of Administration with Will annexed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known that *A.B.*, late of , deceased, who died on the day of at , and who had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, made and duly executed his last Will [*or* his last Will with Codicils thereto], and did therein name [*according to the facts*].

And be it further known, that on the day of 18 , letters of administration with the said Will [and Codicils] annexed of the personal property of the deceased were granted by this Court to *C.D.* [*insert the character in which the grant is taken*], he having been first duly sworn.

Sworn under £ and that the Testator died on or about the day of 18 .

X.Y.,
H. B. M. Consul at [*Smyrna*].
(Seal.)

14.

Letter of Administration (not with Will annexed).

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known that on the day of , 18 , Letters of Administration of the personal property of *A.B.*, late of , deceased, who died on 18 , at , intestate, and who had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, were granted by this Court to *C.D.*, of , the widow [*or as the case may be*], of the said intestate, she having been first duly sworn.

Sworn under £ and that the Intestate died on or about the day of 18 .

X.Y.,
H. B. M. Consul at [*Smyrna*].

(Seal.)

15.

Double Probate.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known that on the day of 18 , the last Will [with Codicils] of *A.B.*, late of , deceased, who died on , at , and who at the time of his death had his fixed place of abode at , within the jurisdiction of this Court, was proved and registered in this Court, and that administration of his personal property, and any way concerning his Will, was granted by this Court to *C.D.*, one of the executors named in the said Will [*or* Codicil], he having been first duly sworn, power being reserved of making the like grant to *E.F.*, the other executor named in the said Will. And be it further known that on the day of , 18 , the said Will of the said deceased was also proved in this Court, and that the like administration was granted by this Court to the said *E.F.*, he having been first duly sworn.

Sworn under £ and that the Testator died on or about the day of 18 .

X.Y.,
H. B. M. Consul at [*Smyrna*].

(Seal.)

Former grant, January 18 , under the same sum.

16.

Letters of Administration de Bonis non.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Be it known that *A.B.*, late of , deceased, died on 18 , at , intestate, and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, and that since his death, namely, on the day of 18 , Letters of Administration of his personal property were granted by this Court to *C.D.* [*insert the relationship or character of Administrator*] (which Letters of Administration now remain on record in this Court), who after taking such Administration upon him partly administered the personal property of the deceased, and afterwards, namely, on , died, leaving part thereof unadministered, and that on the day of , 18 , Letters of Administration of the personal property so left unadministered were granted by this Court to , he having been first duly sworn.

Sworn under 2 and that the Intestate died on the day of

X.Y.,

H. B. M. Consul at [*Smyrna*].

(Seal).

17.

Administration Bond.

Know all men by these presents that we *A.B.*, of , *C.D.*, of , and *E.F.*, of , are jointly and severally bound unto *G.H.*, the Judge of Her Britannic Majesty's Supreme Consular Court for the dominions of the Sublime Ottoman Porte, in the sum of pounds sterling, to be paid to the said *G.H.*, or the Judge of the said Court for the time being, for which payment we bind ourselves and each of us, for the whole, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of 18 .

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

The condition of the above-written obligation is such that if the above-named *A.B.*, the intended Administrator of the personal property of *I.J.*, late of , deceased, who died on the day of [left unadministered by], do make a true and perfect inventory of the personal property of the deceased [so left unad-

ministered], which has or shall come into [his] possession, or into the possession of any person for [him], and the same so made do exhibit into Her Britannic Majesty's Supreme Consular Court or Her Britannic Majesty's Consular Court at [*Smyrna*] whenever required by law so to do; and the same personal property and all other the personal property of the deceased, which shall at any time after the making an exhibition of such inventory, come into the possession of the said *A.B.*, or of any person for [him], do well and truly administer according to law; (that is to say) do pay the debts which the deceased owed at [his] death, and all the residue of the said personal property do deliver and pay to such person or persons as shall be entitled thereto under the Act of Parliament intituled *An Act for the better settling of Intestates' Estates;* and further do make a true and just account of [his] administration whenever lawfully required; and in case it shall hereafter appear that any Will was made by the deceased, and the executor or executors therein named do exhibit the same for probate, then if the said *A.B.*, being thereunto required, do duly render and deliver up the Letters of Administration granted to him, then this obligation shall be void, and otherwise shall remain in full force.

Signed, sealed, and delivered before this Court.

(Seal.)

18.

Administration Bond for Administrator with Will annexed.

Know all men by these presents that we, *A.B.*, of , *C.D.*, of , and *E.F.*, of , are jointly and severally bound unto *G.H.*, the Judge of Her Britannic Majesty's Supreme Consular Court for the dominions of the Sublime Ottoman Porte in the sum of pounds sterling, to be paid to the said *G.H.*, or the Judge of the said Court for the time being, for which payment we bind ourselves and each of us, for the whole, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of 18 .

A.B. (L.S.)
C.D. (L.S.)
E.F. (L.S.)

The condition of the above-written obligation is such that if the above-named *A.B.*, the intended Administrator with Will annexed of the personal property of *I.J.*, late of , deceased, who died on the day of , do make a true and perfect inventory of the personal property of the deceased [left unadministered by], which has or shall come into [his] possession, or into the possession of any person for [him], and the same so made do exhibit into Her Britannic Majesty's Supreme Consular Court or Her Britannic

Majesty's Consular Court at [*Smyrna*], whenever required by law so to do; and the same personal property [so left unadministered] and all other the personal property of the deceased which shall at any time after the making and exhibition of such inventory come into the possession of the said *A.B.*, or of any person for [him], do well and truly administer; (that is to say) do pay the debts which the deceased owed at [his] death, and then the legacies given by the said Will annexed to the said Letters of Administration, as far as such personal property will extend and the law bind [him], and all the residue of the said personal property shall deliver and pay unto such person or persons as shall be by law entitled thereto; and further do make a true and just account of [his] said administration whenever lawfully required, then this obligation shall be void, and otherwise shall remain in full force.

Signed, sealed, and delivered before this Court.

(Seal.)

19.

Declaration of the personal Property of a Testator or an Intestate.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

A true declaration of all the personal property of *A.B.*, late , deceased, who died on the day of , at , and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, which have at any time since his death come to the possession or knowledge of *C.D.*, the administrator with the Will annexed of the said *A.B.* [*or* administrator, *as the case may be*], made and exhibited upon and by virtue of the oath [*or* solemn affirmation] of the said *C.D.*, as follows:—

	£	s.	d.
First, I declare that the deceased was at the time of his death possessed of or entitled to ... ... [*The details of the deceased's property must be here inserted, and the value inserted opposite to each particular.*]			

Lastly, I say that no personal property of the deceased has at any time since his death come to my possession or knowledge, save as is hereinbefore set forth.

C.D.

On the day of , 18 , the said *C.D.* was duly sworn to [*or* solemnly affirmed] the truth of the above-written inventory.

Before me,

[*Person authorized to administer oaths.*]

20.

Justification of Sureties.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

We, *C.D.*, of , and *E.F.*, of , severally make oath and say that we are the proposed sureties in the penal sum of pounds on behalf of *G.H.*, the intended administrator of the personal property of *A.B.*, late of , deceased, for his faithful administration thereof; and I, the said *C.D.*, for myself, make oath and say that I am, after payment of all my just debts, well and truly worth in money and effects the sum of ; and I, the said *E.F.*, for myself, make oath and say that I am, after payment of all my just debts, well and truly worth in money and effects the sum of pounds. Sworn by the deponents, *C.D.* and *E.F.*, at , *C.D.* this day of 18 *E.F.* Before me,

X.Y.

21.

Renunciation of Probate and Administration with Will annexed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

Whereas *A.B.*, late of , deceased, died on the day of , at , having at the time of his death his fixed place of abode at , within the jurisdiction of this Court; and whereas he made and duly executed his last Will, dated the day of , 18 ,* and thereof appointed *C.D.* executor and residuary legatee in trust [*or as the case may be*]:

Now I, the said *C.D.*, do hereby declare that I have not intermeddled in the personal property of the deceased, and will not hereafter intermeddle therein with intent to defraud creditors, or any person interested in the administration or distribution of the property of the deceased; and further do hereby expressly renounce all right to probate of the said Will [and Codicils, *if any*], and to administration with the said Will [and Codicils, *if any*] annexed, of the personal property of the deceased.

In witness whereof I have hereto set my hand and seal, this day of 18 .

C.D. (L.S.)

Signed, sealed, and delivered by the above-named *C.D.* in the presence of *G.H.*

* If there are codicils, their dates should be also inserted.

22.

Renunciation of Administration.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

Whereas *A.B.*, late of , deceased, died on the day of , 18 , at , intestate, a widower, having had atthe time of his death his fixed place of abode at , within the jurisdiction of this Court, and whereas I, *C.D.*, of , am his lawful child and his only next of kin [*or as the case may be*]:

Now I, the said *C.D.*, do hereby declare that I have not intermeddled in the personal property of the deceased and further do hereby expressly renounce all right to administration thereof.

In witness whereof I have hereto set my hand and seal, this day of 18 .

C.D. (L.S.)

Signed, sealed, and delivered by the said *C.D.* in the presence of

G.H.

23.

Order to a person to bring in a Paper purporting to be Testamentary.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

The day of , 18 .

To *C.D.*, of .

Whereas it appears by a certain affidavit filed in this Court on the day of , 18 , and made by , of , that a certain original paper being, or purporting to be, testamentary, namely, [*here describe the paper*] bearing date the day of 18 , is now in your possession or under your control:

Now this is to command you, in Her Majesty's name, that within eight days after service hereof on you, inclusive of the day of such service, you do bring into and leave in this Court the said original paper, or in case the said original paper be not in your possession or under your control, that you, within eight days after the service hereof on you, inclusive of the day of such service, do file in this Court an affidavit to that effect, and therein set forth what knowledge you have of and respecting the said paper.

(Seal.)

24.

Affidavit of Handwriting.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *C.* D., deceased.

I, *A. B.*, of , make oath and say I knew and was well acquainted with *C. D.*, late of , deceased,

who died on the day of , at ,
for many years before and down to his death, and that during that time I have frequently seen him write and sign his name, whereby I have become well acquainted with his handwriting and signature, and having now with care and attention inspected the paper writing hereto annexed, purporting to be the last Will of the said *C.D.*, beginning thus ,
ending thus , dated the
day of , and signed thus, *C.D.*, I say that I believe [the whole body and contents of the said Will, together with] the signature *C.D.* thereto to be of the handwriting of the said *C.D.*, deceased.

Sworn at
this day of ,
18 , before me,
E.F.

A.B.

25.

Affidavit of Finding and Condition of Will.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *E.F.*, deceased.

I, *A.B.*, of , make oath and say that I am the sole executor named in the paper writing hereto annexed, purporting to be the last Will of *E.F.*, late of , deceased (who died on the day of , and had at his death his fixed place of abode at , within the jurisdiction of this Court), the said Will bearing date the day of , beginning thus , ending thus , and being signed thus, *E.F.*, and that [*here describe the finding of the Will and the various obliterations, interlineations, erasures and alterations (if any) and the general condition of the Will, and state any other matters requiring to be accounted for, and clearly trace the Will from the possession of the deceased in his lifetime up to the time of the making of his affidavit*] ; and I lastly say that the same paper writing is now in all respects in the same condition as when found [*or as the case may be*].

Sworn at
day of ,
18 , before me,
I.J.

A.B.

26.

Affidavit of Search.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *C.D.*, deceased.

I, *A.B.*, of , make oath and say that I am the sole executor named in the paper writing hereto annexed, purporting to be the last Will of *C.D.*, late of , deceased (who died on the day of , 18 , at and had at the time of his death his fixed place of abode at within the jurisdiction of this Court), the said Will beginning thus , ending thus , and being signed thus, *C.D.* And referring particularly to the fact that the blank spaces originally left in the said Will for the insertion of the day and the month of the date thereof have never been supplied [*or* that the said Will is without date, *or as the case may be*], I further say that I have made inquiry of [*E.F.*, the Solicitor of the said deceased], and that I have also made diligent and careful search in all places where the said deceased usually kept his papers of moment, in order to ascertain whether he had or had not left any other Will, but that I have been unable to discover any other Will. And I lastly say that I believe the deceased died without having left any Will, Codicil, or Testamentary Paper whatever other than the said Will by me hereinbefore deposed to.

Sworn at , this day of 18 , before me, *G.H.* } *A.B.*

This form of affidavit is to be used when it is shown by affidavit that neither the subscribing witnesses nor any other person can dispose to the precise time of the execution of the Will.

27.

Notice to prohibit grant of Probate or Administration.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, deceased.

Let nothing be done in the matter of *A.B.*, late of , deceased, who died on the day of , at , and had at the time of his death his fixed place of abode at , within the jurisdiction of this Court, without warning being given to *C.D.*, of , [*or* to *E.F.*, of , the Attorney of *G.H*, of .]

Dated this day of , 18 .

(Signed) *C.D.*, of , [*or E.F.*, of , the Attorney of *G.H.*, of].

23.

Warning to Person filing Notice to prohibit Grant.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

In the matter of *A.B.*, late of , deceased.

To *C.D.*, of [*or* to *E.F.*, of

Attorney of *G.H.*, of].

You are hereby warned, within six days after the service of this warning upon you, inclusive of the day of such service, to come to this Court, and to file therein an affidavit setting forth your [*or* your client's] interest in this matter; and in default of your so doing this Court will proceed to all such acts and things as shall be needful to be done in this matter.

NOTE.—This warning is issued at the instance of *R.S.*, *of*

[*here state what interest R.S. has, and, if under a Will or Codicil, state its date.*]

(Seal.)

29.

List of Probates and Administrations.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

The [1st] day of [August], 18[63].

List of Probates and Administrations granted by this Court up to the 1st day of July 1863, and not included in any previous list.

Date of grant.	Name in full of Deceased.	His or her Business, Profession, or other Description.	Place of his or her Death.	Time of his or her Death.	Name and Description of each Executor or Administrator taking Probate or Administration.	Value of the Personal Property.

(Sd.) *X.Y.*,

H. B. M. Consul at [*Smyrna*].

(Seal.)

30.

Summons to Administrator or Executor for Summary Administration.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Saturday*], the [ ] day [ ] 18 .

In the matter of the property of *A.B.*, late of , deceased.

Between *C.D.* ... ... Plaintiff.

and

E.F. ... ... Defendant.

To *E.F.*, of , the above-named Defendant, Executor of the above-named *A.B.*

On the application of *C.D.*, of , Esq., the above-named Plaintiff, who claims to be a creditor of the said *A.B.*

You are hereby commanded, in Her Majesty's name, to attend this Court at , on [ ] the [ ] day of [ ], at [ ] o'clock in the [ ] noon, and show cause, if you can, why an order for the administration of the property of the said *A.B.*, under the direction of this Court, should not be granted.

(Seal.)

The following note is to be added to the original Summons and when the time is altered by indorsement, the indorsement is to be referred to as below :—

Note.—If you do not attend, either in person or by counsel or attorney, at the time and place above mentioned [or at the place above mentioned at the time mentioned in the indorsement hereon], such order will be made and such proceedings taken as the Court may think just and expedient.

III.—Criminal.

31.

Information to ground Search Warrant.

In Her Britannic Majesty's Consular Court at [*Smyrna.*]

[*Thursday*], the day of 18 .

C.D., of , labourer, being first duly sworn, complains that on the day of , the following goods and chattels of the value of , namely,

[*Here describe the goods and chattels.*]

were stolen and unlawfully carried away from and out of , at , by some person or persons unknown, and that he has reasonable cause to suspect, and does suspect, that those goods and chattels, or some of them are concealed in ; for he, the said *C.D.*, on his oath, deposes and says that

Taken and sworn before me, this day of 18 , at .

32.

Search Warrant for Stolen Goods.

In Her Britannic Majesty's Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X. Y.*, Police Officer, and other Officers, of this Court.

C. D., of , has this day made information on oath before this Court that [*copy from information down to "for he"*].

You are, therefore, hereby authorized and commanded, in Her Majesty's name, with proper assistance, to enter the of the said *A.B.*, and there diligently search for the said goods and chattels, and if the same, or any thereof, are found on search, to bring the goods and chattels so found, and also the said *A. B.*, before this Court, to be dealt with according to law.

(Seal.)

33.

Charge.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

C.D., of [labourer], [being first duly sworn] charges [*etc., state the offence*].

(Seal.)

34.

Summons to Accused.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *A.B.*, of , labourer .

You have this day been charged [on oath] before this Court for that you [*etc., stating shortly the offence charged*].

Therefore you are hereby commanded, in Her Majesty's name, to appear before this Court on [*Saturday next*], the day of , at 10 o'clock in the forenoon, at [ ], to answer to the said charge, and to be further dealt with according to law.

(Seal.)

35.

Warrant in first instance for apprehension of Accused.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X. Y.*, Police Officer, and other Officers of this Court.

A. B., of , [labourer], has this day been charged [on oath] before this Court for that he [*etc., stating shortly the offence charged*].

Therefore you are hereby commanded, in Her Majesty's name, forthwith to apprehend the said *A. B.*, and to bring him before this Court to answer to the said charge, and to be further dealt with according to law.

(Seal.)

36.

Warrant for apprehension of Accused where Summons is disobeyed.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X. Y.*, Police Officer, and other Officers of this Court.

A.B., of , [labourer], was on the day of , 18 charged [on oath] before this Court for that [*etc., as in summons*].

And the said *A.B.* was, by summons of this Court, commanded to appear before this Court on [ ], at [ ], at [ ], to answer to the said charge, and to be further dealt with according to law.

And (as it has now been proved to this Court), he was duly served with the said summons. But he has not appeared according to the said summons.

Therefore you are hereby commanded, in Her Majesty's name, forthwith to apprehend the said *A. B.*, and to bring him before this Court to answer to the said charge, and to be further dealt with according to law.

(Seal.)

37.

Summons of a Witness.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *E. F.*, of [labourer].

A. B., of [labourer], has been charged before this Court for that [*etc., as in the Summons or Warrant against the accused*]:

And it appears to this Court that you are likely to give material evidence concerning the said charge:

Therefore you are hereby commanded, in Her Majesty's name, to appear before this Court on [Saturday next], the [ ] day of [ ] 18 [ ], at [10 o'clock in the forenoon], at [ ], to testify what you shall know concerning the said charge.

(Seal.)

38.

Warrant where Witness has not obeyed Summons.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

To *X.Y.*, Police Officer, and other Officers of this Court.

A.B., of , [labourer], has been charged before this Court for that [*&c., as in summons*].

And it appearing to the said Court that *E.F.*, of [labourer], is likely to give material evidence concerning the said charge, the said *E.F.* was, by summons of this Court, commanded to appear before this Court on [ ], at [ ], at [ ], to testify what he should know concerning the said charge.

And (as it has now been proved to this Court) he was duly served with the said summons.

But he has not appeared according to the said summons, and has not excused his failure to do so to the satisfaction of this Court.

Therefore you are hereby commanded, in Her Majesty's name, to bring and have the said *E.F.* before this Court on [ ], at 10 o'clock [in the forenoon], at [ ], to testify what he shall know concerning the said charge

(Seal.)

39.

Warrant for Witness in first instance.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer, and other Officers of this Court.

A.B., of [labourer], has been charged before this Court for that [*&c., as in summons*].

And it appears to this Court that *E.F.*, of [labourer], is likely to give material evidence concerning the said charge, and that it is probable he will not attend to give evidence unless compelled to do so.

Therefore you are hereby commanded, in Her Majesty's name, to bring and have the said *E.F.* before this Court on [Saturday next], the day of , 18 [ ], at [10 o'clock in the forenoon], at [ ], to testify what he shall know concerning the said charge.

(Seal.)

40.

Warrant for commitment of Witness for refusing to be sworn or to give Evidence.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the Keeper of [Her Britannic Majesty's Consular] Prison at [ ].

A.B., of ,[labourer], has been charged before this Court for that [*&c., as in summons*].

And *E.F.*, of [labourer], now being before this Court to testify what he knows concerning the said charge in pursuance of a summons [*or* warrant] issued by this Court, and being required refuses to take an oath [*or*, having taken an oath, refuses to answer a certain question now put to him concerning the said charge], and does not excuse his refusal to the satisfaction of this Court.

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, to take the said *E.F.*, and convey him safely to the above-named prison, and there deliver him to the Keeper thereof, together with this warrant.

And you, the Keeper of the said prison, to receive the said *E.F.* into your custody in the said prison, and to keep him there safely for [seven] days, unless he in the meantime consents to answer duly on oath.

(Seal.)

41.

Warrant committing the Accused for safe custody during an adjournment of the hearing, or where the hearing is not at once proceeded with or remanding him.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the Keeper of [Her Britannic Majesty's Consular] Prison at [ ].

A.B., of [labourer], has been charged before this Court for that [*&c., as in summons*].

* And the hearing of the said charge is adjourned [*or* cannot be at once proceeded with], and it is necessary that the said *A.B.* should in the meantime be kept in safe custody.*

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, forthwith to convey the said *A.B.* to the above-mentioned prison, and there deliver him to the keeper thereof, together with this warrant.

And you, the keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there safely keep him until the day of instant, and then to have him before this Court at [10 o'clock in the forenoon] of the same day, at [ ], to answer further to the said charge, and to be further dealt with according to law.

(Seal.)

(In cases for indictment substitute for the words between asterisks * * the following:—And it appears to this Court necessary to remand the said *A.B.*)

42.

Recognisance of Bail on adjournment of hearing, or where hearing is not at once proceeded with, or instead of remand on an adjournment of preliminary examination, or for surrender for trial.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

We, *A.B.*, of [labourer], *L.M.*, of [grocer], and *N.O.*, of [butcher], come personally before this Court, and severally acknowledge ourselves to owe to our Sovereign Lady the Queen the several sums following, namely, the said *A.B.* the sum of £ sterling, and the said *L.M.* and *N.O.* the sum of £ sterling each, to be levied on our several goods if the said *A.B.* fails in the condition hereon indorsed.

A.B.
L.M.
N.O.
(Seal.)

Condition indorsed.

The condition of the within written recognisance is as follows:—

The within bounden *A.B.* has been charged before this Court for that [*&c., as in summons*].

If, therefore, the said *A.B.* appears* before this Court on [ ], at [o'clock], at [ ], to answer [further] to the said charge, and to be [further] dealt with according to law,* then the said recognisance shall be void, and otherwise shall remain in full force.

[Where the recognisance is for surrender for trial, substitute for the words between asterisks * * the following:—] before [ ], on [ ], at [o'clock], at [ ], and then and there surrender himself into the custody of the Keeper of the [ ] prison there, and plead to such indictment as may be preferred against him for the offence aforesaid, and take his trial thereon, and not depart from the Court without leave.

43.

Notice of Recognisances to be given to Accused and each of his Sureties.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *A.B.*, of [labourer], *L.M.*, of [grocer], and *N.O.* of [butcher].

You, *A.B.*, are bound in the sum of £ sterling, and your sureties, *L.M.* and *N.O.*, in the sum of £ sterling each; that you, *A.B.*, appear before* this Court on the day of , at [o'clock], at [ ], to answer [further] to the charge made against you by *C.D.*, and to be further dealt with according to law;* and unless you, *A.B.*, do so, the recognisance entered into by you, *A.B.*, *L.M.*, and *N.O.*, will be forthwith levied on your respective goods.

(Seal.)

[Where the recognisance is for surrender for trial, substitute for the words between asterisks,* * words corresponding to the terms of the condition.]

44.

Summary Conviction for a penalty to be levied by Distress and, in default of a sufficient Distress, Imprisonment, or for a Penalty and, in default of Payment, Imprisonment.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

A.B., of [labourer], is this day convicted before this Court for that [*&c., state the offence and time and place when and where committed*].

And this Court adjudges the said *A.B.* for his said offence to forfeit and pay the sum of £ sterling [state the penalty and also the compensation, if any] to be paid and applied according to ; and also to pay to the said *C.D.* the sum of £ sterling for his costs in this behalf.

And if the said sums be not paid forthwith [*or* on or before next], then* this Court orders that the same be levied by distress and sale of the goods of the said *A.B.*

And in default of sufficient distress,* this Court adjudges the said *A.B.* to be imprisoned in [Her Britannic Majesty's Consular] prison at [ ], [there to be kept to hard labour] for the space of [ ], unless the said sums and all costs and charges† of the said distress [and† of the commitment and conveyance of the said *A.B.* to the said prison] be sooner paid.

(Seal.)

[Where the issuing of a distress-warrant would be ruinous to the person convicted and his family, or it appears that he has no goods whereon a distress could be levied, then substitute for the words between the asterisks ** the following:—] inasmuch as it has now been made to appear to this Court that the issuing of a warrant of distress would be ruinous to the said *A.B.* and his family [*or* that the said *A.B.* has no goods whereon the said sums can be levied by distress].

[Where the conviction is for a penalty, and in default of payment imprisonment, omit the words between the asterisks,** and also the words between the marks††.]

45.

Warrant of Distress upon Conviction, as that last-mentioned, or where the Person convicted is to pay Costs but no Penalty.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court.

A.B., of [labourer], stands convicted before this Court by a conviction dated the day of , for that [*&c., as in conviction*].

And it is in and by the said conviction adjudged that the said *A.B.* should,* for his said offence, forfeit and pay [*&c., as in conviction*], and should also* pay to the said *C.D.* the sum of £ sterling for his costs in that behalf.

And that if the same should not be paid forthwith [*or* on or before the day of], the same should be levied by distress and sale of the goods of the said *A.B.*

And the said *A.B.*, although required to pay the same according to the said conviction, has not paid the same.

Therefore you are hereby commanded, in Her Majesty's name, that you forthwith make distress of the goods of the said *A.B.*, and if within the space of days next after the making of such distress, the said sums,† together with the reasonable charges of the making and keeping of the said distress, be not paid, then that you sell the said goods by you distrained, and pay the money arising thereby into this Court, in order that it may be

applied according to law, and that the overplus, if any, may be rendered on demand to the said *A.B.*, and that if no such distress can be found, then you certify the same to this Court in order that further proceedings may be had according to law.

(Seal.)

[Where the person convicted is to pay costs, but no penalty, omit the words between asterisks**, and for the word "sums" marked†, read "sum."]

46.

Warrant (on a Conviction for a Penalty) for Commitment of the Person convicted in the first instance without previous Warrant of Distress.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the Keeper of [ ] Prison at [ ].

A.B., of [labourer], stands convicted before this Court by a conviction dated the day of , for that [*&c., as in conviction*].

And it is in and by the said conviction adjudged that the said *A.B.* should, for his said offence, forfeit and pay [*&c., as in conviction*], and should also pay to the said *C.D.* the sum of £ sterling for his costs in that behalf.

And that if the said sums should not be paid forthwith [*or* on or before the day of], the said *A.B.* should be imprisoned in the above-mentioned prison [and be there kept to hard labour], unless the same [and the costs and charges of the conveying of the said *A.B.* to the said prison] should be sooner paid.

And the said *A.B.* being required to pay the said sums according to the said conviction has not done so.

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, to take the said *A.B.* and convey him to the said prison and there deliver him to the Keeper thereof, together with this warrant; and you, the said Keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [ ], unless the said several sums [and the costs and charges of the conveying of him to the said prison, amounting to the further sum of £] be sooner paid.

(Seal.)

47.

Officer's Return, if no sufficient Distress, to be indorsed on the Warrant.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

I, *X.Y.*, of , Police Officer of this Court, do hereby certify to this Court that, by virtue of the within-written warrant, I have made diligent search for the goods of the within-named *A. B.*, and that I can find no sufficient goods of the said *A. B.* whereon the sums within mentioned can be levied.

X. Y.

48.

Warrant of Commitment for Want of Distress.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the Keeper of [ ] Prison at [ ].

[Proceed as in warrant of distress (Form 52) down to the commencement of the commanding part, and then thus :—]

And on the day of , 18 , this Court issued a warrant to you, the above-named *X.Y.*, commanding you to levy the said sum of £ and £ [*or* the said sum of £ for costs] by distress and sale of the goods of the said *A.B.*

And it now appears to this Court, as well by the return of you, the said *X.Y.*, to the said warrant as otherwise, that you have made diligent search for the goods of the said *A.B.*, but that no sufficient distress whereon the said sum could be levied could be found.

Therefore you are hereby commanded, in Her Majesty's name, you, the said *X.Y.*, to take the said *A.B.* and convey him safely to the above-mentioned prison, and there deliver him to the Keeper thereof, together with this warrant; and you, the said Keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour for the space of [ ], unless the said sums [*or* sum] and all the costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *A.B.*], amounting to the further sum of £ , be sooner paid.

(Seal.)

49.

Summary Conviction where the Punishment is Imprisonment and no Penalty.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

A.B., of [labourer], is this day convicted before this Court, for that [*etc., state the offence and the time and place when and where committed*].

And this Court adjudges the said *A.B.*, for his said offence, to be imprisoned in [Her Majesty's Consular] prison at [ ], there to be kept to hard labour for the space of [ ].

And this Court also adjudges the said *A.B.* to pay to the said *C.D.* the sum of £ sterling for his costs in this behalf.

And if the same be not paid forthwith [*or* on or before next], then* this Court orders that the same be levied by distress and sale of the goods of the said *A. B.*

And in default of sufficient distress*, the Court adjudges the said *A. B.* to be imprisoned in the said prison [to be there kept to hard labour] for the space of [ ], to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs be sooner paid.

(Seal.)

[Where the issuing of a distress warrant would be ruinous to the person convicted and his family, or it appears that he has no goods whereon a distress could be levied, then substitute for the words between the asterisks* * the following:—]

Inasmuch as it has now been made to appear to this Court that the issuing of a warrant of distress in this behalf would be ruinous to the said *A. B.* and his family [*or* that the said *A.B.* has no goods whereon the said sum could be levied by distress].

50.

Warrant of Commitment on a Conviction as that last mentioned.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*] the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the Keeper of [ ] Prison at [ ].

A.B., of [labourer], stands convicted before this Court by a conviction dated the day of , for that (*etc., as in conviction*].

And it is in and by the said conviction adjudged that the said *A.B.*, for his said offence, should be imprisoned in the [ ] prison at [ ], and there be kept to hard labour for the space of

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, to take the said *A.B.*, and covey him to the said prison, and there deliver him to the Keeper thereof, together with this warrant; and you, the said Keeper of the said prison, to receive the said *A.B.* into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the space of [ ].

(Seal.)

51.

Order of dismissal of Charge.

In Her Britannic Majesty's Consular Court of [*Smyrna*].

[*Thursday*], the day of . 18 .

A.B., of [labourer], was on day of , charged before this Court, for that [*&c., as in summons or warrant*].

And now both the said parties appear before this Court in order that it may hear and determine the said charge [*or* the said *A.B.* appears before this Court, but the said *C.D.*, although duly called, does not appear].

Whereupon the matter of the said charge being by this Court duly considered,* it manifestly appears to this Court that the said charge is not proved, and* this Court dismisses the same.

And adjudges that the said *C.D.* do pay to the said *A.B* the sum of £ sterling for his costs in this behalf, and if the same be not paid forthwith [*or* on or before], this Court orders that the same be levied by distress and sale of the goods of the said *C.D.*, and, in default of sufficient distress, this Court adjudges the said *C.D.* to be imprisoned in [ ] prison at [ ], [and there be kept to hard labour], unless the same sum and all costs and charges of the said distress [and of the commitment and conveying to the said prison of the said *C.D.*] be sooner paid.

(Seal.)

[Where the person making the charge does not appear at the hearing, the words between asterisks** may be omitted.]

52.

Certificate of Dismissal of Charge to be given to Accused.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

This is to certify that a charge made on the [ ] day of [ ] by *C.D.*, of [labourer], against *A.B.*, of [labourer], for that [*&c., as in summons or warrant*] is now considered by this Court, and is by this Court dismissed [with costs].

(Seal.)

53.

Warrant of Distress for Costs to be paid by the Person making the Charge on an Order for Dismissal of the Charge.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court.

A.B., of [labourer], was on the day of 18 , charged before this Court, for that [*&c., as in summons or warrant*].

And afterwards, namely, on the day of 18 , both parties appeared before this Court in order that it should hear and determine the said charge [*or* the said *A.B.* appeared before this Court, but the said *C.D.*, although duly called, did not appear]; and thereupon the matter of the said charge being duly considered by this Court,* and it manifestly appearing to this Court that the said charge was not proved,* this Court did dismiss the same, and adjudged that the said *C.D.* should pay to the said *A.B.* the sum of £ sterling for his costs in that behalf, and that if the said sum should not be paid forthwith [*or* on or before], then the same should be levied by distress and sale of the goods of the said *C.D.*

And the said *C.D.*, although required to pay the same according to the said order, has not paid the same.

Therefore you are hereby commanded—

[Proceed as in the commanding part of the form of warrant of distress upon conviction where the person convicted is to pay costs, but not penalty, only substituting the name of *C.D.*, the prosecutor, for the name of *A.B.*, the accused, and for the word "sums" at the mark† read "sum."]

(Seal.)

54.

Warrant of Commitment for Want of Distress in the last Case.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

To *X.Y.*, Police Officer of this Court, and to the Keeper of [ ] Prison at [ ].

[Proceed as in last form down to the commencement of the commanding part, and then thus:—]

And on the day of 18 , this Court issued a warrant to you, the aboved-named *X.Y.* [proceed as in Form 54, only substituting the name of *C.D.*, the prosecutor, for the name of *A.B.*, the accused].

(Seal.)

55.

Depositions of Witnesses or Preliminary Examination before Indictment.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of 18 .

A.B., of [labourer], stands charged before this Court, for that he [*&c., as in summons*].

And in the presence and hearing of the said *A.B.*, *C.D.*, of [labourer], and *E.F.*, of [labourer], depose on oath as follows:—

First, the said *C.D.*, says as follows:—[State the deposition of the witness as nearly as possible in the very words he uses. When his deposition is complete let him sign it.]

Secondly, the said *E.F.* says as follows:— [State his deposition in same manner.]

(Seal)

56.

Statement of the Accused on Preliminary Examination.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

A.B., of [labourer], stands charged before this Court, for that [*&c., as in summons*].

And the said charge having been read to the said *A.B.*, and *C.D.* and *E.F.*, witnesses for the prosecution, having been severally examined in his presence and hearing, and their respective depositions having been read over to the said *A.B.*, these words are now said to the said *A.B.* by this Court, namely—

Having heard the evidence, do you wish to say anything in answer to the charge? You need not say anything, unless you wish. You have nothing to hope from any promise of favour, and nothing to fear from any threat held out to you to induce you to make any admission or confession. Whatever you say will be written down, and may be given in evidence against you.

Whereupon the said *A.B.* says as follows:—

[State whatever the accused says, and as nearly as possible in the very words he uses. Get him to sign the statement if he will.]

A.B.

(Seal.)

57.

Recognisance to Prosecute or give Evidence.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

C.D., of [labourer], comes personally before this Court, and acknowledges himself to owe to our Sovereign Lady the Queen the sum of £ sterling, to be levied on his goods if he fails in the condition herein indorsed.

(Sd.) *C.D.*

(Seal.)

Condition indorsed.

The condition of the within-written recognisance is as follows:—

A.B., of [labourer], has been charged before this Court, for that [*&c., as in summons*].

If, therefore, the within-named *C.D.* appears before this Court on [ ], at [ ],* and then and there prefers an indictment against the said *A.B.* for the said offence, and duly prosecutes the same [and give evidence thereon],* then the said recognisance shall be void, and otherwise shall remain in full force.

[Where the recognisance is only to give evidence, substitute for the words between the asterisks * * the following:] and then and there give evidence on an indictment, to be then and there preferred against the said *A.B.* for the said offence.

58.

Notice of Recognisance to be given to Prosecutor and each of his Witnesses.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *C.D.*, of [labourer].

You are bound in the sum of £ sterling to appear before this Court on [ ], at [ ], and then and there to prosecute and give evidence against [*or* to prosecute *or* to give evidence against] *A.B.*, of [labourer], and unless you do so, the recognisance entered into by you will be forthwith levied on your goods.

(Seal.)

59.

Commitment of Witness for refusing to enter into Recognisance.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

To *X.Y.*, Police Officer of this Court, and to the Keeper of [Her Britannic Majesty's Consular] Prison at [ ].

A.B., of [labourer], has been charged before this Court, for that [*&c., as in summons*].

And *E.F.*, of [labourer], having been now examined before this Court concerning the said charge, and, being required, refuses to enter into a recognisance to give evidence against the said *A.B.*

Therefore you are hereby commanded, in Her Majesty's name, you, the above-named *X.Y.*, to take the said *E. F.* and convey him safely to the above-named prison, and there deliver him to the Keeper thereof, together with this warrant.

And you, the Keeper of the said prison, to receive the said *E.F.* into your custody in the said prison, and to keep him there safely until after the trial of the said *A.B.* for the said offence, unless the said *E.F.* in the meantime consents to enter into such recognisance as aforesaid.

(Seal.)

60.

Warrant of Commitment of Accused for Trial.

In Her Britannic Majesty's Consular Court at [*Smyrna*].

[*Thursday*], the day of , 18 .

X.Y., Police Officer of this Court, and to the Keeper of [Her Britannic Majesty's Consular] Prison at [ ].

A.B. stands charged before this Court on the oath of *C.D.*, of [labourer], and others, for that [*&c., as in summons*].

Therefore you are hereby commanded, in Her Majesty's name, you, the above-mentioned *X.Y.*, to convey the said *A.B.* to the above-mentioned prison, and there to deliver him to the Keeper thereof, together with this warrant; and you the said Keeper of the said prison to receive the said *A.B.* into your custody in the said prison, and there safely keep him till he shall be thence delivered by due course of law.

(Seal.)

*THE THIRD SCHEDULE.

FEES.

Service.

	£	s.	d.
For service of summons, petition, answer, motion-paper, notice, warrant, decree, order, or other document on a party, witness, juror, assessor, or other person under any branch whatever of the civil jurisdiction—			
Within one mile (English) of Court	0	2	6
Beyond, for every further complete mile	0	1	0

Decision of Questions without formal Suit.

On summons for issue or special case	1	0	0
On issue or special case	0	10	0
On hearing	1	0	0

Summary Procedure for Administration of Property of Deceased Persons.

On summons	1	0	0
On order	1	0	0

Summary Orders before Suit.

On application for order	0	10	0
On recognisance	0	10	0
On order	0	5	0

Bankruptcy and Liquidation by Arrangement or Composition.

On declaration by a debtor of inability to pay his debts	0	5	0
On debtor's summons	0	5	0
On bankruptcy petition	5	0	0
On petition for arrangement or composition	1	0	0
On order for adjudication	1	0	0
On meeting or adjournment of meeting	1	0	0
On special resolution presented to the Registrar for registration	¼ per cent. on the gross amount of the assets not exceeding a total fee of 200*l.*		
On extraordinary resolution presented to the Registrar for registration	¼ per cent. on the gross amount of composition, not exceeding a total fee of 200*l.*		
On order of discharge	2	0	0
On notice to creditors, each	0	0	3
On preparing advertisement	0	5	0
On execution of warrant	1	0	0
On keeping possession, per diem	0	10	0
On inventory, per diem	1	0	0

* By an Order in Council, dated 26th October 1875, this Schedule was substituted for that published in the original Order. It came into force from 31st December 1875.

Maritime Cases and Vice-Admiralty Causes.	£	s.	d.
On application for commission of survey	1	0	0
On appointment of commission	1	0	0
To each surveyor—			
(*a*) At Constantinople—			
For a vessel in the port, extending from the second bridge (immediately below the arsenal) to Tophané on the one side and Seraglio Point on the other	1	1	0
For a vessel in the upper harbour, extending from the second bridge upwards towards Haskioi; or between Tophané and Bujukdere on the one side and Kadakioi and Beicos on the other	2	2	0
For a vessel between Bujukdere on the one side and Beicos on the other and the Black Sea entrance of the Bosphorus; or between the Seven Towers and St. Stefano (inclusive) or Kadakioi and Prince's Island (inclusive)	3	3	0
For a vessel beyond these limits, when the time occupied exceeds one day	Such sum Court directs.		
(*b*) At a Provincial Consulate—			
For a vessel within two miles (English) of the Court	1	1	0
For a vessel beyond that distance	Such sum as the Court, with the approval of the Supreme Consular Court, directs.		
For extension of report of survey and copies	1	10	0
On petition for appointment of adjusters	1	0	0
To each adjuster	Such sum as the Court directs, not less than 1*l.*, and not more than 20*l.*		
On extending average bond	The like.		
To agent of owner of cargo	1 per cent. on value of cargo.		
On every notice, motion, application, or demand	0	10	0
On a reference to the Registrar	5	5	0
If the attendance of one or two merchants is required, to each merchant, per diem	7	7	0
In cases of great intricacy and large amount—			
To the Registrar and to each merchant, per diem	10	10	0
On drawing the Report and Schedule	1	0	0
If at the hearing the attendance of one or two naval assessors is required, to each assessor, per diem, such sum as the Court directs, not exceeding	5	5	0

Probate and Administration.			
On application for probate or administration	1	0	0
On oath of every executor and administrator and surety	0	10	0
On every security	1	0	0

Probate and Administration—continued.

On probate or letters of administration with will annexed . .	The like sum as is for the time being payable in England for stamp duty in like cases, not exceeding a total fee of 100*l.*
On letters of administration without will annexed . . .	The like sum as is for the time being payable in England for stamp duty in like cases, not exceeding a total fee of 150*l.*
Where the Court appoints as administrator an officer of the Court .	In addition to the foregoing, one per cent. on the value of the estate and effects not exceeding (with the foregoing) a total fee of 200*l.*

	£	*s.*	*d.*
On filing account	0	10	0
On passing account	1	0	0

Ordinary Suits.

In every suit of any kind whatever, other than such as are before specified—

Where amount involved is—	On Summons or Petition. £ *s.* *d.*	On Hearing. £ *s.* *d.*
Under 10*l.*	0 2 6	0 2 6
10*l.* and under 20*l.*	0 2 6	0 5 0
20*l.* and under 50*l.*	0 7 6	0 10 0
50*l.* or upwards	½ per cent. on amount involved, not exceeding a total fee of 25*l.*	½ per cent. on amount involved, not exceeding a total fee of 25*l.*
Where judicial relief or assistance is sought, but not the recovery of money	1 0 0	1 0 0
On every summons, motion, application, or demand taken out, made, or filed (not particularly charged)		0 5 0
On every rule		0 10 0
On every decree or order (not particularly charged)		0 2 6
On motion for new trial after trial with a jury		1 0 0
On order for adjournment of hearing rendered necessary by default of either party (to be paid by that party)		0 7 6
On every warrant of execution against goods (Rule 120)—		
For less than 50*l.*		0 5 0
For 50*l.* or upwards		1 0 0
For keeping possession per diem		0 10 0

Appeal to Supreme Consular Court.

	£	s.	d.
On motion for leave to appeal	0	10	0
On every security	0	10	0
On order for leave to appeal	1	0	0

	On Petition or Motion. £ s. d.	On Hearing. £ s. d.
On appeal against adjudication of bankruptcy	5 0 0	2 0 0
On appeal against allowance, suspension, or refusal of order of discharge in bankruptcy	5 0 0	2 0 0
On appeal where judicial relief or assistance is sought, but not the recovery of money	2 0 0	2 0 0
On any appeal other than such as are before specified	½ per cent. on amount involved, not exceeding a total fee of 25*l.*	½ per cent. on amount involved, not exceeding a total fee of 25*l.*

Appeal to Her Majesty in Council.

	£	s.	d.
On motion for leave to appeal	2	0	0
On every security	2	0	0
On order for leave to appeal	5	0	0
On record of appeal (including expense of transmission)	Such sum as the Court directs.		

Miscellaneous.

	£	s.	d.
On taxation of any bill of costs, for every ten folios, from each party to the taxation	0	5	0
On every deposition taken before trial	0	10	0
On deposit of money other than money paid into Court in a suit	2½ per cent. on amount.		
On deposit or registration of bill of sale, will, deed of partnership, or other document	1	0	0
On notice of bill of sale filed	1	0	0
For taking inventory, per diem	1	0	0
For protest of a bill of exchange and copy	1	0	0
For noting same	0	5	0
For taking an affidavit	0	5	0
For every exhibit	0	2	0
For drawing a will	Such sum as the Court directs.		
For filing any document whatever	0	5	0
For certifying signature or seal	0	2	0
For attendance at a sale—			
Where the purchase-money is under 100*l.*	1	10	0
Where 100*l.* or upwards	2 per cent. on amount.		
On reference to the archives	0	2	6

Miscellaneous—continued.

	£	s.	d.
For certified copy of document in the archives—			
For first 100 words	0	2	6
For every further 100 words	0	1	0
For preparing contracts between travellers and Dragomans or other persons	0	10	0
For certified copy of such documents—			
For first 100 words	0	2	6
For every further 100 words	0	1	0
For an official certified translation of any document—			
For first 200 words	0	10	0
For every further 200 words	0	5	0
For communication between two Consular Courts	0	10	0
For communication in writing to a foreign Consulate, or through Dragoman, to local Ottoman authority	0	10	0
For application for Viziral letter	0	10	0
For despatch to accompany same	0	10	0
For attendance of Dragoman or other Consular Officer at Ottoman office or tribunal—			
Where amount involved is—			
Under 250*l.*	0	10	0
250*l.* and under 500*l.*	1	0	0
500*l.* and under 1,000*l.*	2	0	0
1,000*l.* and upwards	½ per cent. on amount involved, not exceeding a total fee of 50*l.*		
For attendance of Dragoman or Interpreter at Consular Court if required by a party in a suit	Such sum as the Court directs, not exceeding 3*l.* per diem.		

Criminal Matters.

	£	s.	d.
On every summons or warrant, unless specially directed by the Court to be issued	0	2	0
On hearing in summary case	0	2	6
On warrant of commitment	0	1	6
On recognisance	0	1	0
For service of notice on each juror or assessor	0	2	6
On trial with a jury	0	10	0
On record of sentence on a trial with a jury	0	10	0

BRITISH ORDER in COUNCIL for the better REGULATION of BRITISH CONSULAR JURISDICTION in the OTTOMAN DOMINIONS.—Windsor, May 3, 1882.

At the Court at Windsor, the 3rd day of May, 1882.

PRESENT:

The Queen's Most Excellent Majesty in Council.

WHEREAS by Treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in relation to Her Majesty's subjects and others in the Ottoman dominions:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by "The Foreign Jurisdiction Acts, 1843 to 1878," or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Short Titles.

1. (*a*) This Order may be cited as "The Ottoman Order in Council, 1882."

(*b*) The Order in Council made at Windsor, the 12th day of December, 1873,* for the regulation of Consular jurisdiction in the Ottoman dominions, may be cited as "The Ottoman Order in Council, 1873."

(*c*) That Order and this Order may be cited together as "The Ottoman Orders in Council, 1873 and 1882."

Commencement.

2. This Order shall commence and have effect from and immediately after the 31st day of May, 1882.

Interpretation.

3. In this Order—

"Her Majesty's Ambassador" includes Her Majesty's Chargé de Affaires or other chief diplomatic representative in the Ottoman dominions for the time being.

"Administration" means letters of administration, including the same with will annexed, or granted for special or limited purposes.

"Ship" includes any vessel used in navigation, howsoever propelled, with her tackle, furniture, and apparel, and any boat or other craft.

"Ottoman waters" means the territorial waters of the Ottoman dominions.

* See Vol. 14, page 557.

Other words have the same meaning as in "The Ottoman Order in Council, 1873."

Repeal.

4. The following parts of "The Ottoman Order in Council, 1873," are hereby repealed :—

(*a*) *Article 11.*—The last two paragraphs.

(*b*) *Article 12.*—The last paragraph.

(*c*) *Article 13.*—The words "and for that purpose shall have the like jurisdiction and authority as the Assistant Judge."

(*d*) *Article 93.*

(*e*) *Article 266.*—In the first paragraph the words "the Judge of," and the last paragraph.

Assistant Judge of Supreme Court.

5. (*a*) The Assistant Judge of the Supreme Court shall be, at the time of his appointment, a member of the Bar of England, Scotland or Ireland, of seven years' standing.

(*b*) The Assistant Judge shall hear and determine such causes and matters, civil and criminal, and transact such other business of the Supreme Court, as the Judge of the Supreme Court from time to time, by general order or otherwise, directs.

(*c*) For that purpose the Assistant Judge shall have all the like jurisdiction, power, and authority as the Judge.

(*d*) Any party to a civil suit or proceeding, wherein any matter or question is heard and determined by the Assistant Judge, and any party to a criminal proceeding, other than a proceeding by summary trial, wherein any question of law is heard and determined by the Assistant Judge, shall be entitled, as of course, to a re-hearing of the matter or question aforesaid before the Judge, sitting with the Assistant Judge, or, in the unavoidable absence of the Assistant Judge, alone, provided that an application for the re-hearing be made within three days after the day of the decision of the Assistant Judge.

(*e*) If, on such hearing, there is a difference of opinion between the Judge and the Assistant Judge, the opinion of the Judge shall prevail.

Acting Judge or Acting Assistant Judge of Supreme Court.

6. In case of the death or illness, or the absence or intended absence from the district of the Consulate-General of Constantinople, of the Judge or Assistant Judge of the Supreme Court, Her Majesty's Ambassador may appoint a fit person to be the Acting Judge or to be the Acting Assistant Judge, as the case may require; but, unless in any case the Secretary of State otherwise directs, the Assistant Judge, if present and able to act, shall always be appointed to be the Acting Judge.

Offences on Boardship.

7. Section 11 of "The Merchant Shipping Act, 1867,"* is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions, read as follows (namely) :—

If in the Mediterranean Sea or the Sea of Azoff, or if in the Adriatic, Ægean, or Black Sea, out of Ottoman waters, a British subject commits an offence on board a British ship, or on board a foreign ship to which he does not belong, the Supreme Court, sitting within the district of the Consulate-General of Constantinople, shall have jurisdiction to hear and determine the case as if the offence had been committed on board a British ship in Ottoman waters; and the Supreme Court may exercise that jurisdiction accordingly if in any case the Court in its discretion, having regard to all the circumstances, thinks it fit and expedient so to do.

Detention of Ship.

8. Where the Supreme Court issues a summons or warrant against any person on a charge of an offence committed on board of, or in relation to, a British ship, then, if it appears to the Court that the interests of public justice so require, the Supreme Court may issue a warrant or order for the detention of the ship, being within the district of the Consulate-General of Constantinople, and may cause the ship to be detained accordingly, until the charge is heard and determined, and the order of the Court thereon is fully executed, or for such shorter time as the Court thinks fit; and the Supreme Court shall have power to make, from time to time, all such orders as appear to it necessary or proper for carrying this provision into effect.

Offences partly out of Jurisdiction.

9. "The Admiralty Offences Colonial Act, 1860,"† is hereby extended to the Ottoman dominions, with such adaptations and modifications that the same will, as regards those dominions and the jurisdiction of the Court, read as follows (namely): where a person, being feloniously stricken, poisoned, or otherwise hurt, in the Ottoman dominions, dies of such stroke, poisoning, or hurt on the sea, or out of the Ottoman dominions, then every offence committed in respect of any such case, whether amounting to murder or manslaughter, or to the being accessory before the fact to murder, or after the fact to murder or to manslaughter, may be dealt with, inquired of, tried, determined and punished in the Ottoman dominions in all respects as if such offence had been wholly committed in the Ottoman dominions.

Fugitive Offenders.

10. "The Fugitive Offenders Act, 1881,"‡ except Part II thereof, or so much thereof except that part as is for the time being in force, and any enactment for the time being in force amending or substituted for the same,

* 30 and 31 Vict., c. 124. See Vol. 14, page 704.
† 23 and 24 Vict., c. 122. See Vol. II., page 266.
‡ 45 and 46 Vict., c. 69. See page 635.

are hereby extended to the Ottoman dominions, with the adaptations following (namely):—

(I) Her Majesty's Ambassador is hereby substituted for the Governor of a British possession;

(II) The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a British possession;

(III) Each Court under "The Ottoman Order in Council, 1873," according to its jurisdiction, is substituted for a Magistrate of any part of Her Majesty's dominions.

Coroner's Inquests.

11. (*a*) The Supreme Court shall, for and within the district of the Consulate-General of Constantinople, and the Court for Egypt shall, for and in Egypt, and the Court for Tunis shall, for and in Tunis, have and discharge all the powers, rights, and duties appertaining to the office of Coroner in England, in relation not only to deaths of British subjects happening in that respective district or country, but also to deaths of any persons having happened at sea on board British ships arriving in that respective district or country, and to deaths of British subjects having happened at sea on board foreign ships so arriving.

(*b*) Every inquest shall be held with a jury of not less than three persons comprised in the jury list of the Court summoned for that purpose.

(*c*) If any person fails to attend according to such summons, he shall be liable to the like fine, to be levied in the like manner as is in "The Ottoman Order in Council, 1873," provided with respect to juries in civil and criminal proceedings.

Jurisdiction as regards Embassy.

12. The Court shall not exercise any jurisdiction in any proceeding whatsoever over Her Majesty's Ambassador, or his official or other residences, or his official or other property; nor shall the Court, except with the consent of Her Majesty's Ambassador, signified in writing to the Court, exercise any jurisdiction in a civil action or proceeding over any person attached to, or being a member of Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador.

Evidence.

13. If in any case it is made to appear to the Court that the attendance of Her Majesty's Ambassador, or of any person attached to, or being a member of, Her Majesty's Embassy, or being a domestic servant of Her Majesty's Ambassador, to give evidence before the Court, is requisite in the interest of justice, the Court shall address to Her Majesty's Ambassador a request in writing for such attendance.

14. A person attending to give evidence before the Court shall not be compellable to give any evidence or to produce any document if, in the opinion of

Her Majesty's Ambassador, signified by him personally or in writing to the Court, the giving or production thereof would be injurious to Her Majesty's service.

15. Sections 7 and 11 of "The Evidence Act, 1851,"* are hereby extended to the Ottoman dominions.

16. The following Acts (namely), "The Foreign Tribunals Evidence Act, 1856,"† "The Evidence by Commission Act, 1859,"‡ or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely) :—

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires) is hereby substituted for a Supreme Court in a colony.

Ascertainment of Law.

17. The following Acts (namely): "The British Law Ascertainment Act, 1859,"§ "The Foreign Law Ascertainment Act, 1861,"‖ or so much thereof as is for the time being in force, and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptations following (namely):—

The Supreme Court, or the Court for Egypt, or the Court for Tunis (as the case requires), is hereby substituted for a Superior Court in a colony.

Probate.

18. (*a*) Where probate, administration, or confirmation is granted in England, Ireland or Scotland, and therein, or by a memorandum thereon signed by an officer of the Court granting the same, the testator or intestate is stated to have died, domiciled in England, Ireland or Scotland (as the case may be), and the probate, administration, or confirmation is produced to, and a copy thereof is deposited with, the Supreme Court, the Court shall write thereon a certificate of that production and deposit; and thereupon, notwithstanding anything in "The Ottoman Order in Council, 1873," the probate, administration, or confirmation shall, with respect to the personal property in the Ottoman dominions of the testator or intestate, have the like effect as if he had been resident in those dominions at his death, and probate or administration to his personal property there had been granted by the Supreme Court.

(*b*) Any person who, in reliance on an instrument purporting to be a probate, administration, or confirmation granted in England, Ireland or Scotland, and to bear such a certificate of the Supreme Court as in this Article prescribed, makes or permits any payment or transfer, in good faith, shall be,

* 14 and 15 Vict., c. 99. See Vol. 9, page 329.
† 19 and 20 Vict., c. 113. See Vol. 10, page 441.
‡ 22 Vict., c. 20. See Vol. II, page 236.
§ 22 and 23 Vict., c. 63. See Vol. II, page 249.
‖ 24 Vict., c. 11. See Vol. II, page 68.

by virtue of this Order, indemnified and protected, in respect thereof, in the Ottoman dominions, notwithstanding anything affecting the validity of the probate, administration, or confirmation.

(*c*) The following shall be the terms of the certificate of the Supreme Court in this Article prescribed (namely) :—

This probate has [*or* these letters of administration have, *or* this confirmation has] been produced to this Court, and a copy thereof has been deposited with this Court.

19. Section 51 of "The Conveyancing (Scotland) Act, 1874,"* and any enactment for the time being in force amending or substituted for the same, are hereby extended to the Ottoman dominions, with the adaptation following (namely) :—

The Supreme Court is hereby substituted for a Court of Probate in a colony.

Recovery against Ships.

20. Where money ordered by the Court to be paid is due for seamen's wages, or is other money recoverable under the Merchant Shipping Acts or other law relating to ships, and the person ordered to pay is master or owner of a ship, and the money is not paid as ordered, the Court, in addition to other powers for compelling payment, shall have power to direct that the amount unpaid be levied by seizure and sale of that ship.

Judicial Notice.

21. Judicial notice shall be taken of "The Ottoman Order in Council, 1873," and of the several Orders in Council amending the same, passed or to be passed, and of the Order, and of the appointment of all Judges, officers, and persons acting thereunder, and of their signatures, and of all seals used thereunder, and no proof thereof shall be necessary.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

C. L. PEEL.

* 37 and 38 Vict., c. 94.

MASKAT.

APPENDIX No. 4.—*Page 41.*

11 *and* 12 *Vic., Cap. CXXVIII.*

An Act for carrying into effect the Agreement between HER MAJESTY and the IMAUM of MUSCAT for the more effectual suppression of the SLAVE TRADE, dated 15th September 1848.

Whereas on the second day of October, in the year of our Lord one thousand eight hundred and forty-five, an agreement was concluded and signed at Zanzibar between Captain Atkins Hamerton, of Her Majesty's Royal Navy, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness Seid Saeed Bin Sultan, the Imaum of Muscat, whereby it was agreed as follows :—

ARTICLE 1.

His Highness the Sultan of Muscat hereby engages to prohibit, under the severest penalties, the export of slaves from his African dominions, and to issue orders to his officers to prevent and suppress such trade.

ARTICLE 2.

His Highness the Sultan of Muscat further engages to prohibit, under the severest penalties, the importation of slaves from any part of Africa into his possessions in Asia, and to use his utmost influence with all the Chiefs of Arabia, the Red Sea, and the Persian Gulf, in like manner to prevent the introduction of slaves from Africa into their respective territories.

ARTICLE 3.

His Highness the Sultan of Muscat grants to the ships of Her Majesty's Navy, as well as those of the East India Company, permission to seize and confiscate any vessels the property of His Highness or of his subjects carrying on slave trade, excepting such only as are engaged in the transport of slaves from one port to another of his own dominions in Africa, between the port of Lamoo to the north and its dependencies, the northern limit of which is the north point of Knyhoo Island in 1° 57′ south latitude, and the port of Keelwa to the south and its dependencies, the southern limit of which is the Songa Manara or Pagoda Point in 9° 2′ south latitude, including the Islands of Zanzibar, Pemba, and Monfea.

ARTICLE 4.

This agreement to commence and have effect from the first day of January one thousand eight hundred and forty-seven of the year of Christ,

and the fifteenth day of the month of Mohurrum one thousand two hundred and sixty-three of the Hegira.

Done at Zanzibar this second day of October, one thousand eight hundred and forty-five of the year of Christ, and twenty-ninth day of Ramzan, one thousand two hundred and sixty-one of the Hegira.

(Sd.) Seid Saeed Bin Sultan,
Imaum of Muscat.

(Sd.) Atkins Hamerton, *Captain,*
On behalf of Her Majesty the Queen of Great Britain and Ireland, Her Heirs and Successors.

And whereas it is expedient and necessary that effectual provision should be made for carrying into execution the provisions of the said agreement: be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the Commander and other officers of Her Majesty's ships of war or of the East India Company to visit and detain in any seas, except within the limits exempted by the terms of the third Article of the said agreement, any merchant vessel belonging to the subjects of the Imaum of Muscat which shall, upon reasonable grounds, be suspected of being engaged in the export of slaves from the African dominions of the Imaum of Muscat, or the importation of slaves from any part of Africa into his possessions in Asia, excepting such only as are engaged in the transport of slaves from one port to another of his own dominions in Africa, between the port of Lamoo to the north and its dependencies, the northern limit of which is the north point of Knyhoo Island in 1° 57′ south latitude, and the port of Keelwa to the south and its dependencies, the southern limit of which is the Songa Manara or Pagoda Point in 9° 2′ south latitude, including the Islands of Zanzibar, Pemba, and Monfea, or any vessel fitted out for that purpose, and to send or carry away such vessel, together with its masters, sailors, passengers, slaves and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

Power to Commanders of ships of war and of the East India Company to visit vessels belonging to subjects of the Imaum of Muscat, within certain limits, suspected of being engaged in the slave trade.

2. And be it enacted, that it shall be lawful for the High Court of Admiralty of England, and for all Courts of Vice-Admiralty in any dominions of Her Majesty beyond the seas, including those Courts of Vice-Admiralty within the territories under the Government of the East India Company, to take cognisance of and try any such vessel which shall be detained or captured for the violation of the said agreement, and to condemn

As to the trial of vessels engaged in the slave trade.

any such vessel to Her Majesty and adjudge as to the slaves found therein, in like manner, and under such and the like rules and regulations, as are contained in any Act or Acts of Parliament in force in relation to the suppression of the slave trade by British owned ships, as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice-Admiralty.

Persons giving false evidence deemed guilty of perjury.

3. And be it enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said agreement or under this Act shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury either in the place where the offence was committed, or in any colony or settlement of Her Majesty near thereto in which there is a Court of competent jurisdiction to try any such offence, or in Her Majesty's Court of Queen's Bench in England; and that in case of any prosecution for such offence in Her Majesty's said Court of Queen's Bench, the venue may be laid in the County of Middlesex.

Pendency of suits to be a bar to any proceedings instituted for the recovery of the vessels detained.

4. And be it enacted, that the dependency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said agreement, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue, and shall be deemed in any Court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage or for any injury sustained thereby or by the persons on board the same, in consequence of any capture, seizure or detention, or anything done under, or in pursuance of, the provisions of the said agreement.

Vessels condemned to be sold for Her Majesty's service or broken up.

5. And be it enacted, that any ship or vessel which shall be condemned as aforesaid may be taken into Her Majesty's service upon payment of such sum as the Lord High Admiral, or the Lords Commissioners of the Admiralty, shall deem a proper price for the same, or, if not so taken, shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of vessels shall, after the same are condemned, be entitled to the proceeds belonging to Her Majesty.

6. And be it enacted, that where any ship or vessel employed or engaged in such illicit traffic in slaves, in violation of the said agreement, shall be seized by any ship or vessel belonging to Her Majesty or the East India Company and afterwards condemned, there shall be paid to the captors the net proceeds to which Her Majesty is entitled, the same to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

A bounty of £5 for every slave found on board of vessels seized and condemned.

7. And be it enacted, that there shall be paid to the Commander, officers, and crews of Her Majesty's ships, or the Commander, officers, and crews of the ships of the East India Company, a bounty of five pounds for every man, woman, and child slave seized and found on board any ship or vessel, taken and condemned in pursuance of the provisions of the said agreement and of this Act; such bounty to be issued and paid by order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid in such manner and proportions as Her Majesty shall think fit to order by any order in Council, made or to be made, or by any proclamation for that purpose.

A bounty to be paid on tonnage of slave ships captured and demolished.

8. And be it enacted, that where any ship or vessel which shall have been seized and condemned under the provisions of the said agreement shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the Commanders, officers, and crews of Her Majesty's ships, or of those of the East India Company, in addition to the amount of the proceeds of such sale as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel at the rate of thirty shillings for every ton of such tonnage.

Where no slaves are on board a ship seized and condemned, an additional bounty to be paid on tonnage.

9. And be it enacted, that where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said agreement, there shall be paid to the Commanders, officers, and crews of Her Majesty's ships, or those of the East India Company, an additional bounty upon the tonnage of such ship or vessel at the rate of four pounds for every ton, and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal officer of the Customs at the port where the vessel may be at the time of condemnation, or in default thereof by the best evidence which can be obtained: provided always that in every case in which any ship or vessel shall be seized with slaves on board in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the Commanders of Her Majesty's ships, or of those of the East India Company making the seizure, may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

Bounties to be paid out of the Consolidated Fund.

10. And be it enacted, that all bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the Commanders, officers, and crews of Her Majesty's ships, and of the ships of the East India Company, and such bounties shall be issued and paid by order from the Commissioners of Her Majesty's Treasury.

Bounties not liable to payment of fees.

11. And be it enacted, that the said bounty, as also all bounties payable under any of the Acts for the abolition or suppression of the slave trade, shall not hereafter be charged with Treasury fees or Exchequer fees of any description.

12. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty-money, the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

Captors entitled to bounty to give proof of tonnage.

13. Provided always, and be it enacted, that in order to entitle the captors to receive the said bounty-money on slaves, the number of men, women and children, so taken, delivered over, and condemned, shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, Military or Civil, who may be appointed to receive such slaves.

Copy of sentence of condemnation to be produced to the Treasury.

14. And be it enacted, that where any slaves, or persons treated as slaves, shall be seized on board any ship or vessel taken and condemned in pursuance of the said agreement and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case, respectively, if the said slaves had been delivered over.

In certain cases Treasury may order one moiety of the bounty to be paid.

15. Provided also, and be it enacted, that any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreement, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf, and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon; and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act; and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

Parties claiming benefit under this Act may resort to the Court of Admiralty.

16. And be it enacted, that all the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by Prize Agents of accounts for examination and the distribution of prize-money, and the accounting for and paying over the proceeds of prize and the percentage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed under the provisions of this Act to the officers and crews of any of Her Majesty's ships and vessels of war.

Regulations and penalties to which Prize Agents are liable extended to bounties, etc., under this Act.

17. And be it enacted, that where any ship or vessel belonging in whole or in part to subjects of the Imaum of Muscat shall have been detained and brought to adjudication by any officers of Her Majesty the Queen of Great Britain and Ireland, or of those of the East India Company, and the said ship shall be restored by sentence of the Court, it shall be

Treasury may order payment of costs awarded for vessels detained, but not condemned.

lawful for the Commissioners of Her Majesty's Treasury, by warrant signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any cost or damages which may be duly awarded; provided always that nothing herein contained shall exempt such officer from his liability to make good the payments so made when lawfully called upon, either by the parties interested therein, or by order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the seizor of any vessel not condemned the expenses incurred by him.

18. And be it enacted, that when any seizure shall be made by any of the Commanders, officers, and crews of Her Majesty's ships, or of those of the East India Company, and judgment shall be given against the seizor, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, by warrant signed by any three or more of them, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizor may have incurred in respect of such seizure or any proportional part thereof.

APPENDIX No. 5.—*Pages 42 and 232.*

TREATY of AMITY and COMMERCE between the UNITED STATES of AMERICA and HIS MAJESTY SYUD SUEED BIN SULTAN, of MASKAT, and his DEPENDENCIES.

ARTICLE 1.

There shall be a perpetual peace between the United States of America and His Majesty Syud Sueed Bin Sultan, of Maskat, and his Dependencies.

ARTICLE 2.

The citizens of the United States shall have free liberty to enter all the ports of his Majesty Syud Sueed Bin Sultan, with their cargoes, of whatever kind the said cargoes may consist, and they shall have liberty to sell the same to any of the subjects of the Sultan, or others who may wish to purchase the same, or to barter the same for any produce or manufactures of the kingdom or other articles that may be found there. No price shall be fixed by the Sultan or his officers on the articles to be sold by the merchants of the United States, or the merchandize they may wish to buy; but the trade shall be free on both sides to sell or buy, or exchange, on the terms and for the prices the owners may think fit; and whenever the said citizens of the United States may think fit to depart, they shall be at liberty to do so; and if any officer of the Sultan shall contravene this Article he shall be severely punished. It is understood and agreed, however, that the articles of muskets, powder, and ball can only be sold to the Government in the Island of Zanzibar, but in all other ports of the Sultan the said munitions of war may be freely sold without any restriction whatever to the highest bidder.

ARTICLE 3.

Vessels of the United States entering any port within the Sultan's dominions shall pay no more than five per cent. duties on the cargo landed, and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever. Nor shall any charge be paid on that part of the cargo which shall remain on board unsold and re-exported. Nor shall any charge whatever be paid on any vessel of the United States which may enter any of the ports of His Majesty for the purpose of refitting, or for refreshments, or to inquire the state of the market.

ARTICLE 4.

That American citizens shall pay no other duties on export or import, tonnage, license to trade, or other charge whatsoever, than the nation the most favoured shall pay.

ARTICLE 5.

If any vessel of the United States shall suffer shipwreck on any part of the Sultan's dominions, the persons escaping from the wreck shall be taken care of and hospitably entertained at the expense of the Sultan, until they shall find an opportunity to be returned to their country, for the Sultan can never receive any remuneration whatever for rendering succour to the distressed, and the property saved from such wreck shall be carefully preserved and delivered to the owner, or the Consul of the United States, or to any authorised agent.

ARTICLE 6.

The citizens of the United States resorting to the ports of the Sultan for the purpose of trade shall have leave to land and reside in the said ports without paying any tax on importation whatever for such liberty other than the general duties on imports wich the most favoured nation shall pay.

ARTICLE 7.

If any citizens of the United States, or their vessels or other property, shall be taken by pirates, and brought within the dominions of the Sultan, the persons shall be set at liberty and the property restored to the owner, if he be present, or to the American Consul, or to any authorised agent.

ARTICLE 8.

Vessels belonging to the subjects of the Sultan which may resort to any port in the United States shall pay no other or higher rate of duties, or other charges, than the nation the most favoured shall pay.

ARTICLE 9.

The President of the United States may appoint Consuls to reside in the ports of the Sultan where the principal commerce shall be carried on, which Consuls shall be the exclusive judges of all disputes on suits wherein American citizens shall be engaged with each other; they shall have power to receive the property of any American citizen dying within the kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and their property and their houses shall be inviolate. Should any Consul however commit any offence against the laws of the kingdom, complaint shall be made to the President, who will immediately displace him.

Concluded, signed, and sealed at the Royal Palace in the City of Maskat, in the Kingdom of Oman, the 21st day of September, in the year one thousand eight hundred and thirty-three of the Christian era, and the fifty-seventh year of the Independence of the United States of America (corresponding to the sixth day of the Moon, called Jumadee-ul-Awul, in the year of the Hijree, one thousand two hundred and forty-nine.)

(Sd.) EDMUND ROBERTS.

Whereas the undersigned, Edmund Roberts, a citizen of the United States of America and a resident of Portsmouth in the State of New Hampshire, being duly appointed a Special Agent by Letters Patent under the signature of the President, and seal of the United States of America, bearing date at the City of Washington, the twenty-sixth day of January, Anno Domini one thousand eight hundred and thirty-two, for negotiating and concluding a Treaty of Amity and Commerce between the United States of America and His Majesty Syud Sueed Bin, Sultan of Maskat: now know ye that I, Edmund Roberts, Special Agent as aforesaid, do conclude the foregoing Treaty of Amity and Commerce, and every Article and Clause therein contained, reserving the same nevertheless for the final ratification of the President of the United States of America, by and with the advice and consent of the Senate of the United States.

Done at the Royal Palace in the City of Maskat, in the Kingdom of Oman, on the 21st day of September, in the year of our Lord 1833, and of the Independence of the United States of America the fifty-seventh, corresponding to the 6th day of the Moon, called Jumadee-ul-Awul, in the year Allijra (Hijree) 1249.

(Sd.) Edmund Roberts.

MASKAT (AND ZANZIBAR).

APPENDIX No. 6.—*Pages 42 and 232.*

TREATY of COMMERCE concluded between HIS HIGHNESS the IMAM of MASKAT and the KING of the FRENCH on the 17th November 1844, and finally ratified on the 4th February 1846.

PREAMBLE.—The King of the French and HIS HIGHNESS SYUD SUEED BIN SULTAN, the Sultan of Maskat and other places, being desirous to confirm and strengthen the good understanding which subsists between them, and to promote the commercial intercourse between their respective countries, and having come to the determination of entering into a Treaty of Commerce and Amity, the former has appointed as his Plenipotentiary Monsieur Romain Desfosses, Captain in the Navy and Chief of Bourbon and Madagascar, and the latter has resolved personally to cary on negotiations with the said Plenipotentiary. The Plenipotentiary of the King of the French having represented to His Highness the Imam and Sultan of Muscat that he was vested with the requisite powers has concluded the following Articles with HIS HIGHNESS SYUD SUEED BIN SULTAN:—

ARTICLE 1.

There shall always be good understanding and friendship between the King of the French, his heirs and successors, and His Highness Syud Sueed bin Sultan, the Sultan of Maskat, his heirs and successors, as also between their respective subjects.

ARTICLE 2.

The subjects of Syud Sueed bin Sultan, the Sultan of Maskat, shall be at liberty to enter, reside in, trade with, and pass with their merchandize through, France; and the French shall, in like manner, have similar liberty with regard to the territories of Syud Sueed bin Sultan, the Sultan of Maskat. The subjects of both the Governments shall have all the privileges which are or may be conceded by the respective Governments to the subjects of the most favoured nations.

ARTICLE 3.

The French shall be at liberty to purchase, sell, or rent land, houses or warehouses, in the dominions of Syud Sueed bin Sultan, the Sultan of Maskat. The houses, warehouses, or other premises occupied by the French, or by persons in their service, shall not be forcibly entered without the permission of the French Consul. They shall not be prevented from leaving the dominions of Syud Sueed bin Sultan whenever they wish to do so.

ARTICLE 4.

The subjects of Syud Sueed bin Sultan, the Sultan of Maskat, actually in the service of the French, shall enjoy the same privileges which are granted to the French themselves; but if such subjects of His Highness shall be convicted of any crime or infraction of the law, they shall be discharged by the French, and delivered over to the authorities of the place.

ARTICLE 5.

The two high contracting parties acknowledge reciprocally the right of appointing Consuls to reside in each other's dominions, wherever the interests of commerce may require the presence of such officers; and such Consuls shall at all times be placed in the country in which they reside on the footing of the Consuls of the most favoured nations. Each of the high contracting parties further agrees to permit his own subjects to be appointed to Consular offices by the other contracting party, provided always that the persons so appointed shall not begin to act without the previous approbation of the Sovereign whose subjects they may be. The public functionaries of either Government, residing in the dominions of the other, shall enjoy the same privileges, immunities, and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries. The French Consul shall be at liberty to hoist the French flag over his house.

ARTICLE 6.

The authorities of the Sultan of Maskat shall not interfere in disputes between the French, or between the French and the subjects of other Christian nations. When differences arise between a subject of the Sultan of Maskat and a Frenchman, if the former be the complainant, the cause shall be heard by the French Consul; but if a Frenchman be the complainant against any of the subjects of the Sultan at Maskat, or against any Mahomedans, then the cause shall be decided by the authorities of the Sultan of Maskat, or by his deputy; but in such case the cause shall not be decided, except in the presence of the French Consul, or his deputy, who shall attend at the Court. In causes between a Frenchman and a subject of the Sultan of Maskat, the evidence of a man proved to have given false testimony on a former occasion shall not be received. A cause to be decided by the French Consul shall be tried in the presence of the Sultan of Maskat, or a person acting for him.

ARTICLE 7.

The property of a French subject who may die in any part of the dominions of the Sultan of Maskat, or of a subject of the Sultan of Maskat who may die in any part of the French dominions, shall be delivered over to the executor or administrator of the deceased, or, in default of such executor or administrator, to the respective Consuls of the contracting parties.

ARTICLE 8.

If a Frenchman shall become bankrupt in the dominions of the Sultan of Maskat, the French Consul shall take possession of all the property of

such bankrupt, and shall give it up to the creditors of the bankrupt to be divided among them. This having been done, the bankrupt shall be entitled to a full discharge from his creditors, and he shall not at any time afterwards be required to make up the deficiency, nor shall any property he may afterwards acquire be considered liable for that purpose. But the French Consul shall use his endeavours to obtain for the benefit of the creditors all the property of the bankrupt. It shall also be incumbent upon the Consul to ascertain that everything possessed by the bankrupt at the time when he became insolvent has been given up.

ARTICLE 9.

If a subject of the Sultan of Maskat owes a debt to a Frenchman, the Sultan or his deputies shall urge the former to pay the claim of the latter. In like manner, the French Consul shall enjoin a Frenchman to pay a debt due by him to a subject of the Sultan of Maskat.

ARTICLE 10.

No duty exceeding five per cent. shall be levied on goods imported by French vessels into the dominions of Syud Sueed bin Sultan, the Sultan of Maskat. If a vessel of other nations imports any goods into the territories of the Sultan of Maskat, and pays less duty than five per cent., the same duty only shall be levied on similar goods imported by a French vessel into the said territories. A French vessel after she has paid the duty of five per cent., shall not be subject to any other charges, such as anchorage, pilotages, etc., nor shall any charge be made on that part of the cargo which may remain on board a French vessel; but if the vessel shall go to another part of the dominions of the Sultan of Maskat, duty shall be levied at five per cent. The above-mentioned duty having once been paid, the goods may be sold, by wholesale or retail, without paying any further duty. No charge whatever shall be made on French vessels which may enter any of the ports of the Sultan of Maskat for the purpose of refitting, or for refreshments, or to inquire about the state of the market; and they shall enjoy the same privileges which are enjoyed (by the vessels) of the most favoured nations.

ARTICLE 11.

No vessel shall be prohibited from importing into, or exporting from, the territories of the Sultan of Maskat any kind of merchandize. The trade shall be perfectly free in the said territories, subject to the above-mentioned duty and to no other. The French shall be at liberty to buy and sell from whomsoever and to whomsoever they choose; but they shall not trade in the articles of ivory and gum copal on that part of the East Coast of Africa from the port of Tongate, situated in 5½ degrees of south latitude, to the port of Culva, lying in nine degrees south of the equator, both ports inclusive. But if the English or Americans, or any other Christian nation, should carry on this trade, the French shall, in like manner, be at liberty to do so.

ARTICLE 12.

If any disputes should arise in the dominions of the Sultan of Maskat as to the value of goods which shall be imported by French merchants, and on which the duty of five per cent. is to be levied, the Custom Master, or other person acting on the part of the Sultan of Maskat, shall, when practicable, receive one-twentieth part of the goods, and the merchant shall then be subject to no further demand on account of customs on the remaining goods in any part of the dominions of the Sultan of Maskat to which he may transport them. But if the Custom Master should object to levy the duty in the manner aforesaid, by taking one-twentieth part of the goods, or if the goods should not admit of being so divided, then the point in dispute shall be referred to two competent persons, one chosen by the Custom Master, and the other by the merchant, who shall make a valuation of the goods; and if they shall differ in opinion, they shall appoint an arbitrator, whose decision shall be final, and the duty shall be levied according to the value thus established.

ARTICLE 13.

It shall not be lawful for any French merchant to expose his goods for sale for the space of three days after the arrival of such goods, unless the Custom Master and the merchant shall have agreed as to the value of such goods. If the Custom Master shall not within three days have accepted one of the two modes proposed for ascertaining the value of the goods, the authorities on the part of the Sultan of Maskat, on an intimation being made to them on the subject, shall compel the Custom Master to choose one of the two modes for the levy of the duty.

ARTICLE 14.

If it shall happen that either the King of the French or the Sultan of Maskat should be at war with another country, the subjects of the King of the French and the subjects of the Sultan of Maskat shall nevertheless be allowed to trade with, and to take to, such country, merchandize of every description, except warlike stores, but they shall not be allowed to enter any port or place actually blockaded or besieged.

ARTICLE 15.

Should a vessel under the French flag enter a port in the dominions of the Sultan of Maskat in distress, the local authorities at such port shall afford all necessary aid to enable the vessel to refit and to prosecute her voyage; and if any such vessel should be wrecked on the coasts of the dominions of the Sultan of Maskat, the authorities on the part of the Sultan of Maskat shall render all the assistance in their power to recover and deliver over to the owner, or the Consul, the property that may be saved from such wreck. The same assistance and protection shall be afforded to vessels of the dominions of the Sultan of Maskat, and property saved therefrom under similar circumstances, in the ports and on the coasts of the French dominions.

ARTICLE 16.

If any person not belonging to the Christian nations shall steal any article from a French vessel, and take it to the dominions of the Sultan of Maskat, it shall be recovered from the robber and delivered over to the Consul.

ARTICLE 17.

The French shall be at liberty to hire or erect houses and warehouses at Zanzibar or anywhere else.

ARTICLE 18.

Any engagements which may have been entered into previously to this are null and void, and are not to be acted upon or attended to.

ARTICLE 19.

The present convention shall be ratified, and the ratifications thereof shall be exchanged, at Maskat or Zanzibar, as soon as possible, and within the space of fifteen months from the date hereof.

Dated the 6th Zilkad, Hijree 1260 (corresponding with the 17th November 1844 *A.D.*)

(True translation.)

(Sd.) W. ESCOMBE,
Secy. to Govt.

MEMORANDUM.

On the 4th February 1846, the ratifications of the foregoing Treaty were exchanged between His Highness the Imam of Maskat and Commodore Monsieur Romain Desfossés, on the part of the King of the French. Previous to the exchange of the ratifications, His Highness requested from Commodore Monsieur Desfossés* an explanation of the precise meaning of Article XVII of the Treaty, who replied that the said Article was considered as having reference to matters simply and purely of a commercial nature. The exchange of ratifications then took place, His Highness the Imam previously affixing thereto the following declaration:—

**Vide* letter from Captain Hamerton to the Bombay Government, dated the 13th February 1846.

Declaration written by His Highness the Imam on the foregoing Treaty.

That is correct, that whatsoever is written in Arabic letters (in the Arabic language) in the agreement is binding on us.

The writing of the humble Fukeer with his own hand.

(Sd.) SYUD BIN SULTAN.

(True translation.)

(Sd.) ATKINS HAMERTON.

APPENDIX No. 7.—*Page 50.*

At the Court at Windsor, the 4th day of November 1867.

PRESENT:

The Queen's Most Excellent Majesty in Council.

Whereas by an Act of Parliament made and passed in the Session of Parliament holden on the 6th and 7th years of Her Majesty's reign, intituled "an Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual," it is amongst other things enacted that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have within any country or place out of Her Majesty's dominions in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory.

And whereas Her Majesty hath power and jurisdiction in the dominions of His Majesty the Sultan of Muscat and its dependencies.

And whereas it is expedient to make provision for the due and effectual exercise of such power and jurisdiction.

1. Now, therefore, in pursuance and by virtue of the said recited Act of Parliament, Her Majesty is pleased, by and with the advice of Her Privy Council, in order, and it is hereby ordered, that Her Majesty's Consuls appointed to reside in the dominions of the Sultan of Muscat shall have full power and authority to carry into effect and to enforce by the means and in the manner hereinafter mentioned and provided, the observance of the stipulations of any Treaty or Convention, or of any Regulations appended to any Treaty or Convention now existing, or which may hereafter be made between Her Majesty, her heirs and successors, and the Sultan of Muscat, his heirs and successors; and to make and to enforce by fine or imprisonment, or both, Rules and Regulations for the observance of the stipulation of any such Treaty or Convention and for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Sultan of Muscat, his heirs and successors.

2. And it is further ordered, that a copy of all such Rules and Regulations made by the said Consul shall forthwith be affixed, and kept affixed and exhibited in some conspicuous place in the public office of the said Consul, and that printed copies of the said Rules and Regulations shall, as soon as possible, be provided by the said Consul, and sold at a price not exceeding one dollar for each copy; and for the purpose of convicting any person offending against the said Rules and Regulations and for all other purposes of law whatsoever, a printed copy of the said Rules and Regulations, certified under the hand of the said Consul to be a true copy thereof, shall be

taken as conclusive evidence of such Rules and Regulations, and all things therein respectively contained; and no penalty shall be incurred or shall be enforced for the breach of any such Rules and Regulations to be hereafter made, until the same shall have been so affixed and exhibited for one calendar month in the public office of the Consul. Provided always that any such Rule or Regulation made by Her Majesty's Consul, and to be enforced by a penalty shall, before the first day on which the same shall be so affixed or exhibited, be transmitted to Her Majesty's Principal Secretary of State for Foreign Affairs for allowance or disallowance; and if any such Rule and Regulation shall be disallowed by Her Majesty's Principal Secretary of State for Foreign Affairs, the same shall cease to have effect from the receipt by the Consul of such disallowance; nevertheless the Consul shall not be liable to be proceeded against in any of Her Majesty's Courts in regard to any Act done by him under such Rule and Regulation previously to the receipt of its disallowance by such Consul.

3. And it is further ordered that it shall be lawful for Her Majesty's Consul as aforesaid, upon information or upon the complaint of any person that a British subject has violated any of the stipulations of any Treaty or Convention, or of any Regulations appended to any Treaty or Convention, between Her Majesty and the Sultan of Muscat, or has disregarded or infringed any of the Rules or Regulations for the observance of the stipulations of any such Treaty or Convention, affixed and exhibited according to the provisions of the next preceding Article of this Order, to summon before him the accused person, and to receive evidence and to examine witnesses on oath as to the guilt or innocence of such person in regard to the offence laid to his charge, and to award such penalty of fine or imprisonment against any person convicted of an offence against any such Treaty or Convention, or appended Regulations, or against the said Rules, and Regulations, as may be specified therein respectively; and any charge against a British subject for a breach of any such Treaty or Convention, or appended Regulations, or for a breach of such Rules and Regulations for the observance of any such Treaty, shall be heard and determined by the Consul without assessors: Provided always, that in no case shall the penalty to be incurred by a breach of such Rules and Regulations exceed 500 dollars, or three calendar months' imprisonment.

4. And it is further ordered, that any charge against a British subject for a breach of Rules and Regulations other than those relating to the observance of Treaties shall, in like manner, be heard and determined by Her Majesty's Consul; and in all cases in which the penalty shall not exceed 200 dollars, or one calendar month's imprisonment, the Consul shall hear and determine the charge summarily without the aid of assessors; but where a penalty attached to a breach of the Rules and Regulations other than those relating to the observance of Treaties shall amount to more than 200 dollars, or to imprisonment for more than one calendar month, the Consul, before he shall proceed to hear the charge, shall summon two disinterested British subjects of good repute to sit with him as assessors, which assessors, however, shall have no authority to decide on the innocence or guilt of the person

charged, or on the amount of fine or imprisonment to be awarded to him on conviction, but it shall rest with the Consul to decide on the guilt or innocence of the person charged and on the amount of fine or imprisonment to be awarded to him: Provided always, that in no case shall the penalty to be attached to a breach of Rules and Regulations other than those for the observance of Treaties exceed 500 dollars, or three calendar months' imprisonment; and provided further, that, in the event of the said assessors, or either of them, dissenting from the conviction of the party charged, or from the penalty of fine or imprisonment awarded to him by the Consul, the Consul shall take note of such dissent with the grounds thereof, and shall require good and sufficient security for the appearance of the person convicted at a future time, in order to undergo his sentence or receive his discharge; and in default of such security being given, it shall be lawful for the Consul to cause the person to be detained in custody until such security is given.

5. And it is further ordered, that if any person who shall have committed or been charged with any breach of or offence against any such Treaty or Convention, or any such Rules and Regulations as aforesaid, shall escape or remove from the Consular District within which the fact was committed, and shall be found within another Consular District, it shall be lawful for the Consul, within which district such person shall be so found, to proceed against him in the same manner as if the fact had been committed within such district.

6. And it is further ordered, that all suits, disputes, differences, and causes of litigation of a civil nature, arising between British subjects within the dominions of the Sultan of Muscat, shall be heard and determined by Her Majesty's Consul, who shall be the sole judge and arbiter thereof respectively; subject nevertheless to an appeal against the decision of the Consul therein, to the High Court of Bombay, in cases where the sum or matter at issue is of the amount or value of 200 dollars or upwards: Provided always, that the party intending so to appeal against the decision of the said Consul shall, within fifteen days after the determination of the case by the Consul by himself, or his Agent, give to the Consul notice in writing of his appeal to the said High Court of Bombay; whereupon the Consul shall, as speedily as possible, transmit to the said High Court all the documents which were produced before him in the case, and none other, together with a statement of the evidence taken before him in the case and of the grounds on which his decision was formed, and shall forthwith notify to the several parties the transmission of the said proceedings to the said High Court: Provided also that it shall be lawful for the Consul to require from any person so appearing to the said High Court reasonable security to consist in part of one or two sufficient sureties to be approved by the Consul, that such person so applying will duly prosecute his appeal, and will abide by the decision to be given therein by the said High Court, and that in such case appeal shall fail, he will answer and satisfy all costs, loss, and damages sustained by the other party by reason of such appeal.

7. And it is further ordered that it shall be lawful for Her Majesty's Consul to summon not less than two, and not more than four, disinterested

British subjects of good repute to sit with him as assessors at the hearing of any suit, dispute, difference, or cause of litigation whatever of a civil nature brought before him for decision, and in case the sum sought to be recovered shall exceed 500 dollars, such suit shall not be heard by the Consul without assessors, if within a reasonable time such assessors can be procured; but the assessors aforesaid shall have no authority to decide on the merits of such suits, but in the event of such assessors, or any of them dissenting from the decision of the Consul, the Consul shall enter the fact of such dissent and the grounds thereof in the minutes of the proceedings, and in case of appeal shall transmit the same to the High Court of Bombay, together with the documents relating to the suit.

8. And it is further ordered, that it shall be lawful for Her Majesty's Consul to enforce his decision in favour of or against a British subject in a civil suit, dispute, difference, or cause of litigation by distress and sale or imprisonment, in like manner as a decision of the High Court of Bombay in a civil suit is enforced within the same.

9. And it is further ordered, that in case of an appeal to the High Court of Bombay from the decision of Her Majesty's Consul, it shall be lawful for the said High Court upon such forms as to costs and otherwise as it shall think proper to admit any further legal evidence, besides that adduced before the Consul on its being established to the satisfaction of the said High Court by oath or affidavit, that the party desiring to produce such further evidence was ignorant of the existence of such evidence, or was taken by surprise at the hearing before the Consul, or was unable to produce it before the Consul after due and reasonable diligence and exertion on his part, or where, under the circumstances of the case, it shall appear to the said High Court that further evidence ought to be received.

10. And it is further ordered, that Her Majesty's Consul shall have power in any civil suit, dispute, difference, or cause of litigation to examine on oath, or in such form and with such ceremonies as the witness may declare to be binding on his conscience any witness who may appear before him and shall have power, on the application of any party in such suit, to issue a compulsory order for the attendance of any person being a British subject who may be competent to give evidence in such suit; and any British subject who shall have been duly served with any such compulsory order, and with a reasonable notice of the day of hearing of such suit, and upon his expenses of appearing as a witness having been paid, or tendered to him by the party at whose application he shall have been ordered to attend shall, on his wilful default to appear as a witness at the hearing of such suit, be punished with a fine not exceeding 100 dollars, or with imprisonment for a period not exceeding thirty days at the discretion of the said Consul.

11. Every witness, being a British subject, so examined on oath, whether before the Consul, or before a Kadi, or other officer of the Muscat Government duly authorised to act judicially, who shall in any such examination give wilfully false testimony, may be convicted of and punished for the crime of wilful and corrupt perjury.

12. And it is further ordered, that it shall be lawful for Her Majesty's Consul to promote the settlement of any civil suit, dispute, difference, or cause of litigation by amicable agreement between the parties, and with the consent of the several parties, to refer the decision of a suit or contention to one or more arbitrators, and to take security from the parties that they will be bound by the result of such arbitration, and the award of such arbitrator or arbitrators shall be, to all intents and purposes, deemed and taken to be a judgment or sentence of Her Majesty's Consul in such civil suit, dispute, difference, or cause of litigation, and shall be entered and recorded as such, and shall have the like effect and operation, and shall be enforced accordingly, and shall be final and conclusive to all intents and purposes, and shall not be open to appeal, unless the same shall, within a reasonable time, have been ordered by the Consul to be set aside, on the ground that it is not final, or is defective, or that the arbitrator or arbitrators have exceeded their authority, or have been guilty of misconduct in the matter.

13. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him any British subject who may be charged with having committed any crime or offence within the dominions of the Sultan of Muscat, and such Consul shall thereupon proceed with all convenient speed to inquire of the same, and for such purpose shall have power to examine on oath, or in such form and with such ceremony as the witness shall declare to be binding on his conscience any witness who may appear before him to prove the charge; and also shall have power to compel any person being a British subject, who may be competent to give evidence as to the guilt or innocence of the party so charged to appear and give evidence, and to punish the wilful default of any such person to appear and give evidence, after reasonable notice of the day of the hearing of such charge, by fine or imprisonment in like manner as is provided in Article 10 of this Order, and shall examine every such witness in the presence and hearing of the party accused, and shall afford the party accused all reasonable facility for cross-examining such witness, and shall cause the deposition of every such witness to be reduced to writing, and the same to be read over, and, if necessary, explained to the party accused, together with any other evidence that may have been urged against him during the course of the inquiry, and shall require such accused party to defend himself against the charge brought against him, and, if necessary, advise him of the legal effect of any voluntary confession, and shall take the evidence of any witness, whom the accused party may tender to be examined in his defence; and every witness, being a British subject so examined as aforesaid, who shall upon any such occasion give wilfully false testimony, may be convicted of and punished for the crime of wilful and corrupt perjury; and when the case has been fully inquired into, and the innocence or guilt of the person accused has been established to the satisfaction of the Consul, the Consul, as the case may be, shall either discharge the party accused from custody if satisfied of his innocence, or proceed to pass sentence on him if satisfied of his guilt; and it shall be lawful for the Consul having inquired of, tried, and determined, in the manner aforesaid any charge which may be brought before him, to award for the

party convicted any amount of punishment not exceeding imprisonment for one calender month, or a fine of 200 dollars.

14. And it is further ordered, that if the crime or offence whereof any person being a British subject may be accused before Her Majesty's Consul as aforesaid shall appear to such Consul to be of such a nature as, if proved, would not be adequately punished by the infliction of such punishment as aforesaid, it shall be lawful for such Consul to summon not less than two, or not more than four, disinterested British subjects of good repute to sit with him as assessors for inquiring of, trying, and determining the charges against such person; and the Consul when he shall try any such charge with the assistance of assessors as aforesaid shall, if he is himself convinced of the guilt of the party accused, have power to award any amount of punishment not exceeding imprisonment for twelve calender months, or a fine of 1,000 dollars; and the assessors aforesaid shall have no authority to decide on the innocence or guilt of the party accused, or on the amount of punishment to be awarded to him on conviction, but in the event of the said assessors, or any of them dissenting from the conviction of, or from the amount of punishment awarded to, the accused party, the assessors or assessor so dissenting shall be authorised to record in the minutes of the proceedings the grounds on which they and he may so dissent, and the Consul shall forthwith report to the High Court at Bombay the fact of such dissent, and of its having been so recorded in the minutes of the proceedings, and shall, as soon as possible, lay before the said Court copies of the whole of the depositions and proceedings with the dissent of the assessor or assessors recorded therein, and it shall be lawful thereupon for the Court, by warrant under seal addressed to the Consul, to confirm or vary, or remit altogether, as to the Court may seem fit, the sentence and punishment awarded to the party accused, and such Consul shall give immediate effect to the injunction of any such warrant: Provided always, that in any case in which the assessor or assessors shall dissent from the conviction of, or from the amount of punishment awarded to the accused party, it shall be lawful for Her Majesty's Consul to take good and sufficient bail from the accused party to appear and undergo the punishment awarded to him, provided the same or any portion thereof be confirmed by the Court, which punishment so confirmed shall commence and take effect from the day on which the decision of the Court shall be notified to the party accused.

15. And in order more effectually to repress crimes and offences on the part of British subjects within the dominions of the Sultan of Muscat, it is further ordered that it shall and may be lawful for Her Majesty's Consul to cause any British subject, who shall have been twice convicted before him of any crime or offence and punished for the same, and who, after execution of the sentence of the Consul, on any second conviction shall not be able to find good and sufficient security to the satisfaction of the Consul for his future good behaviour, or who having been deported under any sentence shall during such sentence return, to be sent out of the dominions of the Sultan of Muscat; and to this end the Consul shall have power and authority, as soon as may be practicable after execution of the sentence on such second

conviction, to send any such twice convicted party or any person so returning as aforesaid to Bombay, and in the meantime to detain such party in custody until a suitable opportunity for sending him out of the dominions of the Sultan of Muscat shall present itself; and any person so to be sent out of the said dominions as aforesaid shall be embarked in custody on board of one of Her Majesty's vessels of war, or if there shall be no such vessel available for such purpose, then on board any British vessel bound to Bombay; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel bound to Bombay, to receive any such person as aforesaid under a warrant from the Consul to him addressed, and thereupon to convey such person in custody to Bombay as aforesaid, in the same manner as if he were a distressed British subject, unless he shall be willing and able himself to defray the expenses of his passage.

16. And it is further ordered that in any case in which any British subject shall be accused before Her Majesty's Consul of the crime of arson or house-breaking, or cutting and maiming, or stabbing or wounding, or of any assault endangering life, or of wilfully causing any bodily injury dangerous to life, or of wilful or corrupt perjury, or of engaging in or being accessory to the purchase or sale of slaves or of having slaves illegally in his possession, the proceedings before the Consul shall be carried on with the aid of assessors convened in the manner aforesaid; and it shall be lawful for the Consul, if to him it shall seem fit, to cause any person convicted before him of any of the crimes aforesaid, over and above any fine or imprisonment which may be awarded to such person, to be sent out of the dominions of the Sultan of Muscat for such time as to him shall seem meet, in the manner pointed out in the next preceding Article of this Order, notwithstanding the crime laid to the charge of such person may be the first of which he has been convicted before the Consul.

17. And it is further ordered that it shall be lawful for Her Majesty's Consul, within the dominions of the Sultan of Muscat, upon information laid before him by one or more credible witnesses, that there is reasonable ground to apprehend that any British subject is about to commit a breach of the public peace, to cause such British subject to be brought before him, and to require such British subject to give sufficient security to keep the peace, and, in the event of any British subject being convicted of and punished for a breach of the peace, to cause such British subject, after he shall have undergone the punishment which may have been awarded to him by the Consul, to find security for his good behaviour; and in the event of any British subject who may be required as aforesaid to give sufficient security to keep the peace, or to find security for the good behaviour, being unable or wilfully omitting to do so, then and in any such case it shall be lawful for Her Majesty's Consul to send such British subject out of the dominions of the Sultan of Muscat in the manner pointed out in Article 15 of this Order.

18. And it is further ordered that in all cases in which a British subject shall have been sent out of the dominions of the Sultan of Muscat, as provided in the three next preceding Articles of this Order, the Consul sending him out

shall forthwith report such act of deportation, with the grounds of his decision thereon, to the High Court of Bombay.

19. And it is further ordered that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him any British subject, who may be charged with smuggling or importing into the dominions of the said Sultan any goods whereon any duty shall be charged or payable to the said Sultan, with the intent to evade the payment of such duty, or any goods the importation whereof shall be prohibited; and such Consul shall thereupon proceed with all convenient speed to inquire into the same on oath or solemn affirmation, and to hear the witnesses on both sides with like powers and in like manner in all respects as is provided by Article 10 of this Order. And it shall be lawful for the Consul, having inquired into and heard the said charge, to determine the same, and if he shall find the party guilty, if the charge against him shall be of importance into the said dominions prohibited goods, then to award him to pay a fine not exceeding treble the value of the said goods at the current price of the day; and if the charge shall be of smuggling or importing goods with intent to evade the payment of duty as aforesaid, then to award him to pay a fine not exceeding treble the amount of the duties leviable thereon, and in case of non-payment of any such fine or fines to award him to be imprisoned for a period not exceeding three months; or it shall be lawful for such Consul, without awarding the payment of any fine, to award that such party shall be imprisoned for a period not exceeding six months in such place as he shall appoint: Provided always that no British subject charged only with importing prohibited goods shall be apprehended, unless and until he shall have had one week's notice to appear and answer the charge, and shall have refused, failed, or omitted so to appear.

20. And it is further ordered that in case of common assault, it shall be lawful for the Consul before whom the complaint is made to promote reconciliation between the parties, and to suffer compensation and amends to be made, and the proceedings thereby to be finally stayed.

21. And it is further ordered that a minute of the proceedings in every case heard and determined before the Consul, in pursuance of this order, shall be carefully drawn up and be signed by the Consul, and shall, in cases where the assessors are present, be open for the inspection of such assessors and for their signature if they therein shall concur; and every such minute, together with the depositions of the witnesses, shall be preserved in the public office of the said Consul.

22. And it is further ordered that, save and except as regards offences committed by British subjects against the stipulations of any Treaty between Her Majesty and the Sultan of Muscat, or against any Rules or Regulations for the observance of the stipulations of any such Treaty or Convention, duly affixed and exhibited according to the provisions of Article 2 of this Order, or against any Rules and Regulations for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Sultan of Muscat, no act done by a British subject within the dominions of the said Sultan shall, by Her Majesty's Consul, be deemed and taken to be a crime of misdemeanour or offence rendering the person committing it amen-

able to punishment, which, if done within any part of Her Majesty's dominions, would not by a Court of justice having criminal jurisdiction in Her Majesty's dominions have been deemed and taken to be a crime of misdemeanour or offence rendering the person committing it amenable to punishment, and Her Majesty is pleased to appoint, by and with the advice of Her Privy Council, Her Majesty's territory of Bombay as the place where crimes and offences committed by British subjects within the dominions of the Sultan of Muscat, which it may be expedient shall be inquired of, tried, determined, and punished within Her Majesty's dominions, shall be so inquired of, tried, determined and punished; and Her Majesty's Consul, resident in Muscat, shall have authority to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent for trial at Her Majesty's said territory of Bombay.

23. And it is further ordered that it shall be lawful for Her Majesty's Consul to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent in any of Her Majesty's ships of war, or in any British vessel, to Her Majesty's territory of Bombay, for trial before the High Court of the said territory; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel, to receive any such person on board with a warrant from the said Consul addressed to the Chief Magistrate of Police of the said territory, and thereupon to keep and detain in lawful custody and to convey him in custody to Bombay, and on his arrival there to deliver him, with the said warrant, into the custody of the said Chief Magistrate of Police, or other officer within the said territory lawfully acting as such, who on receipt of the said warrant, and of the party therein named, shall be authorised to commit, and shall commit, such party so sent for trial to the common gaol of the said territory; and it shall be lawful for the keeper of the said common gaol to cause such party to be detained in safe and proper custody, and to be produced upon the order of the said High Court, and the High Court at the Sessions to be holden next after such committal shall proceed to hear and determine the charge against such party, and to punish him for the same, if found guilty, in the same manner as if the crime with which he may be charged has been committed within Her Majesty's said territory of Bombay.

24. And it is further ordered that Her Majesty's Consul on any occasion of sending a prisoner to Bombay for trial shall observe the provisions made with regard to prisoners sent for trial to a British colony in an Act passed in the sixth and seventh years of Her Majesty's reign, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual."

25. And it is further ordered that the High Court of Bombay shall have and may exercise, concurrently with Her Majesty's Consul, authority and jurisdiction in regard to all suits of a civil nature between British subjects arising within any part of the dominions of the Sultan of Muscat: pro-

vided always that the said High Court shall not be bound, unless in a fit case it shall deem it right so to do by writ of certiorari or otherwise, to debar or prohibit the Consul from hearing and determining, pursuant to the provisions of the several Articles of this Order, any suit of a civil nature between British subjects, or to stay the proceedings of the Consul in any such matter.

26. And it is further ordered that all fines and penalties imposed under this Order may be levied by distress and seizure and sale of ships and of goods and chattels; and no bill of sale, mortgage, or transfer of property made by a party accused after his apprehension, or with a view to securing such party against any crime of offence committed or to be committed by him, or against the consequences thereof, shall avail to defeat any of the provisions of this Order.

27. And it is further ordered that it shall be lawful for Her Majesty's Consul from time to time to establish rules of practice to be observed in proceedings before him, and to make regulations for defraying the expenses of witnesses in such proceedings and the cost of criminal prosecutions, and also to establish rates and scales of fees to be taken in regard to civil suits heard and determined before the said Consul; and it shall be lawful for the said Consul to enforce by seizure and sale of goods, or, if there be no sufficient goods, by imprisonment, the payment of such established fees, and of such costs or expenses as may be adjudged against the parties or any of them: Provided always that a table specifying the rates of fees to be so taken shall be affixed and kept exhibited in the public office of the said Consul.

28. And it is further ordered that all fees, penalties, fines and forfeitures levied under this Order, save and except such penalties as may by Treaty be payable to the Sultan of Muscat, shall be paid to the public account, and shall be applied in diminution of the public expenditure on account of Her Majesty's Consulate in Muscat: provided always that in the event of any of the Muscat authorities declining to receive fines payable to the Government of Muscat as aforesaid, the same shall be paid to the public account, and applied in the manner last mentioned.

29. And it is further ordered that Her Majesty's Consul within the dominions of the Sultan of Muscat shall, for and within the said dominions, and for vessels and persons coming within those dominions, and in regard to vessels captured on suspicion of being engaged in the slave trade within those dominions, have all such jurisdiction as for the time being ordinarily belongs to Courts of Vice-Admiralty in Her Majesty's possessions abroad. And it is further ordered that it shall be lawful for Her Majesty's Consul to grant probate of will or letters of administration to the intestate estate of any British subject, or any native of a State or place under British protection, who shall die and leave property within the dominions of the Sultan of Muscat; and if such probate of letters of administration shall not be applied for within thirty days of the death of the deceased person, it shall be lawful for the Consul to administer to the estate of such person, and for so doing to reserve to himself, out of the proceeds of such estate, a commission not exceeding two and a half per cent. on the account thereof.

30. And it is further ordered that a Register shall be kept by Her Majesty's Consul of all British subjects, and of all natives of British protected States in India who may claim British protection, residing within the dominions of the Sultan of Muscat; and that every British subject now residing within such dominions, who shall not have been already enrolled in such Consular Register shall, within a reasonable time after the promulgation of this Order, such time to be specified in a notice affixed and publicly exhibited in the Consular Office, apply to the Consul to be enrolled in such register; and every British subject who may arrive within the said dominions (except British subjects borne on the muster-roll of any British ship arriving in any port of Muscat) shall, within a reasonable time after his arrival, such time to be specified as aforesaid, also apply to the Consul to be enrolled in such register; and any British subject who shall refuse or neglect to comply to be so enrolled as hereinbefore mentioned, and who shall not excuse such refusal or neglect to the satisfaction of the Consul, shall not be entitled to be recognised or protected as a British subject in respect to any suit, dispute, or difficulty in which he may have been or may be engaged or involved, within the dominions of the Sultan of Muscat, at any time when he shall not have been or shall not be so enrolled.

31. And it is further ordered that Her Majesty's Consul shall and may exercise all or any of the powers which, by any Act or Acts of the Imperial Parliament for the regulation of merchant seamen, or for the regulation of the mercantile marine, may now, or at any time hereafter, be exercised by any Justice or Justices of the Peace within Her Majesty's dominions.

32. And it is further ordered that nothing in this Order contained shall be deemed or construed to prevent Her Majesty's Consul, within the dominions of the Sultan of Muscat, from doing or performing any act whatsoever which British Consuls within any other State in amity with Her Majesty are by law, usage, or sufferance entitled or enabled to do or perform.

33. And it is further ordered that every action or suit brought against Her Majesty's Consul, by reason of anything done under the authority of this Order, shall be commenced within six calender months next after or doing thereof and not otherwise; and the defendant in every such action of the suit shall be entitled to the benefit of the provisions made with respect to defendants in actions or suits in the said hereinbefore recited Act of the sixth and seventh years of Her Majesty's reign.

34. And it is further ordered that the word "Consul" in this Order shall include every person duly authorised to act in the aforesaid capacity within the dominions of the Sultan of Muscat; and that in the construction of this Order words importing the singular number shall, if necessary, be understood to include several persons, matters, or things, and words importing the masculine gender only shall, if necessary, be understood to import the feminine gender, unless there be something in the subject or context repugnant to such construction.

35. And it is further ordered that the provisions of this Order relating to British subjects shall extend and apply to all subjects of Her Majesty,

whether by birth or by naturalization, and also to all persons enjoying Her Majesty's protection in the dominions of the Sultan of Muscat. And it is further ordered that this Order shall take effect on and after the first day of December next.

36. And the Right Hon'ble Lord Stanley and the Right Hon'ble Sir Stafford Northcote, Bart., two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

(Sd.) ARTHUR HELPS.

MASKAT.

APPENDIX No. 8.—*Page 51.*

COMMERCIAL DECLARATION between HOLLAND and MASKAT—*27th August 1877.*

Déclaration.—Le gouvernement de Sa Majesté le Roi des Pays-Bas et le Gouvernement de Son Altesse le Sultan de Maskate voulants établir sur des bases stables les rapports de bonne harmonie qui existent entre eux et favoriser le developpement des rélations commerciales entre les deux pays, les soussignés, dûment autorisés à cet effet, ont déclaré ce qui tuit :—

1. En considération du traitement de la nation la plus favorisée accordé par la législation du royaume des Pays-Bas et de ses colonies aux sujets et au pavillon de Son Altesse le Sultan de Maskate, les sujets et le pavillon du dit royaume et de ses colonies jouiront également du traitement de la nation la plus favorisée dans les états de Son Altesse le Sultan de Maskate.

2. Les marchandises originaires ou provenant de ces derniers états étant admises dans le royaume des Pays-Bas et ses colonies contre payement des mémes droits que ceux perçus de produits similaires de la nation étrangère la plus favorisée, ce traitement est reciproquement accordé dans les états précités aux marchandises originaires ou provenant du royaume des Pays-Bas ou de ses colonies.

3. Les déclarations precédentes concernant l'application réciproque du régime de la nation étrangère la plus favorisée sont également applicables à tout ce qui regarde l'exportation et le transit.

En foi de quoi les soussignés ont signé la présente déclaration en double expédition et y ont apposé le sceau de leurs armes.

Fait à lo Haye, le 7 Avril—Maskate, le 27 Août 1877.

(Signé) VANDER DOES DE VILLEBOIS,
Le Ministre des Affaires Étrangères de Sa Majesté le Roi des Pays-Bas.

(Signé) TURKI BIN SAID (*in Arabic*).

SOHAR

APPENDIX No. 9.—*Page 52.*

16 and 17 Vic., Cap. XVI.

An Act for carrying into effect the Engagement between Her Majesty and Syed Syf bin Hamood, the Chief of Sohar, in Arabia, for the more effectual suppression of the Slave Trade, dated 9th May 1853.

Whereas on the twenty-second day of May, in the year of our Lord one thousand eight hundred and forty-nine, an engagement was concluded between Major Hennell, the Resident in the Persian Gulf, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and Syed Syf Bin Hamood, Chief of Sohar, in Arabia, whereby it was agreed as follows:—

"I, Syed Syf Bin Hamood, Chief of Sohar, with a view to strengthen the bonds of friendship existing between me and the British Government, do hereby engage to prohibit the exportation of slaves from the coasts of Africa and elsewhere on board of my vessels and those belonging to my subjects or dependants, such prohibition to take effect from the twenty-ninth Rujjub, one thousand two hundred and sixty-five, or the twenty-first day of June, A. D. one thousand eight hundred and forty-nine.

"And I do further consent that whenever the cruizers of the British Government fall in with any of my vessels, or those belonging to my subjects or dependants, suspected of being engaged in the slave trade, they may detain and search them, and in case of their finding that any of the vessels aforesaid have violated this engagement, by the exportation of slaves from the coasts of Africa or elsewhere, upon any pretext whatever, they (the Government cruizers) shall seize and confiscate the same."

And whereas it is expedient that effectual provision should be made for carrying into execution the provisions of the said agreement, be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same—

1. That it shall be lawful for the Commanders and other officers of Her Majesty's ships of war, or of the East India Company, to visit and detain, in any seas, any vessel belonging to Syed Syf Bin Hamood, the Chief of Sohar, in Arabia, or to any of his subjects or dependants, which shall upon reasonable grounds be suspected of being engaged in the traffic in slaves, or having been fitted out for that purpose, and to send or carry away such vessel, together with its master, sailors, passengers, slaves and cargo, for the purpose of such vessel being brought to adjudication as hereinafter mentioned.

Power for Commanders of ships of war, etc., to visit, etc., vessels belonging to the Chief of Sohar, or of his subjects, suspected of being engaged in the slave trade.

2. It shall be lawful for the High Court of Admiralty of England, and for all Courts of Vice-Admiralty in any dominions of Her Majesty beyond the seas, including those Courts of Vice-Admiralty within the territories under the Government of the East India Company, to take cognizance of and try any such vessel which shall be detained or captured for the violation of the said agreement, and to condemn any such vessel to Her Majesty, and adjudge as to the slaves found therein, in like manner, and under such and the like rules and regulations as are contained in any Act or Acts of Parliament in force in relation to the suppression of the slave trade by British owned ships, as fully as if all the powers and provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice-Admiralty.

As to the trial and condemnation of vessels engaged in the slave trade.

3. Every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under the said engagement or this Act shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury, either in the place where the offence was committed, or in any colony or settlement of Her Majesty near thereto in which there is a Court of competent jurisdiction to try any such offence, or in Her Majesty's Court of Queen's Bench in England, and that in case of any prosecution for such offence in Her Majesty's said Court of Queen's Bench, the venue may be laid in the County of Middlesex.

Persons giving false evidence deemed guilty of perjury.

In case of prosecution in England, venue may be laid in Middlesex.

4. The pendency of any suit or proceeding instituted for the condemnation or restitution of any ship or cargo, or slaves, taken, seized, or detained by virtue of the said agreement, or the final adjudication, condemnation, or judgment or determination thereupon, may be pleaded in bar or given in evidence under the general issue, and shall be deemed in any Court whatever to be a complete bar in any action, suit, or proceeding, whether instituted by any person or persons for the recovery of any such ship, vessel, or cargo, or of any damage or for any injury sustained thereby, or by the persons on board the same, in consequence of any capture, seizure, or detention, or any thing done under, or in pursuance of, the provisions of the said agreement.

Pendency of suits to be a bar to any proceedings instituted for the recovery of the vessels detained.

5. Any ship or vessel which shall be condemned as aforesaid may be taken into Her Majesty's service upon payment of such sum as the Lord High Admiral, or the Lords Commissioners of the Admiralty, shall deem a proper price for the same, or, if not so taken, shall be broken up and demolished, and the materials thereof shall be publicly sold in separate parts, and the proceeds thereof shall be paid to such person or persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Vessels condemned to be sold for Her Majesty's service or broken up.

6.—Where any ship or vessel employed or engaged in such illicit traffic in slaves, in violation of the said agreement, shall be seized by any ship or vessel belonging to Her Majesty or the East India Company and afterwards condemned, there shall be paid to the captors the net proceeds to which Her Majesty is entitled, the same to be distributed in the manner hereinafter directed for the distribution of bounties on slaves taken on board the said vessels.

Captors of vessels shall, after the same are condemned, be entitled to the proceeds belonging to Her Majesty.

7. There shall be paid to the Commanders, officers, and crews of Her Majesty's ships, or the Commanders, officers, and crews of the ships of the East India Company, a bounty of five pounds for every man, woman, and child slave seized and found on board any ship or vessel taken and condemned in pursuance of the provisions of the said agreement and of this Act, such bounty to be issued and paid by order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the captors aforesaid in such manner and proportions as Her Majesty shall think fit to order by any Order in Council made or to be made, or by any proclamation for that purpose.

Payment of bounty for slaves captured.

8. Where any ship or vessel which shall have been seized and condemned under the provisions of the said agreement shall have been or shall be demolished, and the materials thereof publicly sold in separate parts, as well as her cargo, there shall be paid to the Commanders, officers, and crews of Her Majesty's ships or of those of the East India Company, in addition to the amount of the proceeds of such sale as hereinbefore mentioned, a further bounty on the tonnage of such ship or vessel at the rate of thirty shillings for every ton of such tonnage.

Additional bounty on tonnage of slave ships captured and demolished.

9. Where any ship or vessel having no slaves on board shall have been seized and condemned under the provisions of the said agreement, there shall be paid to the Commanders, officers, and crews of Her Majesty's ships or those of the East India Company, an additional bounty upon the tonnage of such ship or vessel at the rate of four pounds for every ton; and the tonnage of all such vessels shall be ascertained according to the mode of ascertaining the admeasurement of British vessels, either by the principal officer of the Customs at the port where the vessel may be at the time of condemnation, or, in default thereof, by the best evidence which can be obtained; provided always that in every case in which any ship or vessel shall be seized with slaves on board, in which the bounty calculated upon the number of slaves shall be less than the bounty calculated upon the tonnage, the Commander of Her Majesty's ship, or of those of the East India Company, making the seizure, may elect to take the bounty calculated according to tonnage, instead of the bounty which would be payable upon the number of slaves on board.

Where no slaves are on board a ship seized and condemned, an additional bounty on tonnage to be paid.

Bounties to be paid out of the Consolidated Fund.

10. All bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the Commanders, officers, and crews of Her Majesty's ships and of the East India Company, and such bounties shall be issued and paid by order from the Commissioners of Her Majesty's Treasury.

Proof of tonnage.

11. In order to entitle the captors to receive the said bounty-money, the tonnage of the ship or vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, or by such documentary or other evidence as they may deem satisfactory.

Copy of sentence of condemnation to be produced to the Treasury.

12. In order to entitle the captors to receive the said bounty-money on slaves, the number of men, women, and children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a copy, duly certified, of the sentence or decree of condemnation, and also a certificate under the hand of the proper officer or officers, Military or Civil, who may be appointed to receive such slaves.

One moiety of the bounty only to be paid in certain cases.

13. Where any slaves, or persons treated as slaves, shall be seized on board any ship or vessel taken and condemned in pursuance of the said agreement and of this Act, but who shall not have been delivered over in consequence of death, sickness, or other inevitable circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment of one moiety of the bounty which would have been due in each case respectively if the said slaves had been delivered over.

Parties claiming benefit under this Act may resort to the Court of Admiralty.

14. Any party or parties claiming any benefit by way of bounty under the provisions of this Act, or of any share of the proceeds of any vessel confiscated in pursuance of the provisions of the aforesaid agreement, may resort to the High Court of Admiralty for the purpose of obtaining the judgment of the said Court in that behalf; and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon; and also to hear and determine any question of joint capture which may arise upon any seizure made in pursuance of this Act; and also to enforce any decrees or sentences of the said Vice-Admiralty Courts relating to any such seizure.

Regulations and penalties respecting Prize Agents' accounts extended to bounties, etc., under this Act.

15. All the provisions, rules, regulations, forfeitures, and penalties respecting the delivery by Prize Agents of accounts for examination, and the distribution of prize-money, and the accounting for and paying over the proceeds of prize and the percentage due thereon to Greenwich Hospital, shall be extended to all bounties and proceeds to be distributed under the provisions of this Act to the officers and crews of any of Her Majesty's ships and vessels of war.

Treasury may order payment of costs awarded for vessels detained but not condemned.

16. Where any ship or vessel belonging in whole or in part to the before-mentioned Chief or his subjects or dependants shall have been detained and brought to adjudication by any officers of Her Majesty the Queen of Great Britain and Ireland, or of those of the East India Company, and the said ship shall be restored by sentence of the Court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by warrant, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of any costs or damages which may be duly awarded: provided always that nothing herein contained shall exempt such officer from his liability to make good the payments so made when lawfully called upon either by the parties interested therein or by order of the said Commissioners of Her Majesty's Treasury.

Treasury may repay to the seizor of any vessel not condemned the expenses incurred by him.

17. When any seizure shall be made by any of the Commanders, officers, and crews of Her Majesty's ships, or of those of the East India Company, and judgment shall be given against the seizor, or when such seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their discretion it shall seem meet, by warrant, to direct payment to be made out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of such costs and expenses as the seizure may have incurred in respect of such seizure, or any proportional thereof.

SHEHR AND MOKALLA.

APPENDIX No. 10—*Page 109.*

AGREEMENT MADE BETWEEN THE NAKIB OF MOKALLA AND THE KAITIS.

Praise be to God!

On Wednesday, the 3rd of Rajab 1290, the Honourable Abdulla and Salih and Awadth, sons of Omar-bin-Awadh-al Kaiti, purchased and became the owners of half of the Bandar Mokalla, with all its fortifications, and half of the Bandar Buram from Nakib Omar and Nakib Muhammad, sons of the late Nakib Salah, for the sum of $2,40,000. Out of this was deducted $1,60,000, which was due by their father (the late Nakib) to the Kaiti, the remaining $80,000 was paid to them. The total value amounts to $2,40,000, half of which is $1,20,000. The above-mentioned Nakib Omar and Nakib Muhammad, sons of the late Nakib Salah, have already sold half of the Bandar of Mokalla and half of Buram as has been said above with all their rights, internal and external. This sale is quite fixed upon those whose names have been mentioned above, *viz.*, Abdalla and Salih and Awadth-bin-Omar. This sale has paid off all the debts that were upon the late Nakib Salah-bin-Muhammad. There is nothing now remaining of this debt. If any claim is advanced, it will be *null and void.* They have settled that Nakib Omar is to be Governor of Mokalla and to do justice according to the Muhammadan law, and to order for good and prevent evil, and not to oppress the subjects and others. If any quarrel should arise among the seafaring men, they are to be sent to those of their own class. In all cases relating to law, justice to be done according to the Muhammadan law. All mercantile cases to be sent to the merchants for trial. Khairulla, the slave of the late Nakib Salah, is to do all work relating to the Bazar. Nakib Omar is to govern according to justice in all small cases, and in cases of importance he should consult with any one of the sons of Omar-bin-Awadth. If all of them are absent, then to consult with their Agents. Nakib Omar cannot settle anything without their consultation, nor can he write any correspondence with the High Ottoman Governments or its officers, neither to the English Government or its officers, also not with any other power, without consulting the Kaiti people or their Agents. He also cannot have interviews with any of the above-mentioned Governments without their or their Agent's presence. Their opinion and their voice should be one. Nakib Omar cannot do anything without their consultation. If he were to do violence to any person, the Kaiti or their Agents should give him advice. If he does not hear their advice, they can prevent his acting without right. The Kaiti can put their garrison in half of the Mokalla forts, and can also put their soldiers in the house called Najdi, situated near the northern fort and the eastern fort, and also in forts situated out of Mokalla, *viz.*, Bakarain and Thaunaj, and Nakib Omar can keep his garrison in forts Nakan

and Dis, and all the other remaining forts are to be divided equally. The Kaiti can put their garrison in Bandar Buram on account of their half-right. Nakib Omar should give them house. The Kaiti can build houses for themselves and put clerks in the Custom House and the gate to keep accounts of exports and imports. All the revenue arising from the tax or other things is to be divided equally. The Kaiti can reside in the house of Nakib Abdulla for one year until he may build one for himself. These agreements for the sale have been made with each other's consent without force and compulsion. The Nakib Omar and Nakib Muhammad have got possession of the amount of the value, and have given permission to those men whose names have been mentioned below to be witnesses of this :—

Names of Witnesses.

Omar-bin-Salim Kousiar.
Sulaiman-bin-Awadth-bin Sharaf.
Salim-bin-Abdulla-Salih-al-Kasadi.
Omar Salim-al-Kasadi.
Muhammad-bin-Abdul-Malik.
Abdulla Syad-al-Kasadi.
Salih-bin-Ahmad.
Abdul Habib-bin-Salih.
Bubakir-bin-Husain Harhara.
Ali-bin-Ardan.
Ahmad-bin-Salih-al-Masawa.
Ahmad-bin-Salah.
Mohsin-bin-Salih.

Abdul Kadar-bin-Ali.
Amar-bin-Abdul Muttalib.
Obdulla-bin-Ahmad Bai Ers.
Abdulla.
Salih-bin-Jabar.
Salim-bin-Abdulla-Jahwari.
Abdul-Kawi-din-Salim.
Abdul-Habib-bin-Abdul-al-Kay'ti.
Bubakir-bin-Abdulla.
Abdulla-din-Sahar
Agent of Hajibhai Lalji.
Dalubhai Dusani.
Haj Kasim Sumar.

Abdul Habib-bin-Muhammad-al-Kasadi.

(Sd.) NAKIB-OMAR-BIN-SALAH.
„ NAKID MUHAMMAD-BIN-SALAH.

Praise be to God!

On Wednesday, the 3rd of Rajab 1290, the Honourable Abdulla Salih and Awadth, sons of Omar bin Awadth-al-Kaiti, and Nakib Omar and Nakib Muhammad, sons of the late Nakib Salah, have joined together to assist one another and to obey the Muhammadan law. They swear before God that each will behave honestly towards the other and will order for good and prevent evil. They should have one and the same friends and one and the same enemies. Mokalla is between the Kasadi and Kaiti, Shihr and Mokalla are one, and Hadthramut and the sea-coast are one. He who is an enemy to the Kaiti is an enemy of the Kasadi, and he who is an enemy of the Kasadis is an enemy of the Kaiti; the one is not to give refuge to the enemy of the other; but if the Kaiti see that it is good to settle with an enemy he can do so. If the Kaiti have a claim against any one, he is to get it if the things claimed are not burnt or destroyed. Kaiti are to be as fathers and Kasadis to be as sons and attendants. The Kasadis are to obey the directions of the Kaiti. Both parties are one, and each should do good to the other and prevent evil. Nakib Omar is not to keep friendship with the Kathiris and the Aulakis but through the Kaiti. The agreement that had been made between the late Nakib Salah

and Awadth-bin-Omar the Kaiti is approved by Nakib Omar, except about the money mentioned in the agreement which has been paid off by the sale of the half of Mokalla, which also is mentioned in the agreement. Both parties agreed without force and compulsion to this before God.

(Sd.) NAKIB-OMAR-BIN-SALAH.
„ NAKIB-MUHAMMAD-BIN-SALAH.

Witnesses.

Nakib Abdul Habib-ul-Kasadi and others.

We, the undersigned, agree to this, and we would go against those who would act contrary to the above agreement; but he who would call us shall be liable to the expenses according to custom.

Signed by about thirty Shaikhs of the Upper Yafii.

ZANZIBAR.

APPENDIX No. 11.—*Page 232.*

TREATY OF AMITY, COMMERCE, and NAVIGATION between the SENATES of the HANSEATIC REPUBLICS of LUBECK, BREMEN, and HAMBURG and HIS HIGHNESS SYUD MAJID BIN SYUD, SULTAN of ZANZIBAR, concluded at Zanzibar, the 13th of June 1859.

His Highness Syud Majid bin Syud, Sultan of Zanzibar and his dependencies, having in consideration of the extensive and fast increasing trade and navigation between the Hanseatic Republics of Lubeck, Bremen, and Hamburg and his own dominions, most graciously accepted the proposals of the Senates of the said Republics for negotiating a Treaty of Amity, Commerce, and Navigation for the support of mutual welfare and mutual commercial interest, the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg have accordingly appointed as their Plenipotentiary William Henry O'Swald, Junior, Esquire, a citizen of the Hanseatic Republic of Hamburg, and actually residing in the city of Zanzibar, Island of Zanzibar; and the Sultan of Zanzibar, Syud Majid bin Syud, has resolved personally to carry on negotiations with the said Plenipotentiary, the Plenipotentiary of the above-mentioned Hanseatic Republics having represented to His Highness the Sultan of Zanzibar that he is vested with the requisite powers, the following Treaty has been concluded with the consent of both the high contracting parties :—

ARTICLE 1.

There shall be perpetual peace and amity between the Hanseatic Republics of Lubeck, Bremen, and Hamburg and His Highness Syud Majid bin Syud, Sultan of Zanzibar.

ARTICLE 2.

The citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall have the liberty to enter all the ports of His Highness Syud Majid bin Syud, Sultan of Zanzibar, with their cargoes, of whatever kind the said cargoes may consist, and they shall have liberty to sell the same to any of the subjects of the Sultan, or others who may wish to buy the same, or to barter the same for any produce or manufactures of the kingdom, or other articles that may be found there. No price shall be fixed by His Highness the Sultan or his officers on the articles to be sold by the merchants of the before-mentioned Hanseatic Republics, or the merchandize they may wish to purchase but the trade shall be free on both sides to sell or buy or exchange on the terms, and for the prices, the owner may think fit; and whenever the said citizens of the said Hanseatic Republics may think fit to depart they shall be at liberty so to do, and if any officer of His Highness the Sultan shall contravene this Article he shall be severely punished.

ARTICLE 3.

Vessels of the Hanseatic Republics of Lubeck, Bremen, and Hamburg entering the port of Zanzibar, or any other port within His Highness the Sultan's dominions, shall pay no more than five per cent. duties on the cargo landed, and this shall be as a full equivalent and in lieu of all other import and export duties; tonnage dues; licenses to trade; pilotage; anchorage; or any other charges whatever.

Nor shall any duty or charge be paid on that part of the cargo which may remain on board unsold and re-exported. Nor shall any charge whatever be paid on any vessel of the Hanseatic Republics, which may enter any of the ports of His Highness the Sultan's dominions, for the purpose of refitting, or for refreshments or to enquire the state of the market.

And it is also well understood and agreed upon as follows:—Should any vessel of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, whether she has been loaded before in Zanzibar or in any other port within His Highness the Sultan's dominions, or in any foreign port, be obliged to return to, or enter any port within His Highness the Sultan's dominions, for the purpose of repairing the ship's damages, sustained at sea by stress of weather or by some other accident of the seas, and thereby be obliged to unload her cargo, such vessels shall be permitted to land her said cargo free of duty, and shall pay no duty whatever on such cargo landed, provided it be re-shipped either on board the said vessel or on board any other vessel, should the sea-damaged vessel be condemned.

ARTICLE 4.

His Highness the Sultan of Zanzibar hereby engages not to permit the establishment of any monopoly or exclusive privilege of sale within his dominions; except in the articles of ivory and gum copal, in that part of the East Coast of Africa, from the port of Tangate, situated in about 5½ degrees of South Latitude to the port of Quali lying in about seven degrees south of the Equator, both ports inclusive; but in all other ports and places in His Highness the Sultan's dominions, there shall be no monopoly whatever; but the citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall be at liberty to buy and sell with perfect freedom, from whomsoever and to whomsoever they choose, subject to no other duty by Government than that before mentioned.

ARTICLE 5.

The citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall enjoy all the privileges and advantages with respect to commerce or otherwise, which are or may be accorded to the subjects or citizens of the most favored nation, and particularly pay no other duties on export or import; tonnage; license to trade; or any other charge whatsoever than the nation the most favored shall pay.

ARTICLE 6.

Should a vessel of the Hanseatic Republics of Lubeck, Bremen, and Hamburg enter a port in the dominions of His Highness the Sultan of Zanzibar

in distress the local authorities at such port shall afford all necessary aid to enable the vessel to refit and to prosecute her voyage, and if any such vessel should be wrecked on the coast of the dominions of His Highness the Sultan of Zanzibar, the authorities of His Highness shall give all the assistance in their power to recover and to deliver over to the owners all the property that can be saved from such vessel, or to the Consul of the before-mentioned Hanseatic Republics or to any authorised Agent. The same assistance and protection shall be afforded to vessels of the dominions of His Highness the Sultan of Zanzibar, and property saved therefrom under similar circumstances in the ports and on the coast of the Hanseatic Republics of Lucbeck, Bremen, and Hamburg.

ARTICLE 7.

The citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg resorting to the ports of His Highness the Sultan's dominions for the purpose of trade shall have leave to land and reside in the said ports, as well as to purchase, sell, or hire, land or houses there. The houses, warehouses, or other premises occupied by the citizens of the three Hanseatic Republics, or by persons in their service, shall not be forcibly entered without the permission of the Consul of the Hanseatic Republics.

ARTICLE 8.

If any citizen of the Hanseatic Republics of Lubeck, Bremen, or Hamburg, or their vessels, or other property, shall be taken by pirates and brought within the dominions of His Highness the Sultan, the persons shall be set at liberty, and property restored to the owner, if he is present, or to the Consul of the before-mentioned Hanseatic Republics or to any authorized Agent.

ARTICLE 9.

Vessels belonging to His Highness the Sultan of Zanzibar, or vessels belonging to his subjects, which may resort to any port of the Hanseatic Republics of Lubeck, Bremen, or Hamburg, shall pay no other higher rate of duties or other charges than the nation the most favored shall pay. The subjects of His Highness the Sultan shall be permitted to reside and pursue commerce in all ports of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, submitting themselves to the laws of the country. They shall enjoy the fullest protection for their persons and for their property.

ARTICLE 10.

The Senates of the Republics of Lubeck, Bremen, and Hamburg may appoint Consuls to reside in the ports of His Highness the Sultan's dominions, where the principal commerce shall be carried on. The said Consuls shall at all times be placed on the footing of the Consuls of the most favored nations, and shall enjoy the same privileges, immunities, and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries.

ARTICLE 11.

The Consuls of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall have the power to receive the property of the citizens of the three Hanseatic Republics dying within the dominions of His Highness the Sultan, and to send the same to their heirs, first paying all their debts due to the subjects of His Highness the Sultan.

ARTICLE 12.

The authorities of His Highness the Sultan of Zanzibar shall not interfere in disputes between citizens of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, or between the said citizens and the subjects or citizens of other Christian nations. When differences arise between a subject of the dominions of His Highness the Sultan of Zanzibar and a citizen of the above-mentioned Hanseatic Republics, if the former is the complainant, the cause shall be heard by the Consul of the three Hanseatic Republics, who shall administer justice thereupon; but if the citizen of the three Hanseatic Republics is the complainant against any of the subjects of His Highness the Sultan of Zanzibar, or the subjects of any other Mahomedan power, the cause shall be decided by the highest authority of His Highness the Sultan of Zanzibar or by any person nominated by him; but in such case the cause shall not be proceeded with except in the presence of the Consul of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, or of some person deputed by him.

ARTICLE 13.

If a citizen of the Republics of Lubeck, Bremen, and Hamburg shall become bankrupt in the dominions of His Highness the Sultan of Zanzibar, the Consul of the three Hanseatic Republics shall take possession of all the property of such bankrupt, and shall give it up to his creditors to be divided among them. This having been done, the bankrupt shall be entitled to a full discharge from his creditors, and he shall not at any time afterwards be required to make up his deficiency, nor shall any property he may afterwards acquire be considered liable for that purpose. But the Consul of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall use his best endeavours to obtain for the benefit of the creditors all the property of the bankrupt at the time when he became insolvent has been given up without reserve.

ARTICLE 14.

If a subject of His Highness the Sultan of Zanzibar should resist or evade payment of his just debts to a citizen of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, the authorities of His Highness shall afford to the citizen of the Hanseatic Republics every aid and facility in recovering the amount due; and in like manner the Consul of the three Hanseatic Republics shall afford every aid and facility to subjects of His Highness the Sultan of Zanzibar, in recovering debts justly due to them from a citizen of the Hanseatic Republics of Lubeck, Bremen, and Hamburg.

ARTICLE 15.

His Highness the Sultan of Zanzibar shall be at liberty to appoint Consuls in the cities and ports of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, for the protection of his own interests, or those of his subjects; and such Consul shall enjoy the same rights, liberties, and privileges, which the Consul of the most favored nation shall enjoy.

ARTICLE 16.

The present convention shall be ratified and the ratifications thereof shall be exchanged at Zanzibar as soon as possible.

Concluded, signed, and sealed, at the Royal Palace of His Highness the Sultan of Zanzibar, in the city of Zanzibar, Island of Zanzibar, the thirteenth day of June, in the year one thousand eight hundred and fifty-nine of the Christian era, corresponding to the eleventh day of the moon called Zilkad, in the year of the Athajra (Hejira), one thousand two hundred and seventy-five.

For the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg.

(Sd.) W. H. O'SWALD, *Jr.*

Signed in the Arabic language.

(Sd). MAJID BIN SYUD.

The Seal of the Sultan Majid bin Syud, Sultan of Zanzibar.

True Copy of the Original.
Treaty in the English language.

(Sd.) C. P. RIGBY, *Capt.*,
Her Majesty's Consul and British Agent, Zanzibar.

British Consulate, Zanzibar, June 14th, 1859.

Translation of the sign Manual, and seal of His Highness Majid bin Syud, Sultan of Zanzibar, as affixed to the original Treaty.

(Sd.) C. P. RIGBY, *Capt.*,
Her Majesty's Consul and British Agent, Zanzibar.

True copies.

(Sd.) H. P. ANDERSON,
Secretary to Government.

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