

# ZANZIBAR TREATIES.

1910.

## INTRODUCTORY NOTICE.

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THIS collection is intended to include the more important Treaty engagements relative to Zanzibar including the principal instruments regulating the Treaty relations of Muscat with Foreign Powers previous to its separation from Zanzibar.

In the 3rd edition, issued in 1909, of the compilation entitled "The Map of Africa by Treaty" will be found various arrangements resulting out of Treaties as well as other documents affecting Zanzibar, such as Concessions to or arrangements with the late British Imperial East Africa Company, the German East Africa Company, and the Benadir Company.

Zanzibar, it may be noted, concluded a Money Order Convention with Italian Somaliland on November 2, 1905. This Instrument is understood to have undergone some modifications since. A Money Order Convention between Zanzibar and German East Africa was signed on August 10, 1896. Additional Articles thereto are dated November 13, 1906, and January 11, 1907. It has not been considered necessary to include the text of these arrangements in this volume.

The mode in which Zanzibar adhered (with a reservation) to the Berlin Act of 1885 is set out on page 74.

Zanzibar has also acceded to the following arrangements:—

On December 21, 1895, to the Universal Postal Union, 1891.

In July 1900 to the Convention of that year for the Preservation of Wild Animals in Africa.

On December 16, 1909, to the International Sanitary Convention of December 3, 1903, and, in April 1910, to the Radiotelegraphic Convention signed at Berlin, November 3, 1906, but not to the additional engagement.

N. BALL.

Foreign Office,  
June, 1910.

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# ZANZIBAR TREATIES.

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No. 1.—*TREATY, Offensive and Defensive, with Muscat.*—  
October 12, 1798.

*Translation of the Coul Namal, or written Engagement from the  
Imaum of Muscat.*

DEED of Agreement from the State of the Ominion Asylum under the approbation of the Imaum, the Director Syed Sultan, whose grandeur be eternal, to the high and potent English Company, whose greatness be perpetuated, as comprehended in the following Articles ;

ART I. From the intervention of the Newab Emodad Dowla, Murza, Michedy Alikhan Hutmut Jung, never shall there be any deviation from the Coul Namal.

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

III. Whereas frequent applications have been made, and are still making, by the French and Dutch people for a factory, *i.e.*, a place to seat themselves in, either at Mascat or at Gembroon, or at the other parts of this Sirkar, it is therefore written, that whilst warfare shall continue between the English Company and them, never shall, from our 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 with this State.

IV. 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.

V. 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 between the French and English ships, the forces 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.

VI. 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.

VII. In the port of the Abassy (Gambroon), whenever the English shall be disposed to establish a factory, I have no objection to their fortifying the same, and maintaining guns thereon as many as they like, and to 40 or 50 English gentlemen residing there, with 700 or 800 Sepoys ; and for the rest, the rate of duties on goods on buying and selling will be on the same footing as at Bussoora and Abashiker.

Dated 1st Junday a lawul (1213), Hyrn or 12th October, 1798.

**NO. 2.**—*An Agreement entered into by the Imaum of the State of Oman with Captain John Malcolm Bahader, Envoy from the Right Honourable the Governor-General, dated the 21st Shabun, 1215 Hyre.—January 18, 1800.*

ART. I. The Coalnamal entered into by the Imaum of Oman with Mihedy Ali Khan Bahader, remains fixed and in full force.

II. As improper reports of a tendency to interrupt the existing harmony and create misunderstanding between the 2 States, have gone abroad, and have been communicated to the Right Honourable the Governor-General, the Earl of Mornington, 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 afforded to designing men, who are ever eager to promote dissensions, and that the friendship of the 2 States may remain unshaken until the end of time, till the sun and moon have finished their revolving career.

Scaled in my presence,  
JOHN MALCOLM.

**No. 3.—TREATY** between Governor Farquhar and the Imaum of Muscat, for abolishing the Slave Traffic with Foreign Powers, through all His Highness's Dominions and Dependencies.—Concluded September 10, 1822.

Statement of the Requisitions made to His Highness the Imaum of Muscat, by Captain Moresby of His Majesty's Ship Menai, Commissioner, vested with Full Powers by His Excellency Sir Robert T. Farquhar, Baronet, Governor of the Island of Mauritius, &c. &c. &c.

Translation of the Answers in Arabic, under the Hand and Seal of His Highness the Imaum of Muscat, to the Requisitions made by Captain Moresby of His Majesty's Ship Menai, Commissioner, &c. &c. &c.

Firstly. The Imaum to abolish the Foreign Slave Trade, for ever, in his Dominions.

Secondly, The Imaum to order the seizure of all such Vessels, attempting the Foreign Slave Traffic, and to seize and punish the Captain and Crew as Pirates.

Thirdly. The Imaum to punish all Persons, serving on board Ships dealing in Slaves, who do not give information to the Imaum, or his Governors, that they have been Slave dealing.

Fourthly. His Highness to

First. I did write last season to all my Officers, positively prohibiting the sale of Slaves to any Christian Nation, and I will repeat these Orders.

Second. I will send orders to all the Officers throughout my Dominions, that if they find (the owners of) any Arab Vessels buying Slaves for sale in Christian Countries, they must take possession of all such Vessels and inflict punishment on the Commanders, (owners) thereof, even though they be bound for Madagascar.

Third. I will instruct my Officers, and publish generally such instructions throughout my Dominions, that the Crews of any Vessels carrying Slaves for sale, in Christian Countries, be enjoined, on their return to the Arab port, to give information to the Authority at such port, that he may punish the Commanders, and that if they come to be detected in concealing such information, they (the Crews) shall themselves suffer punishment.

Fourth. The authority you

appoint, at such places, as His Majesty the King of Great Britain may wish, habitations for the residence of Consuls, Agents or others, charged with the suppression of the Slave Trade by *English Subjects*; such Consuls, Agents or others, are to receive the assistance, on application, of His Highness the Imaum or his Lieutenant-Governor or others, for the apprehension and detention of any English subjects who may attempt the Traffic.

Fifthly. The Imaum to authorize British Cruizers to seize all Arab vessels that may be found loaded with Slaves, after the expiration of four months from the present date, if bound to any port out of His Highness's Dominions.

Sixthly. The Imaum, or his Governors, to provide all Arab Vessels with Passes (port clearances). Any Vessels found with Slaves on board, who have not such port clearances, to be seized according to the 5th requisition, by any British Cruizers that may meet them.

require, permitting the settlement of an Agent on your part in Zanzibar, and the neighbouring parts, for the purpose of having intelligence and watching the Traffic in Slaves with Christian Nations is granted, and I now give it to Captain Moresby.

Fifth. The authority you have required, permitting (to you) after the expiration of four months, the seizure of all Vessels laden with Slaves bound for Christian Countries, is hereby granted to Captain Moresby.

Sixth. I will write to my Governors, regarding the statement to be given in writing to all Ships departing on a voyage, certifying from what port they have come and whither they are bound, and you may seize every Vessel you may fall in with beyond Madagascar, and in the sea of Mauritius, after four months from the date of the permission contained in the answer to the 5th requisition above acceded to, and you may carry in to me, for my disposal, any Ship you may meet even on this side (the Isle of France), provided she have not the written statement required from the Governor of the port whence she sailed.

FAIRFAX MORESBY,  
Captain H.M.S. Menai.

Signature of the  
Imaum.



Seal  
of the  
Imaum.



*Additional Requisition by Captain Moresby to the Imaum of Muscat.*

THAT it may be understood in the most comprehensive manner, where Arab Ships are liable to seizure by His Majesty the King of England's Cruizers, after the expiration of four months, the Imaum to authorize that The King of England's Cruizers, finding Arab Ships with Slaves on board to the Eastward of a line drawn from Cape Delgado, passing sixty miles East of Socotra, on to Diu Head, forming the western point of the Gulf of Cambay (unless driven by stress of weather), shall be seized and treated by His Majesty's Cruizers in the same manner as if they were under the English Flag.

F. MORESBY,  
Captain H.M.S. Menai.

*Reply.*

I HAVE permitted Captains of Ships of the Government of the English State ("Surkar il doivent il mgly seed") to seize all Arab Vessels loaded with Slaves for the foreign market, that shall be found to the Eastward of the prescribed line, after the expiration of four months from the date of the fifth requisition already agreed to; but Ships driven by stress of weather without the said line, must suffer no molestation.

Signature of the  
Imaum.



Seal  
of the  
Imaum.

**No. 4.—ARRANGEMENT** *between the Sultan of Muscat and the Portuguese Governor-General of Mozambique, respecting Trade, Jurisdiction, Wrecks, &c.—February 1826.*

Translation.

I take refuge with God from Satan the lapidated!  
In the name of God, very compassionate, most compassionate!  
O! our Lord God! in thy name do we design to begin. O! thou most gracious One!

THIS is the mutual writing which took place, and it came to hand from Mozambique. This is the text thereof.

The Sultan, the King, whose name is Don Pedro, the Sultan, the Ruler of the countries of the King of Portugal, and the countries of Brazil, and the countries of Algarve, and the powerful Sultan, Imam of Muscat, has desired increased friendship and brotherhood of olden time; and may the Lord of the Universes put increased friendship between our subjects and your subjects our countries and your countries.

On the part of the Sultan, the King, the Ruler of Mozambique, his name being Sebastiano Shewir Botelho; and on the part of the powerful Sultan, the Imam of Muscat, son of the paternal aunt of Seyf, son of Ahmed, son of Sa'id; there took place a conversation between us and you, and we mutually agreed upon a reduction of the customs dues in favour of the subjects.

Position the first of the text of this mutual writing: From the friendship and concord which is between the powerful Sultan of Portugal and the powerful Sultan, the Imam of Muscat, so, on his part, the son of his paternal uncle, Seyf, son of Ahmed, and I, on the part of the Sultan of Portugal, Sebastiano Shewir Botelho; we have agreed that trade shall be, as with us, so with you, and that whatever is in favour of our subjects shall be in favour of your subjects.

Position the second of this mutual writing: The subjects of the Sultan, the King, and the subjects of the Sultan, the Imam, shall be in the same status in buying and selling; and their status shall be one in respect and honour; and their status shall be one in the case of judgment suits; and also in permission granted and in going about shall their status be one. And when your subjects come to our countries they shall subject to our jurisdiction; and, in like manner, our subjects shall subject to your jurisdiction. And, God so willing, who be extolled, what is in favour of our subjects shall be in favour of your subjects.

Position the third of this mutual writing: Every vessel that arrives from the countries of the Imam of Muscat at the seaport town of Mozambique shall deliver on the goods that enter the bay one in ten, the same as the people of Diu and Damao.

Position the fourth of this mutual writing: It is that, should a vessel arrive from another than the Imam's countries, and that they may say, "We have come from the countries of the Imam," for the sake of delivering the dues as they do. It behoves the Imam of Muscat to have made one sole seal, known in all his countries, and every vessel that arrives shall possess that seal on their ship's papers, so that we may place confidence in the honour of the contention. And when it is that they have not with them the seal of the Imam as known, let there be with them a seal of the Ruler who governs in that country.

Position the fifth of this mutual writing: Every vessel that arrives from the countries of the Imam of Muscat shall have with them a clear declaration that they left a certain country to be named, and a clear declaration of the number of arms in the vessel altogether.

Position the sixth of this mutual writing: The Sultan of Muscat shall put in force whatever we put in force, and shall command in all his countries, giving notice of what has been negotiated between us and him, and what has been agreed on by both of us. And our subjects shall deliver to them the dues like as his subjects

deliver to us. And the whole of the returns (? produce) possessed by the Arabs and our subjects shall be dealt with in like manner.

Position the seventh of this mutual writing : It is that every vessel that is lost or disabled and detained in the countries of the Imam, or in our countries, the custom then is that everything saved from the property and effects is sent to the country to which it was destined ; and the owner of the property delivers the whole of what may have been spent on the said property. This is a benefit to our subjects and your subjects.

Position the eighth of this mutual writing : It is that after this Convention shall reach the Sultans it shall be sealed with the seal of the Governor and of the Sultan ; the intention being that you shall command every one of your subjects to act towards our subjects as they act and perform. And, in like manner, we will do the same, and will so command our subjects.

Position the ninth of this mutual writing : That which we have agreed upon is thus completed and finished. And from this day each one of us will take his right as is laid down for him. And I am the General of Mozambique, who is Sebastiano Shewir Botelho, on the part of the powerful Sultan the King ; and on the part of the powerful Sultan the Imam of Muscat, Seyf, son of Ahmed ; at the date when each one impressed his name and his seal. We wish to complete our discourse.

On the 15th of Rejeb, in the year of the Hegira 1241, corresponding to February A.D. 1826.

By Abdu-Uah, servant of our Lord Sa'id, son of Sultan, whose servant is Seyf, son of Ahmed, son of Sa'id, the servant ; and this is the place of his seal.

L.S.

Signature of the Governor-General of Mozambique, on the left side of the seal.

Thus hath said the supplicant, the Secretary of the Sultan Sa'id, son of Sultan. The figure of the figure of the seal of Seyf, son of Ahmed, is from my seal ; lest it be doubtful to the reader which was the place thereof.

And thus the writing has become complete, with the aid of God, whose might is the means of aid and of good guidance.

*Note.*—Portuguese Jurisdiction in Zanzibar ceased in 1907.

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**No. 5.**—*TREATY of Amity and Commerce between The United States and Muscat.*—Signed at Muscat, September 21, 1833.

*A Proclamation.*—By the President of The United States of America.

WHEREAS a Treaty of Amity and Commerce between the Government of The United States of America and His Majesty

Syed Syeed Bin, Sultan of Muscat, and his Dependencies, was concluded and signed at the City of Muscat, in the Kingdom of Aman, on the 21st day of September, in the year of our Lord, 1833, which Treaty is word for word, as follows :

*A Treaty of Amity and Commerce between The United States of America and His Majesty Syeed Syced Bin, Sultan of Muscat, and his Dependencies.*

ART. I. There shall be a perpetual peace between The United States of America and Syeed Syeed Bin, Sultan, and his Dependencies.

II. The Citizens of The United States shall have free liberty to enter all the Ports of His Majesty Syeed Syeed 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 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 the Sultan, or his Officers, on the articles to be sold by the merchants of The United States, or the merchandise 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 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 the other Ports of the Sultan, the said munitions of war may be freely sold, without any restrictions whatever, to the highest bidder.

III. Vessels of The United States entering any Port within the Sultan's Dominions shall pay no more than 5 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 may 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.

IV. The 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.

V. 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 or rendering succour to the distressed, and the property saved from such wreck shall be carefully preserved and delivered to their owner, or the Consul of The United States, or to any authorized Agent.

VI. 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 or imposition whatever for such liberty other than the general duties on imports which the most favoured Nation shall pay.

VII. 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 is present, or to the American Consul, or to any authorized Agent.

VIII. 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.

IX. 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 or 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 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 Muscat, in the Kingdom of Aman, the 21st day of September, in the year 1833 of the Christian era, and the 57th year of the Independence of The United States of America, corresponding to the 6th day of the Moon, called Iamada Alawel, in the year of Allhajra (Hegira) 1249.

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 26th day of January, Anno Domini 1832, for negotiating and concluding a Treaty of Amity and Commerce between The United States of America and His Majesty Seyed Syyed Bin, Sultan of Muscat :

\* The exercise of Extraterritorial Jurisdiction by the United States in Zanzibar has ceased. [See No. 51, pages 118, 119.]

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 Muscat, in the Kingdom of Aman, on the 21st day of September, in the year of our Lord 1833, and of the Independence of The United States of America the 57th, corresponding to the 6th day of the Moon, called Iamada Alawel, in the year of Allhajra (Hegira) 1249.

EDMUND ROBERTS.

And whereas the said Treaty has been duly ratified on both parts, and the respective Ratifications of the same were exchanged at the City of Muscat, on the 30th day of September, 1835 :

Now therefore be it known that I, Martin Van Buren, President of The United States, have caused the said Treaty to be made public, to the end that the same, and every Clause and Article thereof, may be observed and fulfilled with good faith by The United States and the Citizens thereof.

In witness whereof I have hereunto set my hand and caused the Seal of The United States to be affixed.

Done at the City of Washington, this 24th day of June, in the year of our Lord 1837, and of the Independence of The United States the 61st.

MARTIN VAN BUREN.

By the President.

JOHN FORSYTH, *Secretary of State.*

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**No. 6.**—*CONVENTION of Commerce and Navigation between Great Britain and Muscat.—Signed at Zanzibar, May 31, 1839.*

(Signed in the English and Arabic Languages.)

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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 their 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., and Hassan Bin Ebrihim, and Mahabat Alli Bin Naser, on behalf of His Highness the Sultan of Muscat, &c., who, having communicated their Full Powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

ART. I. 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 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 favoured 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 favoured nations.

II. 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, warehouses, 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 British Consul or 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.

III. The 2 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 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.

IV. 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 be 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.

V. 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 Mahometan Power, then the cause shall be decided by the highest authority of His Highness the Sultan of Muscat, or by any person 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 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.

VI. 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 the heirs, or executors, or administrators of the deceased, or to the respective Consuls or Resident Agents of the Contracting Parties, in default of such heirs, or executors, or administrators.

VII. 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



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 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 every thing possessed by the bankrupt, at the time when he became insolvent, has been given up without reserve.

VIII. 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.

IX. 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 licence 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 any of the ports of His Highness for the purpose of refitting, or for refreshments, or to inquire about the state of the market.

X. No article 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  $5\frac{1}{2}$  degrees of south latitude, to the Port of Quila, lying in about 7 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 choose, subject to no other duty by Government than that before mentioned.

XI. If any dispute 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 the 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 2 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.

XII. It shall not be lawful for any British merchant to expose his goods for sale for the space of 3 days after the arrival of such goods, unless before the expiration of such 3 days, the importer and custom-master shall have agreed as to the value of such goods. If the custom-master shall not, within 3 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 chose one of the two modes by which the amount of the customs to be levied, is to be determined.

XIII. 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 to 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.

XIV. 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 coasts 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 coasts of the British dominions.

XV. 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.

XVI. 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 and 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.

XVII. 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 15 months from the date hereof.

Done on the island, and at the town of Zanzibar, this 31st day of May, in the year of Christ, 1839, corresponding with the 17th of the month Rebeal Owal, of the ul Hujra, 1255.

HASSAN BIN EBRIHIM. (L.S.) ROBERT COGAN.  
ALLI BIN NASER.

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**No. 7.—ADDITIONAL ARTICLES to the Treaty between Great Britain and Muscat, for the Prevention of Slave Trade.—December 17, 1839.**

(Translation.)

On the 17th December, 1839, His Royal Highness the Imaum of Muscat consented to the 3 following Articles being added to the Treaty for the suppression of the Slave Trade, concluded by His Highness with Captain Moresby in September, 1822.

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

ART. I. That the Government cruizers whenever they may meet vessels belonging to my subjects beyond a direct line drawn

from Cape Delgado, passing 2 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.

II. 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.

III. 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 4 months from this date, all those of my people convicted of being concerned in such an act shall be punished as pirates.

Dated 10th Shuval, 1255, A.H., corresponding with the 17th December, 1839, A.D.

(Seal of His Highness the Imaum of Muscat.)

(True translation.)

S. HENNELL, *Resident, Persian Gulf.*

**No. 8.**—*ORDONNANCE du Roi des Français, qui prescrit la Publication du Traité d'Amitié et de Commerce conclu, le 17 Novembre, 1844, entre la France et l'Iman de Mascate.*

*Au Palais de Neuilly, le 22 Juillet, 1846.*

LOUIS-PHILIPPE, Roi des Français, à tous présents et à venir, salut.

Savoir faisons que, entre nous et l'Iman de Mascate, il a été conclu à Zanzibar, le 17 Novembre, 1844, un Traité d'Amitié et de Commerce, dont les Ratifications ont été respectivement échangées le 4 Février, 1846, et dont la teneur suit :

### TRAITÉ.

Sa Majesté l'Empereur des Français et Son Altesse le Sultan de Mascate et dépendances, voulant établir sur des bases stables les rapports de bonne harmonie qui existent entre eux, et favoriser le développement des relations commerciales entre leurs États respectifs, ont résolu de conclure un Traité d'Amitié et de Commerce.

Sa Majesté l'Empereur des Français a nommé à cet effet, pour son Plénipotentiaire, le Sieur Romain Desfossés, Capitaine de Vaisseau, commandant la station navale de Bourbon et de Madagascar.

Son Altesse le Sultan de Mascate a décidé qu'elle négocierait elle-même, directement et sans intermédiaire, avec le Plénipotentiaire Français.

Le Plénipotentiaire de Sa Majesté l'Empereur des Français, après avoir présenté à Son Altesse l'Iman de Mascate les Pleins Pouvoirs qui lui ont été confiés, lesquels ont été trouvés en bonne et due forme, a arrêté avec elle les Articles qui suivent :

ART. I. Il y aura paix constante et amitié perpétuelle entre Sa Majesté l'Empereur des Français, ses héritiers et successeurs, d'une part, et Son Altesse l'Iman de Mascate, ses héritiers et successeurs, d'autre part, et entre les sujets des 2 Etats, sans exception de personnes ni de lieux.

II. Les sujets de Son Altesse l'Iman de Mascate pourront, en toute liberté, entrer, résider, commercer et circuler en France, avec leurs marchandises. Les Français jouiront de la même liberté dans les États de Son Altesse le Sultan de Mascate, et les sujets de chacun des 2 pays auront réciproquement droit, dans l'autre, à tous les privilèges et avantages qui sont ou pourront être accordés aux sujets des nations les plus favorisées.

III. Les Français auront la faculté d'acheter, de vendre ou de prendre à bail des terres, maisons, magasins, dans les États de Son Altesse le Sultan de Mascate. Nul de pourra, sous aucun prétexte pénétrer dans les maisons, magasins et autres propriétés possédés ou occupés par des Français ou par des personnes au service des Français, ni les visiter sans le consentement de l'occupant, à moins que ce ne soit avec l'intervention du Consul de France.

Les Français ne pourront, sous aucun prétexte, être retenus contre leur volonté dans les États du Sultan de Mascate.

IV. Les sujets de Son Altesse le Sultan de Mascate qui seront au service des Français jouiront de la même protection que les Français eux-mêmes ; mais, si les sujets de Son Altesse sont convaincus de quelque crime ou infraction punissable par la loi, ils seront congédiés par les Français au service desquels ils se trouverait, et livrés aux autorités locales.

V. Les Hautes Parties Contractantes se reconnaissent réciproquement le droit de nommer des Consuls et Agents Consulaires pour résider dans leurs États respectifs. Toutefois, ces agents ne devront entrer en fonctions qu'avec l'exequatur du Souverain dans les États duquel ils résident. Ces agents jouiront des mêmes droits et prérogatives que ceux de la nation la plus favorisée.

Les Consuls et Agents Consulaires, Français pourront arborer le pavillon Français sur leur habitation.

VI. Les autorités relevant de Son Altesse le Sultan de Mascate n'interviendront point dans les contestations entre Français ou entre des Français et des sujets d'autres nations Chrétiennes. Dans les différends entre un sujet de Son Altesse et un Français, la plainte, si elle est portée par le premier, ressortira au Consul Français, qui prononcera le jugement ; mais, si la plainte est portée par un Français contre quelqu'un des sujets de Son Altesse, ou de toute autre Puissance Musulmane, la cause sera jugée par Son Altesse le Sultan de Mascate, ou par telle personne qu'il désignera. Dans ce cas, il ne pourra être procédé au jugement qu'en présence du Consul de France ou d'une personne désignée par lui pour assister à la procédure. Dans les différends entre un Français et un sujet de Son Altesse le Sultan de Mascate, la déposition d'un individu convaincu de faux témoignage dans une occasion précédente sera récusée, soit que la cause se trouve appelée devant le Consul de France, soit qu'elle soit soumise à Son Altesse le Sultan ou à son représentant.

VII. Les biens d'un Français décédé dans les États de Son Altesse le Sultan de Mascate, ou d'un sujet de Son Altesse décédé en France, seront remis aux héritiers ou exécuteurs testamentaires ou, à leur défaut, au Consul ou Agent Consulaire de la nation à laquelle appartenait le décédé.

VIII. Si un Français fait faillite dans les États du Sultan, le Consul de France prendra possession de tous les biens du failli et les remettra à ses créanciers pour être partagés entre eux. Cela fait, le failli aura droit à une décharge complète de ses créanciers. Il ne saurait être ultérieurement tenu de combler son déficit, et l'on ne pourra considérer les biens qu'il acquerra par la suite comme susceptibles d'être détournés à cet effet ; mais le Consul de France ne négligera aucun moyen d'optérer, dans l'intérêt des créanciers, la saisie de tout ce qui appartiendra au failli dans d'autres pays, et de constater qu'il a fait l'abandon sans réserve de tout ce qu'il possédait au moment où il a été déclaré insolvable.

IX. Si un sujet de Son Altesse le Sultan de Mascate refuse ou élude le paiement d'une dette envers un Français, les autorités relevant de Son Altesse donneront au créancier toute aide et facilité pour recouvrer ce qui lui est dû ; et de même le Consul de France donnera toute assistance aux sujets de Son Altesse pour recouvrer les dettes qu'ils auront à réclamer des Français.

X. Le droit à percevoir sur les marchandises apportées par navires Français dans les États de Son Altesse le Sultan de Mascate n'excédera point 5 pour cent de la valeur ; et si les marchandises importées par quelque autre nation étaient admises à un droit inférieur, le bénéfice de cette réduction est garanti aux produits similaires importés par navires Français. Moyennant l'acquiescement de ce droit unique, les navires Français et leurs cargaisons seront affranchis de toutes taxes d'importation,

d'exportation, de tonnage, de licence, de pilotage, d'ancrage, et de toute autre taxe quelconque, soit à l'entrée, soit à la sortie. Il ne sera exigé aucun droit sur la partie de la cargaison qui ne sera point débarquée, et si ces marchandises sont ensuite transportées sur un autre point des États de Son Altesse le Sultan de Mascate, elles n'y seront soumises à aucun droit additionnel ou plus élevé. Après le paiement du droit ci-dessus mentionné, les marchandises pourront être vendues en gros ou en détail, sans acquitter de nouveaux droits.

Aucune taxe quelconque ne sera exigée des navires Français qui entreront dans les ports des États de Son Altesse le Sultan de Mascate pour se réparer, faire des vivres ou connaître l'état du marché.

Les navires Français jouiront de plein droit, dans les ports dépendant de Son Altesse le Sultan de Mascate, de tous privilèges et immunités accordés à ceux de la nation la plus favorisée.

XI. Aucun article quelconque de commerce ne sera prohibé, soit à l'importation, soit à l'exportation, dans les États de Son Altesse le Sultan de Mascate; le commerce y sera parfaitement libre et ne sera soumis qu'au seul droit d'importation autorisé par l'Article précédent et à aucun autre. Les Français auront l'entière liberté d'acheter, de vendre, à qui bon leur semblera, dans toute l'étendue des domaines de Son Altesse, et cette liberté ne pourra être entravée par aucun monopole ou privilège exclusif de vente ou d'achat.

Toutefois, la France s'abstiendra de faire le commerce de l'ivoire et de la gomme copale à la côte Orientale d'Afrique, depuis le port de Tangate, situé par 4° 30' latitude sud, jusqu'au port de Quiloa, situé par 7° au sud de l'équateur, ces 2 ports inclus, jusqu'à ce que l'Angleterre, ou les États-Unis d'Amérique, ou toute autre nation Chrétienne aient la faculté de s'y livrer.

XII. S'il s'élève quelque contestation sur la valeur des marchandises importées dans les États du Sultan de Mascate, et sur lesquelles le droit de 5 pour cent doit être perçu, la douane aura le droit de demander la vingtième partie des marchandises en nature au lieu du paiement de 5 pour cent, et le négociant sera tenu de livrer le vingtième ainsi réclamé, toutes les fois que la nature des marchandises rendra praticable ce mode de paiement; mais le négociant qui aura acquitté ce droit n'aura plus rien à payer à la douane pour les dix-neuf autres vingtièmes de ses marchandises, dans quelque partie des États de Son Altesse le Sultan de Mascate qu'il lui convienne de les transporter; si la douane se refuse à prélever le droit du vingtième, ou si les marchandises ne comportent point ce fractionnement, le point en litige sera soumis à 2 personnes compétentes, choisies, l'une par le Chef de la Douane, l'autre par le négociant, lesquelles évalueront les marchandises. Si les arbitres diffèrent d'opinion ils nom-

meront un tiers arbitre dont la décision sera définitive, et le droit sera prélevé d'après la valeur ainsi établie.

XIII. Il ne sera point permis à un négociant Français de mettre ses marchandises en vente pendant les 3 jours qui suivront leur arrivée, à moins qu'avant l'expiration de ce délai le négociant et le Chef de la Douane ne soient tombés d'accord sur la valeur des marchandises. Si, dans l'espace de ces 3 jours, le Chef de la Douane n'a point accepté l'un des deux moyens indiqués pour la perception du droit, les autorités dépendant de Son Altesse le Sultan de Mascate devront, sur la demande qui leur en sera faite, obliger la douane à adopter l'un ou l'autre de ces 2 modes.

XIV. Si Sa Majesté l'Empereur des Français ou Son Altesse le Sultan de Mascate se trouvaient en guerre avec un autre pays, les sujets Français et ceux de Son Altesse le Sultan pourraient, néanmoins, se rendre dans ce pays, en passant par les États respectifs des 2 Puissances, avec des marchandises de tout genre, excepté des munitions de guerre; mais ils ne pourront entrer dans aucun port ou place assiégée ou soumise à un blocus effectif.

XV. Si un navire Français en détresse entre dans un port dépendant de Son Altesse le Sultan de Mascate, les autorités locales lui donnent toutes facilités pour se réparer, se ravitailler et continuer son voyage.

Si un bâtiment sous pavillon Français fait naufrage sur les côtes des États de Son Altesse, les naufragés seront accueillis avec bienveillance et secours; les autorités locales donneront tous leurs soins au sauvetage, et les objets sauvés seront exactement remis aux propriétaires ou au Consul Français. La même assistance et la même protection sont assurées aux navires des sujets du Sultan de Mascate qui feraient naufrage sur les côtes de France.

XVI. Si des navires Français étaient pris par des pirates autres que des Chrétiens, et conduits dans les États de Son Altesse le Sultan de Mascate, l'équipage et les passagers de ces bâtiments seraient remis, ainsi que leurs cargaisons, entre les mains du Consul ou de l'Agent Consulaire de France.

XVII. Les Français auront la faculté de former, soit à Zanzibar, soit sur tout autre point des États de Son Altesse le Sultan de Mascate, des dépôts ou magasins d'approvisionnements de quelque nature que ce soit.

XVIII. Toute Convention négociée ou stipulée antérieurement au présent Traité est de nulle valeur.

XIX. La présente Convention sera ratifiée, et les Ratifications seront échangées à Mascate ou à Zanzibar aussitôt que possible, et, au plus tard, dans l'espace de 15 mois, à dater du jour de la signature.

Fait à Zanzibar, le 17 Novembre, 1844.

(L.S.) ROMAIN DESFOSSÉS.

(L.S.) SEID.

MANDONS et ORDONNONS qu'en conséquence les présentes lettres, revêtues du sceau de l'État, soient publiées partout où



besoin sera, et insérées au Bulletin des Lois, afin qu'elles soient notoires à tous et à chacun.

Notre Garde des Sceaux, Ministre Secrétaire d'État au Département de Justice et des Cultes, et notre Ministre Secrétaire d'État au Département des Affaires Étrangères, sont chargés, chacun en ce qui le concerne, de surveiller ladite publication.

Donné en notre Palais de Neuilly, le 22<sup>e</sup> jour du mois de Juillet de l'an 1846.

Par le Roi :

LOUIS-PHILIPPE

*Le Ministre et Secrétaire d'État au Département  
des Affaires Étrangères.*

GUIZOT.

NOTE.—French Consular Jurisdiction in Zanzibar was abolished in 1904. See Exchange of Notes  $\frac{13}{18}$  May, 1904.

**No. 9.**—*Agreement between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Highness Saeed 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.*—  
October 2, 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 engagements 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 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 Saeed 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 :

**ART. I.** 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.

II. 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.

III. 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 part 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 Kuyhoo Island, in  $1^{\circ} 57'$  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  $9^{\circ} 2'$  south latitude, including the Islands of Zanzibar, Bemba, and Monfea.

IV. This agreement to commence and have effect from the 1st day of January, 1847, of the year of Christ, and the 15th day of the month of Mohunum, 1263, of the Hejira.

Done at Zanzibar, this 2nd day of October, 1845, of the year of Christ, and 29th day of Ramzan, 1261, of the Hejira.

ATKINS HAMERTON,	SAEED SAEED BIN SULTAN,
<i>Captain, on behalf of Her Majesty</i>	<i>Imaum of Muscat.</i>
the Queen of Great Britain and	
Ireland, her heirs and successors.	

No. 10.—*PERMISSION for British Men-of-War to search for Slave Trading vessels in Muscat waters.*

*The Imaum of Muscat to Consul Hamerton.*

CONFIDING in the Almighty. May 6, 1850.

From the confiding slave of God's mercy, Saeed Ben Sultan.

To the dignified and exalted, and true friend, the kind and respected Major Hamerton, Her Majesty the Queen of England's Consul, may God preserve him, and render his times fortunate and happy.

Your excellent letter has reached, and your friend understood all you have mentioned, and with reference to the people of that quarter (place) from Sanga Manara to Tonghe, you say you wish permission for the ships of war of Her Majesty the Queen of England to enter the creeks, rivers, and harbours in which slaves are sold in violation of orders.

My dear friend, we and all belonging to us, even our countries, are at the disposal of Her Majesty, and should the men-of-war of Her Majesty the Queen of England require to enter the creeks rivers, and ports, we are willing they should enter; we object not; and all ships or vessels found in those places to whomsoever belonging, if engaged in the Slave Trade, may be seized, and all barracoons or places erected for carrying on the Slave Trade may be burned or destroyed. We have no wish to the contrary, of yours, and with respect to the Banyan we will send and have him seized. Whatever you require of us we are ready. The sign is with you.

Dated 23rd day of Jamadee-ul-Akhir, 1266 (May 6, 1850).

The humble and weak

FAKIR SAEED (with his own hand).

**No. 11.**—*TREATY of Amity, Commerce, and Navigation, between the Hanseatic Republics of Lubeck, Bremen, and Hamburg and Zanzibar.*\*—Signed at Zanzibar, June 13, 1859.

[Ratifications exchanged at Zanzibar, August 2, 1860.]

His Highness Seyed Magid Bin Seyed, 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, junr., Esq., a citizen of the Hanseatic Republic of Hamburg and actually residing in the city of Zanzibar, island of Zanzibar, and the Sultan of Zanzibar Seyed Magid Bin Seyed has resolved personally to carry on negotiation with the said Plenipotentiary. The Plenipotentiary of the above mentioned Hanseatic Republics having represented to His Highness the Sultan of Zanzibar, that he was vested with the requisite powers, the following Treaty has been concluded by the consent of both the High Contracting Parties.

**ART. I.** There shall be a perpetual peace and amity between the Hanseatic Republics of Lubeck, Bremen and Hamburg and His Highness Seyed Magid Bin Seyed, Sultan of Zanzibar.

\* Signed also in the Arabic language.

II. The citizens of the Hanseatic Republics of Lubeck, Bremen and Hamburg shall have free liberty to enter all the ports of the dominions of His Highness Seyed Magid Bin Seyed, 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 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.

III. 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 5 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, licences to trade, pilotage, anchorage or any 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 inquire into 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 being re-shipped either on board the said vessel or on board any other vessel, should the sea-damaged vessel be condemned.

IV. 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 on that part of the east coast of Africa from the port of Tangate, situated in about  $5\frac{1}{2}$  degrees of south latitude to the

port of Quali, laying in about 7 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.

V. 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 favoured nation and particularly pay no other duties on export or import, tonnage, licence to trade, or any other charge whatsoever, than the nation the most favoured shall pay.

VI. 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 Republic, or to any authorized 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 coasts of the Hanseatic Republics of Lubeck, Bremen, and Hamburg.

VII. 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.

VIII. If any citizen of the Hanseatic Republics of Lubeck, Bremen, and 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 the property restored to the owner, if he is present, or to the Consul of the before mentioned Hanseatic Republics, or to any authorized agent.

IX. 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, and

Hamburg shall pay no other or higher rate of duties or other charges than the nation the most favoured shall pay.

The subjects of His Highness the Sultan shall be permitted to reside and pursue commerce in all parts 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.

X. 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 favoured nations, and shall enjoy the same privileges, immunities and exemptions which are enjoyed within the same dominions by similar public functionaries of other countries.

XI. The Consuls of the Hanseatic Republics of Lubeck, Bremen, and Hamburg shall have the power to receive the property of the citizens of the 3 Hanseatic Republics dying within the dominions of His Highness the Sultan, and to send the same to their heirs, first paying all their debts to the subjects of His Highness the Sultan.

XII. 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 3 Hanseatic Republics, who shall administer justice thereupon; but if the citizen of the 3 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, then 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 in except in the presence of the Consul of the Hanseatic Republics of Lubeck, Bremen, and Hamburg, or of some person deputed by him.\*

XIII. 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 3 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

\* The exercise of this jurisdiction has ceased.

Hamburg shall use his endeavours to obtain for the benefit of the creditors all the property of the bankrupt, and to ascertain that every thing possessed by the bankrupt at the time when he became insolvent has been given up without reserve.

XIV. 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 3 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.

XV. 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 interest or that of his subjects and such Consuls shall enjoy the same rights, liberties and privileges, which the Consul of the most favoured nation shall enjoy.

XVI. The present Convention shall be ratified and the ratification 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 13th day of June, in the year 1859 of the Christian era, corresponding to the 11th day of the moon called Zilkad in the year of the Alhajra (Hegira) 1275.

For the Senates of the Hanseatic Republics of Lubeck, Bremen, and Hamburg.

(L.S.) WILLIAM HENRY O'SWALD, Jr.

(L.S.) SEYED MAGID BIN SEYED, *Sultan of Zanzibar.*

#### LORD CANNING'S AWARD.

**No. 12.**—*ARRANGEMENT for the Settlement of Differences between the Sultan of Muscat and the Sultan of Zanzibar and the Independence of their respective States.*—April 2, 1861; and *Correspondence relating thereto, May—August, 1861.*

**No. 1.**—*The Governor-General of India to the Sultan of Zanzibar.\**

BELOVED AND ESTEEMED FRIEND, *Fort William, April 2, 1861.*

I ADDRESS YOUR Highness on the subject of the unhappy differences which have arisen between yourself and your Highness's

\* A similar letter was addressed by the Governor-General of India to His Highness Syud Thowaynee Bin Saeed bin Sultan, of Muscat.

brother, the Imaum 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 inquiries. 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, &c.

CANNING.

*His Highness Syud, the Sultan of Zanzibar*  
Fort William, April 2, 1861.

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No. 2.—*The Sultan of Muscat to the Governor-General of India,*  
(Translation.) May 15, 1861.

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 between 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 in 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 lifetime 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.

(L.S.) THOWAYNEE BIN SAEED BIN SULTAN.

4th of Eb Kaada, 1277 ; 15th May, 1861.

*His Excellency Lord Canning.*

No. 3.—*The Sultan of Zanzibar to the Governor-General of India.*  
(Translation.) June 25, 1861.

After usual compliments.

My chief object in addressing this friendly letter to your Excellency is to inquire 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 the dispute which long existed between my self 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 war owns on account of arrears for the last two years.

bet<sup>r</sup> Considering me as a sincere friend, your Excellency will not, <sup>th</sup> I hope, forget me, and I will cheerfully execute any commissions which shall be entrusted to me by your Excellency.

MAJEED BIN SAEED.

Zilhej, A.H. 1267 ; 25th June, 1861.

His Excellency Lord Canning.

No. 4.--*The Sultan of Zanzibar to the British Consul at Zanzibar.*  
(Translation.) June 29, 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 (Javabel 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 lifetime 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 "Monsim" (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 "Daman" (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.

*Lieut.-Col. C. P. Rigby.*

No. 5.—*The Governor-General of India to the Sultan of Zanzibar.*

BELOVED AND ESTEEMED FRIEND, *August 22, 1861.*

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 Monsim and the second at the Daman.

I beg, &c.

*His Highness Syud bin Saeed.*

CANNING.

**No. 13.**—*DECLARATION between Great Britain and France, engaging reciprocally to respect the Independence of the Sultans of Muscat and Zanzibar.\*—Signed at Paris, March 10, 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 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.

In 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.) COWLEY.

(L.S.) E. THOUVENEL.

**No. 14.**—*TREATY between Great Britain and Zanzibar for the Suppression of the Slave Trade.—Signed at Zanzibar, June 5, 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 aforementioned, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:

ART. I. 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

\* Signed also in the French language.

-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 vessel 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 authorised for that purpose on the part of Her Majesty.

II. His Highness the Sultan engages that all public markets in his dominions for the buying and selling of imported slaves shall be entirely closed.

III. 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.

IV. 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.

V. 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.\*

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.

JOHN KIRK, *Political Agent, Zanzibar.*

The mean in God's sight,

NASIR-BIN-SAID-BIN-ABDALLAH.

(With his own hand.

The humble, the poor,

BARGASH-BIN-SAID.

With his own hand.

**No. 15.—DECLARATION of the Meaning of the Treaty of June 5, 1873, for the Suppression of the Slave Trade.**

*Dr. Kirk to Earl Granville.—(Received January 14, 1874.)*  
(Extract.) *Zanzibar, December 9, 1873.*

HAVING obtained permission from the Indian Government to proceed to Europe on temporary leave, I shall lose no time in

\* The Sultan of Zanzibar's ratification was attached to the original Treaty. That of Her Majesty was delivered to the Sultan in September, 1873.

placing in your Lordship's hands the original Declaration of Meaning of the Treaty of June 5, 1873, signed by the Sultan of Zanzibar.

*Earl Granville.*

JOHN KIRK.

In order to remove certain doubts regarding the actual meaning and operation of the provisions of the Treaty of the 5th June, 1873, for the suppression of the Slave Trade within the dominions of the Sultan of Zanzibar, in so far as these relate to slaves not for sale, but being conveyed by sea against their will: "It is provisionally agreed upon by His Highness Seyed Bargash, Sultan of Zanzibar, on the one part, and by John Kirk, Esq., Her Majesty's Political Agent and Consul-General on the other part, pending the gracious approval of Her Majesty the Queen of Great Britain and Ireland, as follows:

"That any Zanzibar vessel found carrying slaves, either as domestics or serving as sailors, against their will, but not for sale, shall, although liable to detention, no longer be destroyed or condemned; these slaves, shall, however, in all cases be freed by the British authorities, and the vessel and cargo released, His Highness the Sultan of Zanzibar hereby engaging to punish the offenders, the owner or owners, and captain.

"And, moreover, it is distinctly understood that nothing herein written shall in any way affect or alter what has been agreed upon regarding vessels in which slaves are conveyed for sale."

**No. 16.**—*TREATY between Great Britain and Zanzibar, supplementary to the Treaty for the Suppression of the Slave Trade of June 5, 1873.—Signed at London, July 14, 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 at 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 Honourable 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.;

And His Highness the Seyyid Barghash-bin-Said, Sultan of Zanzibar, Násir-bin-Said-bin-Abdallah ;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles :—

ART. I. 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.

II. All vessels found conveying slaves (other than domestic slaves in attendance on or in the discharge of legitimate business of their masters, or slaves *bonâ fide* employed in the navigation of the vessels) to or from any part of His Highness' 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.

III. 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 14th day of July, in the year of grace 1875.

(L.S.) DERBY.

(L.S.) NASIR-BIN-SAID-ABDALLAH.

This is ratified.

(L.S.) BARGHASH-BIN-SAID.

**No. 17.—TREATY of Commerce, Slave Trade, &c., between Portugal and Zanzibar.—Signed at Zanzibar, October 25, 1879.**

[Ratifications exchanged at Zanzibar, June 18, 1883.]

(Translation.)

His Majesty the King of Portugal and of the Algarves, and His Highness Sayyid Barghash bin Sa'eed bin Sultan bin Ahmed, Sultan of Zanzibar and its dependencies, being equally desirous of establishing by means of a solemn agreement the friendly relations which exist between their respective countries, territories, and people, have determined to negotiate with this object

a Treaty of Friendship and Commerce between the two countries, and for this purpose His Majesty the King of Portugal and of the Algarves has named as his Plenipotentiary Francisco Maria da Cunha, one of his Council, Knight of the Order of Aviz, Colonel of Artillery, and Governor-General of the Province of Mozambique; His Highness the Sultan of Zanzibar, Sayyid Barghash bin Sa'eed bin Sultan bin Ahmed, has named as his Plenipotentiary Mahomed bin Mahomed Bakusoomar; who, having exchanged their full powers, found to be in good and true form, have agreed upon the following Articles :—

ART. I. There shall be inviolable peace between His Majesty the King of Portugal and of the Algarves, his heirs and successors, and His Highness Sayyid Barghash bin Sa'eed bin Sultan bin Ahmed, Sultan of Zanzibar, his heirs and successors, throughout the whole extent of their dominions and territories, and between their respective subjects, without distinction of persons or places.

II. The subjects of His Majesty the King of Portugal shall have full liberty to enter all the harbours of the dominions of His Highness Sayyid Barghash bin Sa'eed bin Sultan bin Ahmed, Sultan of Zanzibar, with cargoes of any sort whatever, and shall have liberty to sell the same to any of the subjects of the Sultan, or to others who may wish to buy or exchange them for any products or manufactures of the country or other articles, with the exception of gunpowder and ammunition, or articles of war which may not be sold within the dominions of His Highness without his consent.

No fixed price shall be established by His Highness the Sultan in regard to the goods which may be sold to Portuguese merchants, or in respect of the goods which they may wish to sell, but trade shall be free on both sides, to sell, to buy, and to exchange, on the conditions and at the prices which the parties may think best; and on the subjects of His Majesty the King of Portugal desiring to leave, they shall have full liberty to do so; and should any of the authorities of His Highness the Sultan act contrary to the provisions of this Article, he shall be severely punished in conformity with the laws of their country.

III. Portuguese vessels entering the harbour of Zanzibar or any other harbour whatsoever in the dominions of His Highness the Sultan shall not pay more than 5 per cent. duty on the cargo landed, which shall be considered as an equivalent of all other duties of import, export, tonnage, permission, pilotage, anchorage or other tax whatsoever; they shall, nevertheless, be subject to any duty or increase of present duty so soon hereafter as such shall be paid by nations now holding Treaties with the State of His Highness through modifications in these same Treaties: they shall also enjoy any diminution in these same duties should such be conceded to any other nation.

They shall not pay any duty or impost on cargo that may remain



on board which is not sold and is re-exported ; moreover, a Portuguese ship entering the harbours of His Highness the Sultan for the purpose of repairs, obtaining provisions or information respecting the state of the market, shall not pay any impost whatever.

It is further agreed that, should any Portuguese vessel, after having been loaded in Zanzibar or other harbour in the dominions of His Highness the Sultan, or in a foreign port, be forced to enter again into any of the harbours of His Highness for the purpose of refitting, or to repair damage, and should require in this way to land cargo, she shall be allowed to do so without payment of any duty whatever, provided that it shall be re-embarked either on board the same or of another vessel, should the first one be condemned.

IV. His Highness the Sultan of Zanzibar binds himself not to allow the establishment of any monopoly or trade privilege in his dominions, unless in such articles as ivory and gum copal, in that part of the East Coast of Africa, from the harbour of Tanga which is in about  $4\frac{1}{2}^{\circ}$  latitude south, to the harbour of Quiloa, in about  $9^{\circ}$  south of the equator ; but in all other harbours and places in the dominions of His Highness the Sultan, there shall be no monopoly whatever, but Portuguese subjects shall have freedom to buy and sell to whomsoever they may please without being subject to any other duty whatever but the above mentioned.

V. Portuguese citizens shall enjoy all the advantages and privileges respectively of commerce and all others whatever which are or may be hereafter granted to the subjects or citizens of the most favoured nation, and especially they shall not pay any other duties of export or import, tonnage, licence, or other impost whatever other than those which the most favoured nation shall pay.

VI. Should a Portuguese vessel put into any of the harbours of the dominions of His Highness the Sultan of Zanzibar on account of damage, the local authorities shall render every necessary assistance in order that she may be repaired and proceed on her voyage, and if any Portuguese vessel is shipwrecked on the shores of the dominions of His Highness the Sultan, the authorities of His Highness shall lend every assistance in order to save and give over to the owners, or to the Portuguese Consul, or to any authorized agent, all that can be saved from such vessel ; the same help and protection shall be given in the like circumstances to ships of His Highness the Sultan of Zanzibar and in favour of goods saved in the harbours and on the shores of the Portuguese dominions.

VII. The subjects of Portugal who may be in any of the harbours of the dominions of Zanzibar for purposes of trade shall be permitted to land and reside in those harbours, as also to buy, sell, and lease lands and houses. Within the houses, magazines,

and other properties occupied by Portuguese, or by individuals in their service, none may enter without the permission of the Portuguese Consul; nevertheless, in the country estates or plantations ("shambas") the authorities of His Highness shall have power to proceed against his subjects and to arrest them, not interfering in so doing with those who may be in the service of Portuguese subjects.

VIII. Should any Portuguese subject, or ship, or goods belonging to them be taken by pirates, subjects of His Highness, and brought into his dominions, their persons shall be placed at liberty and the goods given to the owner should he be present, or to the Portuguese Consul or other authorized agent.

IX. Vessels of His Highness the Sultan of Zanzibar, or of his subjects, which may enter into any of the Portuguese harbours, shall not pay other or greater dues or imposts than are paid by the most favoured nation.

The subjects of His Highness the Sultan of Zanzibar shall be allowed to reside and trade in all the harbours of the dominions of His Majesty the King of Portugal, submitting themselves to the laws of the country, and shall enjoy the most complete protection of their persons and effects.

X. His Majesty the King of Portugal shall have power to nominate Consuls to reside in the principal ports of trade in the dominions of His Highness the Sultan of Zanzibar; these Consuls shall be always placed on the same footing as Consuls of the most favoured nation, and enjoy the same privileges, immunities, and exemptions as within the same dominions are granted to similar public functionaries of other countries.

XI. The Portuguese Consuls shall have authority to receive the goods of Portuguese citizens who may die within the dominions of His Highness the Sultan, and to remit the same to the heirs, paying in the first place the debts that may be due to the subjects of His Highness the Sultan.

XII. The authorities of His Highness the Sultan of Zanzibar shall not interfere in disputes between Portuguese, or between them and others, subjects of Christian nations.

In disputes between a subject of His Highness and a Portuguese, if the complaint shall be made by the former, it shall be dealt with by the Portuguese Consul, who shall give judgment; on the other hand, if the claim shall be made by a Portuguese subject against a subject of His Highness, or of any Mussulman Power, the cause shall be decided by the highest authority of His Highness the Sultan, or by some one named by him, the matter being for this purpose brought before the knowledge of His Highness by the Portuguese Consul. In the event of the case being judged by some one named by His Highness, it shall not be proceeded with unless in the presence of the Consul above referred to, or of some one named by him.

Should, however, a Portuguese subject be in the service of the Government of His Highness, and have previously given his subjection to the jurisdiction of the country and declared to this effect at the Portuguese Consulate, he shall be tried by His Highness in like manner as the subjects of His Highness in the service of the Portuguese Consulate shall be tried by that Consul.

XIII. Should a Portuguese become bankrupt within the dominions of His Highness the Sultan of Zanzibar, the Portuguese Consul shall take account of all the goods of the bankrupt and give them over to his creditors for division among them. This being done, the responsibility of the bankrupt shall cease towards his creditors, and he shall not be required to pay the deficit out of any goods which he may subsequently acquire; but the Portuguese Consul shall, in the interest of the creditors, make every endeavour to secure the delivery of all the goods which the bankrupt may possess without reserve at the time that he shall have been declared insolvent.

XIV. If a subject of His Highness the Sultan of Zanzibar shall refuse or evade payment of a debt due to a Portuguese, the authorities of His Highness shall render the creditor every help and facility in order that he may obtain what is due. In the same way the Portuguese Consul shall give all help to the subjects of His Highness in the recovery of debts which they may have to claim from Portuguese.

XV. His Highness the Sultan of Zanzibar shall have the power to nominate Consuls in the towns and harbours of the dominions of Portugal for the protection of his own interests and those of his subjects, and such Consuls shall enjoy the same rights, liberties, and privileges as may be granted to the Consuls of the most favoured nation.

XVI. The Traffic in Slaves shall not be allowed to the subjects of either of the High Contracting Parties within the dominions of the other. Whosoever may be found engaged in this Traffic shall be seized and given over to the authorities of the country to which he may belong for the purpose of being proceeded against in accordance with law, and the slaves who may have been bought shall be at once set free, it being incumbent on the authorities of the two countries to communicate to each other whatever may take place in this respect.

XVII. Subjects of the two High Contracting Parties shall enjoy the most perfect and complete liberty of conscience within the territories subject to the jurisdiction of each one of them, never being interfered with on account of religious belief, and, moreover, the bodies of the subjects of either of the High Contracting Parties who may die in the territories of the other may be buried in the customary cemeteries, or in any other appropriate and decent place, being protected from every violation or insult whatsoever.

XVIII. The present Treaty shall be ratified, and the ratifications exchanged in Zanzibar as soon as may be possible.

Executed in duplicate in the Island and City of Zanzibar on the 25th day of October, 1879.

(L.S.) FRANCISCO MARIA DA CUNHA, *Governor-General of Mozambique.*

Arabic signature of Zanzibar Plenipotentiary.

NOTE.—The Right of Jurisdiction acquired under this Treaty was surrendered by the Portuguese Government by Royal Decree of February 28, 1907.

**No. 18.**—*TREATY of Commerce between Italy and Zanzibar.*  
—Signed at Zanzibar, May 28, 1885. *Additional Article,*  
*October 10, 1885.*

[Ratifications exchanged at Zanzibar, October 10, 1885.]

(Translation.)

His Majesty Humbert I, King of Italy, and His Highness Saïd Barghash-bin-Saïd, Sultan of Zanzibar, being desirous of establishing between themselves friendly relations, in order to favour and promote the commerce existing between their dominions, have agreed to conclude a Treaty of Friendship and Commerce.

His Majesty the King of Italy has appointed as his Representative for this purpose Cavaliere Matteo Fecarotta, Captain of Frigate; and Captain Cavaliere Antonio Cecchi;

His Highness the Sultan of Zanzibar has appointed as his Representative his Secretary, Mohammed-bin-Salem-bin-Mohammed-el-Mauli;

Who, having exchanged the powers conferred upon them, have concluded the following Articles:—

ART. I. The subjects of His Highness the Sultan of Zanzibar shall enjoy full liberty to enter, reside, trade, and travel with their merchandize, both in Italy and in the Italian Colonies on the Red Sea; and the like liberty shall be accorded to the subjects of His Majesty the King of Italy within the dominions of His Highness the Sultan of Zanzibar.

The subjects of each of the two countries shall have the reciprocal right when they are in the other country to all the privileges and advantages with respect to commerce which are or may be accorded to the subjects of the most favoured nation.

II. The subjects of His Majesty the King of Italy shall be at liberty to buy, sell, or hire lands, houses, and magazines within the States of His Highness the Sultan of Zanzibar. No one may under any pretext enter the houses, magazines, or other property of Italians or of persons in their service without the consent of

No. 17A.—*DECLARATION respecting Nguru and Usagara—*  
*November 26, 1884.*

(Translation.)

SALIM-BIN-HAMED, for the last four years first Plenipotentiary of His Highness the Sultan of Zanzibar in Nguru, declares in presence of a number of competent witnesses, that the Sultan of Zanzibar possesses no rights of suzerainty or protection on the Continent of East Africa, especially not in Nguru and Usagara. He declares himself a friend of Dr. Peters, and promises to support the undertakings of the Society for German Colonization to the best of his ability. He solicits the friendship of Dr. Peters, representative of the Society of German Colonization, which is granted.

DR. KARL PETERS.

Signature of Salim-bin Hamed.

The preceding Declaration and statement having been previously communicated by Ramazan to Salim-bin-Hamed, has been legally and voluntarily executed by both sides.

This we certify.

Their

× MARABUS.  
 × HAMISL.  
 × ALI.  
 × SURURU.  
 × RAMAZAN.

GRAF PFEIL.  
 AUGUST OTTO.  
 DR. KARL JÜHLKE.

marks.

Mvomero, November 26, 1884.

the owner, unless this should be done with the intervention of the Consul of His Majesty the King of Italy.

Italians cannot under any pretext be detained against their will within the States of His Highness the Sultan of Zanzibar.

The subjects of His Highness the Sultan of Zanzibar shall enjoy within the States of His Majesty the King of Italy the same rights as are granted to Italians in this Article.

III. The subjects of His Highness the Sultan of Zanzibar who are in the service of Italians shall enjoy the same protection as is accorded to the latter. But if the subjects of His Highness shall be guilty of some crime or offence coming under the power of the law, they shall be expelled from the service of the Italians and handed over to the local authorities.

IV. His Majesty the King of Italy and His Highness the Sultan of Zanzibar shall have the reciprocal right of appointing Consuls or Consular Agents in their respective States, and these Consuls or Consular Agents shall enjoy the same privileges, immunities, and exceptions as are granted to those of the most favoured nation.

V. The authorities under His Highness the Sultan of Zanzibar shall never intervene in questions which may arise between Italian subjects, or between them and others of another Christian nation.

In differences between a subject of His Highness the Sultan of Zanzibar and an Italian, if the complaint is made by the former, the question shall be judged by the Consul of His Majesty the King of Italy ; but if the complaint is made by an Italian against one of the subjects of His Highness or of another Mussulman Power, the dispute shall be adjudicated by His Highness the Sultan of Zanzibar or by a person designated by him. In this case, however, the accused party shall not be proceeded against save in the presence of the Italian Consul or his substitute.

In lawsuits between an Italian and a subject of His Highness the Sultan of Zanzibar, the evidence of a person convicted of perjury in a previous action shall be rejected, whether the case is tried before the Italian Consul or before His Highness the Sultan or his representative.

VI. The property of an Italian dying within the dominions of His Highness the Sultan of Zanzibar, or of a subject of His Highness dying within the dominions of His Majesty the King of Italy, shall be remitted to the heirs or testamentary executors, or in default of them, to the Consuls or Consular Agents of the nation to which the deceased belonged.

VII. If an Italian becomes bankrupt within the States of His Highness the Sultan of Zanzibar, the Italian Consul shall have the right to take possession of the property of the bankrupt and hand it over to his creditors to be divided amongst them. By this process the bankrupt shall be understood to be exempted from all ulterior obligation towards his creditors ; and even when he shall

acquire new possessions thereafter, these can never be devoted to the completion of his payments.

It is well understood that the Italian Consul will use every means in his power to effect, in the interests of the creditors, the seizure of all property owned by the bankrupt in other countries and to establish the fact that at the moment when the bankrupt is declared insolvent he has given up without reserve all his possessions.

VIII. If a subject of His Highness the Sultan of Zanzibar refuses or seeks in any way to avoid payment of a debt contracted towards an Italian, the authorities under His Highness the Sultan shall afford the creditor all the assistance necessary for him to obtain that which is due to him; and on the other hand the Italian Consul shall give all his aid to subjects of His Highness the Sultan in obtaining payment of the debts due to them from an Italian.

IX. The subjects of His Majesty the King of Italy shall pay for their merchandize and vessels, both on entering and on leaving the ports of the Sultanate of Zanzibar, the taxes to which the subjects of the most favoured nation are liable.

In the same way vessels belonging to His Highness the Sultan of Zanzibar or to his subjects shall be bound to pay on entering the ports of the Kingdom of Italy the same duties to which the most favoured nation is liable.

On these conditions being observed the goods may be sold either by wholesale or retail.

No payment can be exacted from Italian vessels entering the ports of the Sultanate of Zanzibar for the purpose of repairs, for victualling, or for obtaining information as to local commerce.

Italian vessels will further enjoy in the ports belonging to the Sultanate of Zanzibar all the privileges, rights and immunities granted to those of the most favoured nation.

The same holds good for the vessels of His Highness the Sultan of Zanzibar in Italian ports.

X. Within the dominions of His Highness the Sultan of Zanzibar no article of commerce shall be forbidden either for importation or exportation. Commerce shall be perfectly free, and shall be subject to no duties excepting those contained in Article IX.

Italians shall have full liberty of buying, selling, and making contracts with whom they please in all the dominions of His Highness the Sultan of Zanzibar; this freedom can never be hampered by any monopoly or exclusive privilege of buying or selling.

The same freedom of commerce will be granted to the subjects of His Highness the Sultan of Zanzibar in the Kingdom of Italy.

XI. If questions arise as to the value of goods imported by Italian subjects into the State of His Highness the Sultan of Zanzibar on which customs duties are to be levied, these questions

will be solved according to the regulations existing for the most favoured nation.

XII. If an Italian vessel is forced by bad weather to anchor in one of the ports of the Sultanate of Zanzibar, the local authorities will afford her aid in order that she may repair, revictual, and continue her voyage as quickly as possible.

If a vessel under the Italian flag be shipwrecked upon the coasts of the States of His Highness the Sultan of Zanzibar, the shipwrecked persons shall be received, maintained and succoured by the local authorities, who shall likewise afford their good offices for the salvage of the articles and merchandize of the shipwrecked vessel. These articles and merchandize shall be given up entire to their respective owners or to the Italian Consul.

The like aid and protection is guaranteed to the ships of the subjects of His Highness the Sultan of Zanzibar which may be wrecked on the coasts of the States of His Majesty the King of Italy.

XIII. If an Italian vessel leaving one of the ports belonging to His Highness the Sultan of Zanzibar is constrained to return thither to repair damages suffered on the voyage on account of bad weather or any accident at sea, it may land and re-embark its merchandize after making repairs without being subjected to any payment of duties.

The same holds good for the vessels of the subjects of His Highness the Sultan of Zanzibar in the ports of Italy.

XIV. The subjects of His Majesty the King of Italy may establish at any point of the dominions of His Highness the Sultan of Zanzibar depôts or magazines of provisions of every kind. The same will be permitted to the subjects of His Highness the Sultan of Zanzibar.

XV. The present Treaty shall be ratified, and the ratifications shall be exchanged at Zanzibar as soon as possible.

In faith of which the Representatives of His Majesty the King of Italy and of His Highness the Sultan of Zanzibar have signed, under reserve of the approval of His Majesty the King of Italy.

Done at Zanzibar, the 28th May, 1885, corresponding to the 14th Sciaabban of the year 1302 of the Hegira.

(L.S.) MATTEO FECAROTTA, *Captain of Frigate.*

(L.S.) ANTONIO CECCHI, *Captain.*

(L.S.) Signature of Zanzibar Plenipotentiary.

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*ADDITIONAL ARTICLE.—Zanzibar, October 10, 1885.*

In the act of proceeding, with the reserve of the approval of the Italian Parliament,\* to the ratification of the Treaty of

\* Approved by the Chamber of Deputies, November 30, 1886; and by the Senate, December 21, 1886. For cessation of Italian Consular Jurisdiction in Zanzibar, see Exchange of Notes,  $\frac{5}{2}$  July, 1905.



Commerce concluded the 28th May, 1885 (14th Sciaabban of the year 1302 of the Hegira) between His Majesty Humbert I, King of Italy, and His Highness Saïd Barghash, Sultan of Zanzibar, the undersigned Plenipotentiaries have stipulated and agreed upon the following Additional Article, which will be understood to form an integral part of the said Treaty :—

*Additional Article.*—In order that no doubt may remain as to the value and signification of any of the clauses of the Treaty stipulated at Zanzibar between the Kingdom of Italy and the Sultanate of Zanzibar, and signed there on the 28th May, 1885 (14th Sciaabban of the year 1302 of the Hegira), it is expressly understood and agreed that the entire Treaty, and particularly Articles II, VII, and X, are to be interpreted and applied in as far as concerns Italian subjects and Italian territory subject to the precise observance of the laws in force in the kingdom.

In faith of which the Undersigned have signed the present Additional Article and sealed the same with their seals.

Done at Zanzibar the 10th October, 1885 (1st Moharrem of the year 1303 of the Hegira).

(L.S.) MATTEO FECAROTTA, *Captain of Frigate.*

(L.S.) ANTONIO CECCHI, *Captain.*

(L.S.) Signature of Zanzibar Plenipotentiary.

**No. 19.**—*CONVENTION PROVISOIRE d'Établissement, de Commerce, et de Navigation entre la Belgique et le Zanzibar.*—Signée à Zanzibar, le 30 Mai, 1885.

[Ratifications échangées à Zanzibar, le 15 Octobre, 1886.]

SA Majesté le Roi des Belges et Sa Hautesse le Seyd Bargachbin-Saïd, Sultan de Zanzibar, désirant régler provisoirement les relations commerciales entre les deux pays pendant la période de temps nécessaire pour la négociation et la conclusion d'un Traité de Commerce, ont résolu de signer à cet effet une Convention Provisoire de durée illimitée, et ont nommé pour leurs Plenipotentiaries respectifs :

Sa Majesté le Roi des Belges, le Sieur Jean van der Elst, son Consul à Zanzibar ;

Et Sa Hautesse le Sultan de Zanzibar, Mohamed-bin-Sâlimbin-Mohamed Mâouli, son Premier Secrétaire ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Belges jouiront, dans les États du Sultan, du traitement de la nation la plus favorisée sous le rapport de con-

merce et sous tous les autres rapports ; ils n'auront à payer, pour leurs marchandises et leurs navires, à l'importation et à l'exportation, que les droits auxquels seront assujettis les sujets de la nation la plus favorisée.

Les navires appartenant à Sa Hautesse le Sultan de Zanzibar ou à ses sujets ne payeront pas, à l'entrée dans les ports Belges, des droits autres ou plus élevés que ceux dont seront frappés les navires de la nation la plus favorisée. Il sera permis aux sujets du Sultan de résider et de faire le commerce dans les États de Sa Majesté le Roi des Belges en se soumettant aux lois du pays ; ils y jouiront de la plus complète protection quant à leurs personnes et leurs biens.

II. Sa Majesté le Roi des Belges pourra nommer des Consuls dans les États de Sa Hautesse le Sultan de Zanzibar. Ces Consuls seront traités sur le même pied et jouiront des mêmes privilèges, immunités, et exemptions que ceux de la nation la plus favorisée.

Sa Hautesse le Sultan de Zanzibar aura le droit de nommer des Consuls en Belgique pour la protection de ses propres intérêts et de ceux de ses sujets. Ces Consuls y jouiront des mêmes droits, immunités, et privilèges que ceux de la nation la plus favorisée à cet égard.

III. Le présent arrangement provisoire restera en vigueur jusqu'à la conclusion d'un Traité de Commerce définitif.

IV. Le présent arrangement sera ratifié et les ratifications en seront échangées à Zanzibar dans le plus bref délai possible.

En foi de quoi il a été signé au Palais de Zanzibar, le 30<sup>e</sup> jour du mois de Mai de l'an 1885, correspondant au 15<sup>e</sup> jour du mois de Chaaban, de l'an 1302 de l'Hegire.

(L.S.) JEAN VAN DER ELST.

(L.S.) MOHAMED-BIN-SÂLIM-BIN-  
MOHAMED MAÛLLI.

NOTE.—Belgian Consular Jurisdiction in Zanzibar was surrendered under notes exchanged between the British and Belgian Governments, May  $\frac{7}{13}$ , 1907.

**No. 20.**—*TREATY of Friendship, Commerce, and Navigation, between Germany and Zanzibar.*—Signed at Zanzibar, December 20, 1885.

[Ratifications exchanged at Zanzibar, July 5, 1886.]

His Majesty the German Emperor, King of Prussia, and His Highness Seyyid Barghash ben Said, 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 and shipping relations, have resolved to conclude a Treaty for this purpose and appointed as their Plenipotentiaries :

His Majesty the German Emperor, King of Prussia, Rear-Admiral Ernst Wilhelm Heinrich Hugo Eduard Knorr ; and

His Highness the Sultan of Zanzibar, his Chief-Secretary Mohamed-ben-Salem-ben-Mohamed ;

Who, having communicated to each other their respective full powers, found in good and true form, have concluded, subject to ratification, the following Treaty of Amity, Trade, and Navigation :—

ART. I. There shall be perpetual peace and sincere friendship between the High Contracting Parties and their subjects.

II. Subjects of His Majesty the German Emperor shall enjoy 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, and advantages 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 same rights shall also be accorded to subjects of His Highness the Sultan of Zanzibar within the territory of the German Empire.

III. The High Contracting Parties acknowledge reciprocally the right of appointing Consuls to reside in each other's dominions, wherever this may be deemed to be desirable in the interest of commerce or otherwise. The Consuls of the High Contracting Parties, together with their assistants and those in their service, shall enjoy with regard to their persons, 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 Consuls and Consular officers of the most favoured nation.

In event of a riot or other disturbance of the public peace, the Consuls at their request shall be provided with a guard, in order to guarantee their safety and the inviolability of the Consular office and dwelling.

IV. There shall be full and perfect freedom of commerce and navigation between the High Contracting Parties. Their subjects shall each, throughout the dominions of the other, be authorized to enter all ports, creeks, and rivers, with their ships and cargoes ; also to travel, stay, and reside, pursue commerce and trade, whether wholesale or retail, in each other's dominions ; also therein to hire, purchase, and possess houses, warehouses, shops, and stores.

They shall everywhere be permitted freely to bargain for, buy, barter, and sell all kinds of goods, and to do so either personally or through the agency of any person they may choose for this purpose; they shall likewise be free to stipulate the price of all such goods, chattels, wares, and other objects, whether intended for sale within the dominions of His Highness or for export, without interference of any sort on the part of the authorities of His Highness.

His Highness the Sultan of Zanzibar binds himself especially not to allow or recognize the establishment of any monopoly or exclusive privilege of trade within his dominions.

V. Subjects of His Majesty the German Emperor shall be permitted throughout the dominions of His Highness the Sultan to acquire by gift, rent, purchase, or any other agreement with the owner, as well as by intestate succession, under will or in any other legal manner, property of every description, whether movable or immovable, to possess the same and freely dispose thereof by sale, barter, donation, last will or otherwise, as they think fit.

VI. 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 merchandize and inland produce, the following Regulations contained in Articles VII, VIII, IX, X, XI, XII, and XIII have been agreed upon.

VII. 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 within the dominions of His Highness in the islands or on the coast of the mainland of Africa, without distinction, whether these goods and merchandize are intended for local consumption or for transmission elsewhere in bulk or otherwise.

On payment of this duty, which is to be paid at that port in His Highness' dominions where the goods are first landed, such goods shall thereafter be exempt within the whole of the Zanzibar dominions, once for all, from all other customs duties or taxes of the Government of His Highness the Sultan, of whatever kind they may be and by whatever names they may be designated, and without distinction whether those goods remain in the state in which they are imported, or have been afterwards manufactured, and whether they remain where first landed or are transported elsewhere.

His Highness shall further be permitted—and this shall be the only exception to the general maximum duty of 5 per cent. *ad valorem* on imports as above agreed upon—to levy a duty of entry not exceeding 25 per cent. *ad valorem* on spirits and all kinds of spirituous liquors, imported from abroad into the dominions of His Highness and containing 20 per cent. or more of

volume of alcohol. All other spirituous beverages containing less than 20 per cent. of volume of alcohol, such as beers and wines, shall pay only the general maximum duty of entry of 5 per cent. *ad valorem*.

There shall, however, be exempted from payment of any import 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 His Highness' custom-houses to await the arrival of a vessel in which to be reshipped abroad. But goods and merchandize so landed shall be exempted from the payment of the import duty only, provided that the consignee or his agent shall have, on the arrival of the ship, declared the goods as landed for transshipment and designated to the Customs authorities the foreign port of destination of such goods, and shall have at the same time handed over the said goods to be kept under customs seal, and also provided that the said goods are actually shipped for the foreign port of destination as originally declared, within a period not exceeding six months after the first landing and without the goods having in the interval changed owners.

2. All goods and merchandize which, not being intended for the dominions of His Highness the Sultan, have been inadvertently landed from any vessel, provided that such goods and merchandize are reshipped on board of the same vessel and therein transported abroad.

Should, however, such goods and merchandize have been previously opened or removed out of the possession or custody of the Customs authorities, the stipulated import duty shall be payable on the same.

3. 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 been delayed, in any other.

4. Coals, provisions, naval stores, and fittings which the Imperial German Government may land in the dominions of His Highness the Sultan for the use of German ships of war and which are employed accordingly.

5. Machines and implements for agricultural purposes, as well as all material destined for the construction of roads, tramways, or railroads, and the management of the same, and generally all means of conveyance, certified by the attestation of a German Consular officer, resident in the Zanzibar dominions, to be destined for countries under His Majesty the German Emperor's Protectorate.

VIII. His Highness the Sultan is further permitted to levy a special duty on such merchandize and native produce, and on

no others, as are entered in the annexed Tariff, but only to the amount of percentage on the value of the goods and produce therein stated against each article respectively.

The payment of this special duty to be levied by and on behalf of His Highness the Sultan shall be made (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, and no distinction shall be made, whether the said goods and native produce come from the dominions of His Highness the Sultan or from districts of the African Continent beyond His Highness' frontiers.

But if the special duty on goods and native produce above referred to has once been paid, the latter, whether in a raw or manufactured state, shall not be again taxed with any other duties or imposts levied by or on behalf of the Government of His Highness the Sultan, but may thereafter be reloaded free elsewhere, at any port in the dominions of His Highness, and be exported without further charge, always provided that they have not previously been manufactured in a foreign country.

The High Contracting Parties reserve to themselves the right to claim a revision of the annexed Special Tariff, after a term of five years, to commence from the day of the exchange of the ratifications of this Treaty, in order to allow of such alterations, additions, or amendments being made as experience may have shown to be necessary or desirable.

IX. It is fully understood by the High Contracting Parties that in lieu of, and as equivalent for, the special duties referred to in the preceding Article VIII, to be now levied on behalf of His Highness the Sultan in accordance with the Tariff hereto annexed, there shall henceforth cease and be abolished the following, namely:—

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, and the taxes until now charged on these articles as monopoly taxes.

2.—(a.) The duty of 5 per cent. *ad valorem* or in kind which His Highness the Sultan until now has levied on goods and produce of his own dominions and of the interior of Africa at the first port to which such goods have been brought.

(b.) The special taxes which His Highness, in addition to the duty mentioned *sub* (a), has levied until now under the denomination of native taxes on certain goods and produce.

It is further understood by the High Contracting Parties—

(a.) That all such goods, merchandize, and produce, brought by land from districts of the African Continent to the west of the dominions of His Highness, as are not included in the Special Tariff shall on entering and leaving the dominions of His Highness be free from all duties, taxes, and customs of His Highness' Government.

(b.) That German subjects are liable to be taxed by or on behalf of His Highness the Sultan or his authorities with only such duties, customs, or taxes, be it for their person or their property, as is provided in the foregoing Articles VII and VIII.

X. It is, however, agreed and understood by the High Contracting Parties, that in the event of an Agreement being hereafter entered into between His Highness and the Powers having Treaty relations with Zanzibar, whereby vessels entering the port of Zanzibar shall be charged with tonnage or harbour dues, such dues to be administered under the control of a special Board exclusively for the improvement of the harbour and anchorage, the building and maintaining of lighthouses, &c., the last clause of the preceding Article shall not be construed so as to exempt German vessels from payment of such harbour or tonnage dues as may with the consent of the German Government hereafter be agreed upon.

XI. It shall be at the option of the German subject in each case to pay the percentage duties stipulated in Articles VII and VIII either in cash, or, if the nature of the goods allow of it in kind.

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 case of foreign imports the value shall be fixed according to the ready-money market price at the time ruling at Zanzibar.

In the event of any dispute arising between a German subject and the custom-house authorities regarding the value of goods on which duty is to be levied, 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.

XII. All questions respecting goods in transit by land or river, and the Customs regulations thereon are reserved to future and special negotiations between His Highness the Sultan and the Government of His Majesty the German Emperor in conjunction with the other Signatory Powers of the Congo Conference, as the case may be.

His Highness the Sultan, however, now engages by the present Treaty to provide and give orders to his officials that the transport of goods in transit, whether entering, leaving, or within the dominions of His Highness, shall not unnecessarily be obstructed or in any way delayed, especially not in a vexatious manner by unnecessary Customs formalities and regulations.

His Highness the Sultan of Zanzibar will further see that a custom-house building, answering all requirements of commerce, be erected at Zanzibar, with stores secure and safe against fire, decay, or theft, for the protection of the goods placed therein.

The conditions under which goods so kept shall be stored, and the charges to be made on account thereof, shall be subject to future agreement between His Highness the Sultan and the Representatives of the Powers having Treaty relations with Zanzibar.

XIII. Should a German subject be concerned in a contravention against the Customs and Tariff Regulations stipulated in this Treaty, the competent German Consular authority, on due notice having been given by the Customs authorities, shall examine and deal with the case, punishing such subject, if found guilty. The fines which may thus be pronounced by the German Consular authorities, as well as the goods or merchandize which thus may have been ordered to be confiscated, shall be handed over to the Government of His Highness the Sultan.

XIV. German 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 refit and proceed on their voyage.

Should a German ship be wrecked off the coast of the mainland or on one of the islands of His Highness' dominions, the nearest authorities of His Highness shall, as soon as they receive information thereof, render all assistance in their power, subject always to rights of salvage, 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 German Consulate; they shall further take every possible care that the goods and cargo so recovered be secured and afterwards handed over to the owner, captain, agent of the ship, or to the German Consul or his representative.

The said authorities shall further see that the nearest German Consulate is informed at once of such disaster having occurred.

Should a German vessel wrecked off the coast or islands of the Sultanate of Zanzibar be plundered, the authorities of His Highness shall, as soon as they come to know thereof, render prompt assistance without delay and take measures to pursue and punish the robbers and recover the stolen property which may have been brought into the dominions of His Highness.

If a ship of His Highness the Sultan of Zanzibar or of one of his subjects enter a German port in distress, or be wrecked off the German coast, the like help and assistance shall be rendered by the German authorities.

XV. Should sailors or others on board of a German ship of war or merchant-vessel desert, the authorities of His Highness the Sultan of Zanzibar shall, upon request of the German Consular official, or, in the absence of such, of the captain of the ship, take the necessary steps in order to arrest the deserters and deliver them over to the Consular official or to the captain.

Likewise the authorities of His Highness the Sultan may apply in case of men deserting from ships belonging to His Highness the Sultan or one of His Highness' subjects, and who have



taken refuge on board of a German vessel or in the house of a German subject, to the German Consular official, or there being none, to the captain or occupant of such house, who, unless there is reason to the contrary, shall take the necessary steps for the purpose of enabling the Sultan's authorities to recover the deserter.

XVI. Subjects of His Majesty the German Emperor shall enjoy within the dominions of His Highness the Sultan of Zanzibar the rights of extraterritoriality.\*

The authorities of His Highness the Sultan have no right to interfere in disputes between German subjects amongst themselves or between them and members of other Christian nations; such disputes, whether of a civil or criminal nature, shall be decided by the competent Consular authorities. The trial and punishment of all crimes and offences, punishable by law, of which German subjects within the dominions of His Highness the Sultan may be accused, shall be removed from the jurisdiction of the authorities of His Highness the Sultan, and are expressly reserved to the German Consular authorities.

Should disputes arise between a subject of His Highness the Sultan or other non-Christian Power not represented by Consuls at Zanzibar, and a German subject, in which the German subject is the plaintiff, 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 German Consul, or his substitute, to attend the same in person or by a person delegated by him for this purpose.

If, on the contrary, a German subject should appear in such a dispute as the defendant, the matter shall be brought before the competent German Consular authority and be decided by the Consul, or by a Consular Court, as the case may be. At the request of the German Consular authority, the Government of His Highness the Sultan shall place police assistance at the disposal of the former, to assist in effecting arrests, or in the execution of other official duties.

XVII. Subjects of His Highness the Sultan or any non-Christian nation, not represented by Consuls at Zanzibar, who are in the regular service of German subjects, within the dominions of His Highness the Sultan of Zanzibar, shall enjoy the same protection as German subjects themselves. But should they be charged with having committed a crime or a serious offence punishable by law, they shall, on sufficient evidence being shown, be handed over by their German employers or by order of the German Consulate to the authorities of His Highness the Sultan for trial and punishment, and shall for this purpose be dismissed from the service of the German subjects.

\* Germany's exercise of Extraterritorial Jurisdiction was surrendered with reservations in 1907. (See page 101.)

XVIII. Should a German subject residing in the dominions of His Highness the Sultan of Zanzibar become bankrupt, the German Consul shall seize, recover, and realise all available property and assets of such bankrupt to be dealt with and distributed according to the provisions of the German Bankruptcy Law.

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

XX. Should a German subject die leaving property within the dominions of His Highness the Sultan of Zanzibar, the German Consul shall be authorized to collect, realize, and take possession of the estate of the deceased, to be dealt with according to the provisions of the German law.

XXI. The houses, dwellings, warehouses and other premises of German 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 by officials or functionaries of His Highness the Sultan without the consent of the occupier, unless with the cognizance and assistance of the German Consul or his substitute.

XXII. Subjects of the High Contracting Parties shall, within the dominions of the other, enjoy freedom of conscience and religious toleration.

The free and public exercise of all forms of Divine worship, 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 the objects of special protection of the High Contracting Parties.

XXIII. It is further understood by the High Contracting Parties that, in the event of an agreement being hereafter arrived at between His Highness and the Powers which now or hereafter may have Treaty relations with Zanzibar, whereby the residents of a certain town or district shall, without distinction of nationality, be subjected to the payment of taxes for municipal or sanitary purposes exclusively, the same to be fixed and administered under the supervision and control of a special Board, the last clause of Article IX of this Treaty shall not be construed so as to exempt German subjects from being liable to the payment of such local taxes, to the introduction of which the Imperial German Government, being a party of such eventual agreement, may have given its consent.

XXIV. The present Treaty has been made out in six copies two of which are written in the German, two in the Arabic, and two in the English language.

All these copies have the same sense and meaning; should, however, differences hereafter arise as to the proper interpretation of the German and Arabic text of one or other of the Treaty stipulations, the English copy shall be considered decisive. The present Treaty shall be ratified, and the ratifications exchanged at Zanzibar as soon as possible. The Treaty shall come into operation on the 19th August, 1886, or, if the exchange of the ratifications by any reason whatever has been delayed until after that date, then a fortnight after such exchange shall have been made.

After the expiration of 15 years, to commence from the day of the ratification of this Treaty, it shall be competent for the High Contracting Parties to move for a revision of the present Treaty, in order to allow of such alterations, additions, or amendments being made as experience may have shown to be necessary or desirable.

Such a motion must, however, be notified one year previous to the expiration of the present Treaty, otherwise the Treaty will be considered as tacitly prolonged for a further term of 10 years.

In faith whereof the respective Plenipotentiaries have signed this Treaty, and have affixed thereto their seals.

Done at Zanzibar, the 20th day of December, in the year of Our Lord 1885, corresponding with the 13th Rabea-el-Awal, 1303, of the Hidjerat.

(L.S.) KNORR.

(L.S.) Signature of Zanzibar Plenipotentiary.

TARIFF of the special duties referred to in Article VIII and elsewhere in this 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' dominions either from his own territories or from districts on the African Continent, which lie beyond.

1	Ivory ....	<i>Ad valorem</i> ...	15 per cent.
2	Copal ....	"	15 "
3	India-rubber ....	"	15 "
4	Cloves (the produce of the Island of Zanzibar included) ....	"	30 "
5	Simsim ....	"	12 "
6	Orchella-weed—		
	Coming from the districts between Kismayu and Worsheikh, both ports included ....	"	5 "
	From all other districts ....	"	10 "

7	Ebony	.....	<i>Ad valorem</i> .....	5 per cent.
8	Borties (poles and rafters)	.....	"	10 "
9	All kinds of native tobacco	.....	"	25 "
10	Hides	.....	"	10 "
11	Rhinoceros horns and hippopotamus teeth	.....	"	10 "
12	Tortoise-shell	.....	"	10 "
13	Cowry-shells	.....	"	5 "
14	Chillies	.....	"	10 "
15	Ground-nuts	.....	"	12 "
16	Indian corn, Caffre corn, Mawele, lentils, as also similar grains and legumes not otherwise named and provided for in this Tariff	.....	Per gizla*	Dol. c. 0 35
17	Rice, in husk	.....	"	0 25
18	Chiroko	.....	"	1 10
	Camels	.....	Per head	2 00
19	Horses	.....	"	10 00
	Cattle	.....	"	1 00
	Sheep and goats	.....	"	0 25

\* The gizla measure shall contain 360 lbs. weight of Caffre corn.

### EXPLANATORY NOTES.

It is fully understood by the High Contracting Parties—

1. That all kinds of merchandize and produce originating from the Sultanate of Zanzibar or from the territories to the west of the coast dependencies on the mainland of Africa, which are not mentioned in this Tariff, are and shall remain free of any duty.

2. That merchandize and produce included in the special Tariff, if imported by sea from a foreign port into the dominions of His Highness the Sultan, shall be liable to pay only the import duty provided for in Article VII of this Treaty.

3. That the duties and taxes on produce of estates held by foreigners within the dominions of His Highness the Sultan of Zanzibar, previous to the conclusion of the present Treaty, shall in no way be affected by any of the provisions of the present Treaty.

KNORR.

Signature of the Zanzibar Plenipotentiary.

**No. 21.**—*TREATY of Friendship, Commerce, and Navigation between Great Britain and Zanzibar.*—Signed at Zanzibar April 30, 1886.

[Ratifications exchanged at Zanzibar, August 17, 1886.]

(English text.)

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Highness the Seyyid Barghash-bin-Saeed, 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 Mohammed-bin-Salim-bin-Mohammed-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 :—

ART. I. There shall be perpetual peace and amity between the two High Contracting Parties and their subjects.

II. 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.

III. 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 interests 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.

IV. 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.

V. 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.

VI. 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 VII, VIII, IX, X, XI, and XII have been agreed upon.

VII. 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' 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 for 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 con-

veyance certified by the attestation of a British Consular officer resident in Zanzibar dominions to be destined for countries inland and west of His Highness' dominions.

VIII. 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' 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 reloaded 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 alterations, additions, or amendments being made as experience may have shown to be necessary or desirable.

IX. It is fully understood by the High Contracting Parties that the special duties referred to in Article VIII 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' 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' 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 VII and VIII, whether for their persons, houses, lands or goods.

X. 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.

XI. It shall be at the option of the British subject in each case to pay the percentage duties stipulated in Articles VII and VIII 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.

XII. 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.

XIII. 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' 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' 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.

XIV. 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' 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.

XV. 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 inquire 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.

XVI. 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.

XVII. 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.

XVIII. 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.

XIX. 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.

XX. 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.

XXI. 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.

XXII. 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.

XXIII. 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.

XXIV. 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.

XXV. 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.

XXVI. The present Treaty shall remain in force for a period of 15 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.

XXVII. 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 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' dominions, whether from his own territories or from districts on the African Continent which lie beyond.

1	Ivory	.....	<i>Ad valorem</i> .....	15 per cent.
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 "
8	Borties (Zanzibar poles and rafters)	.....	"	10 "
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 "
16	Indian corn, Caffre corn, Mawele, lentils,			
	and all other similar grains and			
	legumes	.....	Per gizla*	Dol. c. 0 35
17	Rice, in husk	.....	"	0 25
18	Chiroko	.....	"	1 10
	Camels	.....	Per head	2 00
19	Horses	.....	"	10 00
	Cattle	.....	"	1 00
	Sheep and goats	.....	"	0 25

\* This shall be a measure containing 360 lbs. weight of Caffre corn.

#### 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' 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.

JOHN KIRK.  
Signature in Arabic.

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**No. 22.**—*DECLARATION of the Sultan of Zanzibar, reducing the Duty on Native Tobacco, pending the duration of the Treaties with Germany and Great Britain.—Zanzibar, May 21, 1886.*

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(Traduction.)

EN vu de faciliter à la culture du tabac destiné à l'exportation de se développer dans l'intérieur de l'Afrique, Sa Hautesse le Sultan, se rendant au désir exprimé à ce sujet par le Gouvernement de Sa Majesté l'Empereur d'Allemagne, déclare diminuer pour la durée des Traités conclus avec l'Allemagne et la Grande-Bretagne de 25 à 5 pour cent les droits du Tarif spécial annexé aux dits Traités au No. 9, relativement à toute espèce de tabac indigène; et Sa Hautesse est prête à donner aux chefs de Douanes les ordres nécessaires pour assurer l'exécution de cet engagement.  
Zanzibar, le 21 Mai, 1886.

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**No. 23.**—*PROCÈS-VERBAL, containing the unanimous opinions of the Delegates of Great Britain, France, and Germany, with reference to the Maritime, Littoral, and Continental Possessions of the Sultan of Zanzibar.—Zanzibar, June 9, 1886.*

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(Translation.)

THE Delegates of the three Powers\* declare by these presents that they unanimously recognize the sovereign rights of His Highness the Sultan of Zanzibar at the points mentioned below.

N.B.—The Commission has adopted as measure for distance the geographical mile of sixty to the degree.

\* Great Britain, France, and Germany. Lt.-Col. Kitchener (now Lord Kitchener of Khartoum) was appointed British Commissioner on the 17th October, 1885. For instructions given to him by the Marquess of Salisbury, see Par. Pap. "Zanzibar, No. 3 (1817)," p. 73. This "Procès-Verbal" was accepted by the British and German Governments by an Exchange of Notes, dated 29th October and 1st November, 1886; and by the Sultan of Zanzibar, by an Exchange of Notes, dated 3rd and 4th December, 1886. On the

*Islands of Zanzibar and Pemba.*

1. The Islands of Zanzibar and of Pemba, and the small islands which are geographically dependent upon them, that is to say, those lying within a radius of 12 miles round the said islands.

*Coast and neighbouring Territories.*

2. As regards the coast and the neighbouring territories, extending from the southern frontier and running northwards.

*Minengani and Tunghi.*

Minengani and Tunghi: The southern frontier of the State of the Sultan may be defined by a line which, following the Minengani River for a distance of 5 miles, would continue on the line of latitude until it touched the right bank of the Rovuma.

*Bay of Mikindani, Lindi, Mchinga Kiswere, Kilwa-Kiswani, and Kilwa-Kivingi.*

3. The Bay of Mikindani, Lindi, Mchinga Kiswere, Kilwa-Kiswani, and Kilwa-Kivingi; the line limiting the territories possessed by the Sultan would run parallel with the coast for a distance of 10 miles until it reached the latitude of Kilwa-Kivingi; it would then run as far as the coast, leaving a radius of 10 miles round this last point.

*Island of Mafia, Samanga, Kikounya, Kisijou, and Dar-es-Salam.*

4. The Island of Mafia, Samanga, Kikounya, Kisijou, and Dar-es-Salam, with the territories adjoining each of these points within a radius of about 10 miles.

*Bagamoyo, Saadani, Pangani and Wanga.*

5. Bagamoyo, Saadani, Pangani, and Wanga, with all the coast situated between Dar-es-Salam and Wanga, and the territories belonging to them, with a depth of 3 miles; The line of

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28th November, 1884, Prince Bismarck assured Sir E. Malet that Germany was not endeavouring to obtain a Protectorate over Zanzibar; and in a Note which Sir E. Malet addressed to Count Hatzfeldt, on the 18th January, 1885, an explanation was given of the interest which the British Government felt in the maintenance of the sovereignty of the Sultan of Zanzibar, whose independence, it was stated, they desired to support. In this Note it was pointed out that, since the division in 1861 of the Kingdoms of Muscat and Zanzibar, under separate Sultans, Her Majesty's ships had kept the peace in Zanzibar waters, and had maintained an active and successful hostility against the Slave Trade, in the cause of humanity and civilisation (Par. Pap "Africa, No. 1 (1886)").



demarcation, starting from a radius of 10 miles round Dar-es-Salam, would extend to the latitude of the town of Bagamoyo, and would then run straight to the village of M'toni, situated on the River Kingani, and after following the right bank of that river to a distance of 3 miles from the coast, it would run northwards and, keeping at a distance of 3 miles from the coast, as far as Cape Utoudwe, in order, from that point, and in a direct line, to become a tangent to a radius of 10 miles round the town of Saadani. At Saadani and Pangani the line of demarcation would radiate 10 miles round each point; the radii thus formed would be connected by a line running parallel to the coast, at a distance of 10 miles. From the Pangani radius the line of demarcation, striking this radius at a distance of 5 miles from the coast, would run in a northerly direction parallel to this, and would terminate at a point placed 5 miles to the west of Wanga.

*Mombaze (Mombasa) and Takaungo.*

6. Mombaze and Takaungo: The line marking the depth of the possessions of the Sultan would proceed from the point specified to the west of Wanga, parallel to the coast, and at a distance of 5 miles from the latter, to the line of latitude of the mouth of the small river which runs into the Bay of Gazi to the south of the village of that name, where it would stop, in order to recommence, after a break corresponding with that of the coast, on a line of latitude to 2 miles to the north of the village of Gazi, and 5 miles from the coast. Continuing towards the north and parallel to the coast at a distance of 5 miles it would come into contact with a radius of 10 miles round Mombaze, and from the north of this radius, always at a distance of 5 miles from the coast, it would run into the right bank of the Kilifi, taking in Takaungo.

*Malindi, Mambrui, Kau,\* Kipini, and Lamou.*

7. Malindi, Mambrui, Kau, Kipini, and Lamou: At Malindi and Mambrui the line of demarcation would radiate to 5 miles round each point. At Kau and Kipini the land under the Sultan's sway would be limited to that occupied by the town, and at Lamou the authority of His Highness would be confined to the island.

*Limits of Kismayu, Brava, Meurka, and Magadisho.\**

8. Kismayu, Brava, Meurka, and Magadisho: The territory belonging to the Sultan does not extend beyond that circumscribed within the walls of those towns.

\* See also Agreement between Great Britain and Germany, October—November, 1886.

*Reservation.*

Express reservation is made by the three undersigned Delegates to refer to their respective Governments the claims of His Highness the Sultan of Zanzibar to the possession of the territories and countries to which the unanimous opinions contained in the *procès-verbal* do not refer.

Done at Zanzibar, 9th June, 1886.

H. H. KITCHENER. SCHMIDT. LEMAIRE.

**No. 24.**—*TREATY between the United States and Zanzibar enlarging and defining the Stipulations of the Treaty between the United States and Muscat of September 21 1833.—Signed at Zanzibar, July 3, 1886.*

(Ratifications exchanged at Zanzibar, June 29, 1888.)

THE Government of the United States of America and His Highness Barghash-bin-Saïd, Sultan of Zanzibar, being mutually desirous to confirm and strengthen the friendly relations which now subsist between the two countries by enlarging and defining the Treaty stipulations already existing between them in virtue of the Treaty concluded on the 21st September, 1833, corresponding to the 6th day of the moon called Jamada Alawel, in the year of the Allhajia 1249, between the United States of America and His Majesty Seyed Syeed Bin, Sultan of Muscat (and Sovereign of Zanzibar), which Treaty has continued in force as to Zanzibar and its dependencies after the separation of Zanzibar from Muscat, and has been expressly accepted, ratified, and confirmed by His said Highness Barghash-bin-Saïd, Sultan of Zanzibar, on the 20th October, 1879, corresponding to the 4th Zulkaadi, 1296, have resolved to conclude an additional Treaty to that end, and have appointed as their Plenipotentiaries to wit :

The President of the United States of America, Frederic M. Cheney, Consul of the United States at Zanzibar ;

And His Highness the Sultan of Zanzibar, his Private Secretary Mohamet Salim-bin-Mahommed Al Mavli ;

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

ART. I. Notwithstanding the provisions of Article III of the Treaty above mentioned, by which no more than 5 per cent. duties shall be paid on the cargo landed from vessels of the United States entering any port within His Highness the Sultan's dominions, spirits and spirituous liquors containing more than 20 per cent. by volume of alcohol, when imported into the dominions of

His Highness the Sultan from abroad in vessels of the United States shall be subject to an entry or import duty not exceeding 25 per cent *ad valorem*. Provided that no other or higher import duties shall be so levied and collected upon spirits carried to Zanzibar in vessels of the United States than are levied and collected upon like imports of spirits in the vessels of any other nation.

II. The Consuls of the United States appointed under the stipulations of the IXth Article of the Treaty above mentioned shall, in addition to the rights, powers, and immunities secured by said Article, enjoy all the rights, privileges, immunities, and jurisdictional powers which are now or may hereafter be enjoyed by the Consuls and Consular Agents of the most favoured nations; and conversely, the Consuls and Consular Agents which His Highness the Sultan may appoint to reside in the United States shall have the treatment of Agents of like grade of the most favoured nation.

III. This Treaty shall be ratified, and the ratifications exchanged at Zanzibar as soon as possible.

Done in duplicate, each copy being in the English and Arabic languages, at Zanzibar, the 3rd day of July, 1886, corresponding to the 30th day of the moon called Ramajan, in the year of the Hegira 1303.

(L.S.) FREDERIC M. CHENEY.

(L.S.) MOHAMET SALIM-BIN-MAHOMMED  
AL MAVLI.

NOTE.—The United States surrendered her rights of Jurisdiction in Zanzibar in 1907. (See pages 118, 119.)

**No. 25.**—*AGREEMENT between Great Britain and Germany respecting the limits of the Sultanate of Zanzibar and opposite Mainland, and their Spheres of Influence.—October 21–November 1, 1886.*

*Count Hatzfeldt to the Earl of Iddesleigh.—(Received October 29.)*  
(Translation.)

MY LORD, *German Embassy, London, October 29, 1886.*

THE Government of His Majesty the Emperor and that of Her Britannic Majesty having agreed to regulate various questions connected with the Sultanate of Zanzibar and the opposite East African mainland by means of a friendly understanding, verbal communications have with this object taken place, at which the following Articles have been agreed upon:—

1. Germany and Great Britain recognize the sovereignty of the Sultan of Zanzibar over the Islands of Zanzibar and Pemba,

and over the smaller islands which lie in the neighbourhood of the above within a radius of 12 sea miles, as well as over the Islands of Lamu and Mafia.

On the mainland they likewise recognize as possessions of the Sultan a line of coast which stretches without interruption from the Minengani River at the head of Tunghi Bay to Kipini. This line commences on the south of the Minengani River, follows the course of that river for 5 sea miles, and continues thence on the line of latitude to the point where it strikes the right bank of the Rovuma River, crosses the Rovuma, and runs down its left bank.

The coast-line has an internal depth of 10 sea miles measured from the coast direct into the interior from high-water mark. The northern limit includes Kau. To the north of Kipini the said Governments recognize as belonging to the Sultan the stations of Kismayu, Brawa, Meurka, and Magadisho with radii landward of 10 sea miles, and of Warsheik with a radius of 5 sea miles.

2. Great Britain engages to support negotiations of Germany with the Sultan for the leasing to the German African Company of the customs duties at the ports of Dar-es-Salam and Pangani, in return for an annual payment to the Sultan by the Company.

3. Both Powers agree to establish a delimitation of their respective spheres of influence on this portion of the East African Continent of the same character as that to which they have agreed as regards the territories on the Gulf of Guinea.

The territory to which this arrangement applies is bounded on the south by the Rovuma River, and on the north by a line which, starting from the mouth of the Tana River, follows the course of that river or its affluents to the point of intersection of the Equator and the 38th degree of east longitude, thence strikes direct to the point of intersection of the 1st degree of north latitude with the 37th degree of east longitude, where the line terminates.

The line of demarcation starts from the mouth of the River Wanga or Umbe, runs direct to Lake Jipé, passes thence along the eastern side and round the northern side of the lake and crosses the Lunj River; after which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn direct to the point on the eastern side of Lake Victoria Nyanza which is intersected by the 1st degree of south latitude.

Germany engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of British influence to the north of this line; and Great Britain makes the same engagement as regards the territories lying to the south of this line.

4. Great Britain will use her good offices to promote a friendly arrangement of the rival claims of the Sultan and the German East African Company to the Kilimanjaro districts.

5. Both Powers recognize as belonging to Witu the coast-line which commences to the north of Kipini and continues to the northern extremity of Manda Bay.

6. Great Britain and Germany will jointly invite the Sultan to accede to the Act of Berlin, with reservation of His Highness' existing rights under Article I of the Act.

7. Germany engages to adhere to the Declaration signed by Great Britain and France on the 10th March, 1862, with regard to the recognition of the independence of Zanzibar.

Having brought the foregoing Articles to the knowledge of my Government, I am now authorized to declare their acceptance in the name of the Imperial Government, provided that Her Majesty's Government also make a similar declaration of their acceptance.

*The Earl of Iddesleigh.*

I have, &c.,  
HATZFELDT.

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*The Earl of Iddesleigh to Count Hatzfeldt.*

M. L'AMBASSADEUR, *Foreign Office, November 1, 1886.*

I HAVE had the honour to receive your Excellency's note of the 29th ultimo, in which you inform me that you are authorized to accept, on behalf of the Imperial Government, the following Articles of Agreement respecting Zanzibar and the adjoining territories, provided that they are accepted by Her Majesty's Government.

I have to declare on behalf of Her Majesty's Government their acceptance of the above Articles of Agreement.

*Count Hatzfeldt.*

I have, &c.,  
IDDESLEIGH.

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**No. 26.**—*ADHESION of the Sultan of Zanzibar to the Berlin Act of 26th February, 1885 (with a reservation).—Zanzibar, November 8, 1886.*

(Translation.)

THE Sultan of Zanzibar and its dependencies, in conformity with Article XXXVII of the General Act of the Berlin Conference declares, by these presents, that he adheres to the stipulations of the said General Act, with the reservation that his adhesion to the said Act shall not entail or shall not be supposed to signify his acceptance of the principle of free trade, which, according to

Article I of the said Act, shall not be applicable to his territories in the eastern zone which is therein defined, except in so far as he shall assent thereto.\*

Done at Zanzibar, the 8th day of November, 1886.

(L.S.) (Signature in Arabic.)

**No. 27.**—*AGREEMENT between Great Britain and Zanzibar relative to the extent of Zanzibar Territory; Spheres of Influence of Great Britain and Germany, &c., December  $\frac{2}{4}$  1886.*

*Acting Consul-General Holmwood to the Sultan of Zanzibar.*

SIR,

Zanzibar, December 3, 1886.

I AM instructed by Her Majesty's Government to communicate to your Highness the particulars of an Agreement which has been entered into between the Governments of Great Britain and Germany for the purpose of delimitating the extent of the territory which they are prepared to recognize as under your Highness' sovereignty, and of defining on a mutual understanding the general basis upon which they may best extend their influence for the development of commerce and civilization in the interior of Eastern Tropical Africa:—

1. Great Britain and Germany recognize the sovereignty of your Highness over the Islands of Zanzibar and Pemba, and the smaller islands within a radius of 12 nautical miles round those two islands, as well as over the Islands of Lamu and Mafia.

On the mainland they recognize a continuous line of coast from the Minengani River at the head of Tunghi Bay to Kipini; the line commencing on the south at the mouth of the Minengani River follows that river for 5 nautical miles, and continues thence on the line of latitude to the point where that line strikes the right bank of the Rovuma River, crossing the Rovuma and running down its left bank. The line has thence an internal depth of 10 nautical miles from the coast, measured direct into the interior from high-water mark.

The northern limit includes Kau. To the north of Kipini they recognize the stations of Kismayu, Brawa, Meurka, and Magadisho, with radii of 10 nautical miles, and of Warsheik, with a radius of 5 nautical miles.

2. Great Britain supports the wish of Germany that your Highness should lease to the German African Company the customs duties at the ports of Dar-es-Salaam and Pangani in return for an annual payment by the Company, calculated on a percentage of the revenue collected, on a sliding scale.

\* On the 22nd June, 1892, it was notified by the British Government to the Signatory Powers of the Berlin Act, that on the 1st July of that year Zanzibar would be under the Free Trade provisions of Art. I of that Act.

3. The two Powers agree to a delimitation of their respective spheres of influence on this portion of the East Coast of Africa as follows :—

The territory to which the arrangement applies is bounded on the south by the Rovuma River, and on the north by a line drawn from the mouth of the Tana River, following that river or its affluents to the point of intersection of the Equator and the 38th degree of east longitude, thence striking diagonally to the point of intersection of the 1st degree of north latitude with the 37th degree of east longitude, where it terminates.

The line of demarcation starts from the mouth of the River Wanga, or Umbe, runs direct to Lake Jipé, passes along the eastern side and round the northern side of the lake, and crosses the Lumi River, after which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn diagonally to the point on the eastern side of Lake Victoria Nyanza where the 1st degree of south latitude strikes the lake.

The sphere of action of Great Britain lies to the north of this line of demarcation, and that of Germany to the south.

Her Majesty's Government request that your Highness will acknowledge it as an obligation to respect the territories which have been by the foregoing Agreement reserved to British interests, and that your Highness will make no acquisitions in this region unless with the approval of Her Majesty's Government.

4. Great Britain supports the wish of Germany that your Highness should withdraw, by means of an official Declaration, your claims to sovereignty in the Kilimanjaro district, which your Highness has never exercised, and should make the fact known in writing to the Chiefs of that district.

5. The two Powers recognize the coast-line of Witu as commencing to the north of Kipini, and continuing to the northern extremity of Manda Bay.

Her Majesty's Government trust that your Highness will recognize the friendly spirit in which this Agreement has been arrived at, and that, by a ready adhesion to its terms, your Highness will assist in bringing about the satisfactory solution of questions which cannot otherwise fail to jeopardize the interests of the Sultanate.

I have, &c.,  
FREDC. HOLMWOOD.

*The Sultan of Zanzibar to Acting Consul-General Holmwood.*  
(Translation.)

(After compliments.)

December 4, 1886.

WE have received your letter dated the 3rd December, and at the same time we received a letter from the Consul-General of

the German Government, and we have understood them both as follows :—

1. Great Britain and Germany have agreed to recognize our Sultanate over the Islands of Zanzibar, Pemba, Lamu, Mafia, and all the islands on the coast. They recognize our Sultanate over a continuous line of coast from the River Minengani, at the head of Tunghi Bay, on the south, up to Kipini, on the north ; and the said line commences from the mouth of the Minengani River, and follows the said river for 5 nautical miles, thence following the line of latitude till the said line strikes the right side of the Rovuma River, and crossing the said river, runs down its left bank ; from thence the line follows the coast, with a breadth inland of 10 nautical miles from high-water mark. And the limit to the north includes Kau. To the north of Kipini the Governments recognize as belonging to us the places Kismayu, Brawa, Meurka, and Magadisho, with a radius of 10 miles each, and Warsheik with a radius of 5 miles.

2. We agree to accept the demand of Germany to lease to the German African Company the customs of Dar-es-Salaam and Pangani, the Company having to pay annually a rent calculated on a percentage of the revenue collected, on a sliding scale, as will be afterwards agreed.

3. The Governments have agreed to delimitate the following countries, viz., the whole territory bounded on the south by the Rovuma River, and on the north by a line commencing from the Tana River, following the said river or its affluents up to the point where the equator meets the 38th degree of east longitude, whence it goes diagonally to the point where the 1st degree of north latitude cuts the 37th degree of east longitude, where it ends. This territory is divided between the Powers of Great Britain and Germany by a line drawn from the mouth of the River Wanga or Umbe direct to Lake Jipé, passing along its eastern end and round its northern shore it crosses the River Lumi, and passes midway between Taveita and Chagga, and round the north side of Kilimanjaro Mountains, and thence runs diagonally to the east shore of Lake Victoria Nyanza, to the place where the 1st degree south latitude strikes the lake. And seeing what they have agreed as to these places which are to be under the influence of Great Britain and Germany, we will not put our hand towards acquiring any fresh place in them without the consent of the two Governments.

4. We agree to remove our protection from the district of Kilimanjaro, and will make an official declaration on the subject to the Chiefs.

5. Great Britain, Germany, and we recognize that the coast-line of Witu stretches from the north of Kipini to the north of Manda Bay, and we will remove all our officials from this piece of coast. With regard to our accepting that this part of our Kingdom should be taken from us and given to Germany, we hope that the



two Governments will do what is just according to this Agreement, namely, to protect our Kingdom from being divided among them by other nations, and then, in consequence of the friendly way in which the two Governments of Great Britain and Germany have asked us to adhere to their Agreement, we are ready to give our adhesion, and for that purpose we have given Mohammed-bin-Salim Mauli full powers to represent us before you and sign the official Convention settling the whole question without delay.

This is from your friend.

BARGHASH-BIN-SAID.

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**No. 28.**—*CONVENTION between Austria-Hungary and Zanzibar, for the regulation of the Commercial and Maritime Relations of the two Countries.*—Signed at Zanzibar, August 11, 1887.

(Ratifications exchanged at Zanzibar, December 29, 1888.)

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, et Sa Hautesse le Seyd Bargach-bin-Saïd, Sultan de Zanzibar et dépendances, désirant régler les relations commerciales et maritimes entre leurs États, ont résolu de conclure à cet effet une Convention et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, le Sieur Hermann Heinze, Capitaine de Vaisseau;

Sa Hautesse le Sultan de Zanzibar, Mohamed-bin-Salim-bin-Mohamed, son Premier Secrétaire ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

**ART. I.** Les Autrichiens et Hongrois jouiront dans les États du Sultan du traitement de la nation la plus favorisée sous le rapport du commerce et de la navigation, ainsi que sous tous les autres rapports; ils n'auront à payer, pour leurs marchandises et leurs navires, à l'importation, et à l'exportation, que les droits auxquels seront assujettis les sujets de la nation la plus favorisée.

Les navires appartenant à Sa Hautesse le Sultan de Zanzibar ou à ses sujets ne payeront pas, à l'entrée dans les ports Autrichiens et Hongrois, des droits autres ou plus élevés que ceux dont seront frappés les navires de la nation la plus favorisée. Il sera permis aux sujets du Sultan de résider et de faire le commerce en Autriche-Hongrie en se soumettant aux lois du pays.

**II.** Sa Majesté l'Empereur et Roi aura le droit de nommer des Consuls dans les États de Sa Hautesse le Sultan de Zanzibar. Ces Consuls seront traités sur le même pied et jouiront des mêmes

privilèges, immunités, et exemptions que ceux de la nation la plus favorisée.

Réciproquement, Sa Hautesse le Sultan de Zanzibar aura le droit de nommer des Consuls en Autriche-Hongrie qui jouiront des mêmes droits, immunités, et privilèges que ceux de la nation la plus favorisée.

III. La présente Convention restera en vigueur pendant 10 années à partir du jour de l'échange des ratifications.

Dans le cas où aucune des deux Hautes Parties Contractantes n'aurait notifié avant la fin de la dite période son intention d'en faire cesser les effets, la présente Convention demeurera obligatoire jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

Les deux Hautes Parties Contractantes se réservent la faculté d'introduire, d'un commun accord, dans la présente Convention pendant sa durée, telle modification ou disposition complémentaire que l'expérience aurait démontrée utile.

IV. La présente Convention a été faite en quatre exemplaires, dont deux écrits en Français et deux en Arabe.

Tous ces exemplaires ont le même sens et la même signification ; si cependant des différends s'élevaient dans la suite sur l'interprétation exacte des textes Français et Arabe de l'une des stipulations de la Convention, le texte Français serait considéré comme décisif.

V. La présente Convention sera ratifiée, et les ratifications en seront échangées à Zanzibar dans le plus bref délai possible.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à Zanzibar, en double expédition, le 11<sup>e</sup> jour du mois d'Août, 1887, correspondant au 20<sup>e</sup> jour du mois de El Kada, de 1304 de l'Hégire.

(L.S.) HERMANN HEINZE.

(L.S.) MOHAMED-BIN-SALIM-BIN-MOHAMED.

NOTE.—The exercise of jurisdiction by Austro-Hungarian Consular officers in Zanzibar ceased on May 11, 1907. Notes exchanged between Great Britain and Austria-Hungary, May 8-11, 1907.

**No. 29.**—*AGREEMENT between the Sultan of Zanzibar and the British Acting Agent and Consul-General, respecting the Administration by the British East Africa Company of certain of His Highness' Possessions on the Mainland and Islands lying off the Coast.*—Zanzibar, August 31, 1889.

His Highness Seyyid Khalifa-bin-Saïd, with the concurrence of the English Government, hereby grants a lease of his

possessions to the Imperial British East Africa Company on the following conditions :—

*Sultan's Possessions and Islands, &c., to be administered by the Company. Kipini to Mruti, except Witu.*

ART. I. His Highness hands over to the Imperial British East Africa Company all his towns, lands, and possessions on the mainland from Kipini to Mruti, or Marote, excepting Witu,

*Lamu, Manda, Patta, Kiwhyu, &c.*

including the Islands of Lamu and Manda, and Patta and Kiwhyu, and all other islands in that vicinity, and in Manda Bay and any other islands on that coast, and the ports of

*Kismayu, Brava, Meurka, Magadishu, Warsheikh, and Mruti.*

Kismayu, Brava, Meurka, Magadishu, Warsheikh, and Mruti, to be at the disposition and in the hands of the Company.

*Administration of Possessions.*

II. These possessions are to be held by the Company as His Highness' "Wakil" (Plenipotentiary and Agent) and they are to be administered according to the Sheriäl (Mahomedan laws and customs).

*Flags.*

His Highness' flag, and the Liwalis, Askaris, and Kathis will be maintained.

*Sultan's Authority.*

His Highness' authority will be respected as now, but these officials will be under the orders of the Company in all fiscal matters and for the maintenance of public order, but His Highness will have the right of veto in matters of public polity in so far as concerns his own subjects.

*Customs Duties.*

III. The Customs duties in the above-mentioned places are to be levied in conformity with the existing Treaties between His Highness and foreign States, and His Highness' subjects will be liable to the same duties.

*Buildings, Forts, &c.*

IV. In the above-mentioned places the Company will have the right to select for their own use, during the period of this Concession, any building, fort, &c., belonging to His Highness.

*Acquisition of Lands and Buildings.*

The Company will have the right to acquire land and buildings by purchase or negotiation with the consent of the proprietors.

*Duration of Agreement for Five Years.*

V. This Agreement is for five years from the date of its signature. After these five years have elapsed the Sultan shall give another Concession for more than five years, according to the Agreement between himself and the Company.

*Custom-houses.*

VI. For five years the employés of His Highness will remain in the custom-houses. After the lapse of this period, His Highness will hand over the customs entirely to the Company, and all increase on net profit shall be divided equally between His Highness and the Company.

In faith whereof His Highness Seyyid Khalifa-bin-Said and Gerald Herbert Portal, British Acting Agent and Consul-General, on behalf of the Imperial British East Africa Company, have signed this Agreement and affixed their seals.

Done at Zanzibar, this 31st day of August, 1889.

(Arab Seal.)

Subject to concurrence of the Imperial British East Africa Company.

(Seal) G. H. PORTAL.

I certify the above seals and signatures of His Highness the Sultan of Zanzibar and Mr. G. H. Portal, Acting British Agent and Consul-General.

LLOYD W. MATHEWS,

*In command of Zanzibar Troops.*

Zanzibar, 31st August, 1889.

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**No. 30.**—*AGREEMENT between Great Britain and Zanzibar, respecting the Right of Search in Zanzibar Waters, Slavery, &c.—Signed at Zanzibar, September 13, 1889.*

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AGREEMENT between His Highness Seyyid Khalifa-bin-Said, Sultan of Zanzibar, and Gerald H. Portal, Acting Consul-General of England:—

ART. I. His Highness the Sultan above named hereby grants to England and Germany, and to their Representatives and

naval officers, a permanent delegation of the right of search of the dhows, boats, canoes, and other vessels belonging to His Highness' subjects in his territorial waters.

II. In view of, and in continuation of, the existing Treaties, His Highness Seyyid Khalifa-bin-Saïd agrees, and will forthwith decree that all persons who shall enter his dominions after the 1st day of November, 1889, shall be free, but slaves freed in this manner shall remain the subjects of His Highness.

III. His Highness the Sultan also agrees that all children born in his dominions after the 1st day of January, 1890, shall be free, but it is understood that they shall remain the subjects of the Sultan if their parents are his subjects.

IV. On the other hand, it is understood that, in consideration of the above-quoted undertakings, the blockade now being carried on by the English fleet shall be raised without delay.

This Agreement is final, and is binding equally on all heirs and successors of the above-named Sultan and on the Representatives of Her Majesty's Government, but is subject to the approval and acceptance of the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India.

In faith whereof Seyyid Khalifa-bin-Saïd, Sultan of Zanzibar, and Gerald Herbert Portal, Acting Consul-General of England, have signed this document and affixed their seals.

Done at Zanzibar, this 13th day of September, 1889.

(Arab seal.)  
Sultan's signature.

GERALD H. PORTAL.  
(Consular stamp.)

**No. 31.**—*AGREEMENT between the Sultan of Zanzibar and Colonel Euan-Smith, Her Majesty's Agent and Consul-General, placing the Dominions of Zanzibar under the Protection of Great Britain.*—Signed at Zanzibar, June 14, 1890.

ART. I. His Highness Seyyid Ali-bin-Saïd, the Sultan aforesaid, accepts freely and unreservedly, for himself, his subjects, and his dominions, the Protectorate of Great Britain, to commence from any date which may hereafter be fixed by Her Majesty's Government.

II. His Highness Seyyid Ali-bin-Saïd further understands and agrees that all his relations, of whatever sort, with foreign Powers, shall be conducted under the sole advice and through the channel of Her Majesty's Government.

III. As regards that portion of His Highness the Sultan's dominions lying between the Uмба and Rovuma Rivers, His Highness Seyyid Ali agrees to abide by any equitable arrange-

ment that may be come to by Her Majesty's Government with Germany regarding its retention by the Germans, and leaves his just interests in this question entirely to the care of Her Majesty's Government.

IV. Colonel C. B. Euan-Smith, Her Majesty's Agent and Consul-General aforesaid, hereby guarantees, on behalf of Her Majesty's Government, the maintenance of His Highness the Sultan of Zanzibar's Throne to himself, Seyyid Ali, and also to his successors.

V. Colonel C. B. Euan-Smith further guarantees to His Highness Seyyid Ali, on behalf of Her Majesty's Government, the right of nominating his own successor to the Throne, subject to the approval of Her Majesty's Government.

VI. His Highness Seyyid Ali hereby declares that the above Agreement shall be for ever binding upon himself, his heirs and successors.

Done at Zanzibar, in duplicate English and duplicate Arabic copies, on the 14th day of June, in the year 1890.

(Signature in Arabic.)

Translation: ("This is true. Written by Ali-bin-Said with his own hand.")

Witnesses to the signature of His Highness the Sultan:

MOHAMMED-BIN-SAEF.  
SALIM-BIN-ASSAN.

(L.S.) C. B. EUAN-SMITH, *Colonel, Her Britannic Majesty's Agent and Consul-General.*

Witness to the signature of Colonel Euan-Smith:  
ERNEST J. L. BERKELEY, *Her Britannic Majesty's Vice-Consul.*

**No. 32.—ARTICLE XI of Anglo-German Agreement,  
July 1, 1890.**

XI. Great Britain engages to use all influence to facilitate a friendly arrangement, by which the Sultan of Zanzibar shall cede absolutely to Germany his possessions on the mainland comprised in existing Concessions to the German East African Company, and their dependencies, as well as the Island of Mafia.

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XI. Grossbritannien wird seinen ganzen Einfluss aufbieten, um ein freundschaftliches Uebereinkommen zu erleichtern, wodurch der Sultan von Zanzibar seine auf dem Festland gelegenen und in den vorhandenen Konzessionen der Deutsch-ostafrikanischen Gesellschaft erwähnten Besitzungen nebst Depen-

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It is understood that His Highness will, at the same time, receive an equitable indemnity for the loss of revenue resulting from such cession.

Germany engages to recognize a Protectorate of Great Britain over the remaining dominions of the Sultan of Zanzibar, including the Islands of Zanzibar and Pemba, as well as over the dominions of the Sultan of Witu, and the adjacent territory up to Kismayu, from which her Protectorate is withdrawn. It is understood that if the cession of the German coast has not taken place before the assumption by Great Britain of the Protectorate of Zanzibar, Her Majesty's Government will, in assuming the Protectorate, accept the obligation to use all their influence with the Sultan to induce him to make that cession at the earliest possible period in consideration of an equitable indemnity.

denzen sowie der Insel von Mafia an Deutschland ohne Vorbehalt abtritt. Es herrscht Einverständniss darüber, dass Seine Hoheit gleichzeitig für den aus dieser Abtretung entstehenden Verlust an Einnahmen eine billige Entschädigung erhalten soll.

Deutschland verpflichtet sich die Schutzherrschaft Grossbritanniens anzuerkennen über die verbleibenden Besitzungen des Sultans von Zanzibar mit Einschluss der Inseln Zanzibar und Pemba, sowie über die Besitzungen des Sultans von Witu und das benachbarte Gebiet bis Kismaju, von wo die deutsche Schutzherrschaft zurückgezogen wird. Es herrscht Einverständniss darüber dass Ihrer Majestät Regierung, falls die Abtretung der deutschen Küste nicht vor der Uebernahme der Schutzherrschaft über Zanzibar durch Grossbritannien stattgefunden hat, bei der Uebernahme jener Schutzherrschaft die Verpflichtung übernehmen wird, allen ihren Einfluss aufzuwenden, um den Sultan zu veranlassen, jene Abtretung gegen Gewährung einer billigen Entschädigung sobald als möglich vorzunehmen.

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**No. 33.—DECLARATION** *between Great Britain and France, respecting Territories in Africa (French Recognition of British Protectorate over Zanzibar and Pemba; British Recognition of French Protectorate over Madagascar).—Signed at London, August 5, 1890.*

THE Undersigned, duly authorized by Her Britannic

LE Soussigné, dûment autorisé par le Gouvernement de

Majesty's Government, declares as follows :—

In conformity with the request which has been made by the Government of Her Britannic Majesty, the Government of the French Republic consents to modify the Arrangement of the 10th March, 1862, in regard to the Sultan of Zanzibar, and engages, consequently, to recognize the British Protectorate over the Islands of Zanzibar and Pemba as soon as they shall have received notification of the same.

In the territories in question, the missionaries of both countries shall enjoy a complete protection. Religious toleration, and liberty for all forms of worship and religious training, shall be guaranteed.

It is understood that the establishment of this Protectorate will not affect any rights or immunities enjoyed by French citizens in the territories in question.

London, August 5, 1890.

SALISBURY.

la République Française, fait la déclaration suivante :—

Conformément à la demande qui lui a été faite par le Gouvernement de Sa Majesté Britannique, le Gouvernement de la République Française consent à modifier l'Arrangement du 10 Mars, 1862, en ce qui touche le Sultan de Zanzibar. En conséquence il s'engage à reconnaître le Protectorat Britannique sur les Iles de Zanzibar et de Pemba, aussitôt qu'il lui aura été notifié.

Dans les territoires dont il s'agit, les missionnaires des deux pays jouiront d'une complète protection. La tolérance religieuse, la liberté pour tous les cultes et pour l'enseignement religieux, sont garanties.

Il est bien entendu que l'établissement de ce Protectorat ne peut pas porter atteinte aux droits et immunités dont jouissent les citoyens Français dans les territoires dont il s'agit.

Londres, le 5 Août, 1890.

WADDINGTON.

**No. 34.**—NOTES exchanged between the British and German Governments fixing the Indemnity to be paid to the Sultan of Zanzibar as Compensation for the Cession to Germany of the Coast-line between the Rivers Umba and Rovuma and of the Island of Mafia.—Berlin, October  $\frac{27}{28}$ , 1890.

*The British Ambassador at Berlin to the German Minister for Foreign Affairs.*

M. le Baron,

Berlin, 27th October, 1890.

In pursuance of previous communications on the subject of an accord between Her Majesty's Government and the Imperial



Government for a settlement of the amount of indemnity which the Sultan of Zanzibar shall receive for the loss of revenue resulting from the permanent cession to Germany of the coast-line between the Rivers Umba and Rovuma and of the Island of Mafia, I have now the honour, under instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, to propose to your Excellency on behalf of Her Majesty's Government, the following terms of agreement :—

1. The Imperial Government to pay in London previous to the end of this year the sum of 4,000,000 marks in gold.

2. Until this payment is fully completed the Sultan to continue to receive from the German East Africa Company monthly accounts and payments for all customs duties collected by the Company and due under existing Agreements. The customs revenues which have been kept back since the 30th June last to be paid over at once.

3. As soon as the sum mentioned in Article I shall be paid, the German East Africa Company to withdraw entirely from any interference whatever in the affairs of the Zanzibar Custom-house.

4. The German East Africa Company to vacate and give up to the Sultan, at a specified date, to be stated in the reply of the Imperial Government to this note, which shall not be later than the 31st December next, all the warehouses and other buildings belonging to the Sultan, and forming part of or adjoining the Zanzibar Custom-house, and now leased to and occupied by the Company; all arrears of rent for these buildings to be paid up now and in future monthly until evacuation.

I beg your Excellency to do me the honour to inform me whether the Imperial Government consent to these terms of agreement.

I have, &c.,

EDWARD B. MALET.

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*The German Minister for Foreign Affairs to the British Ambassador at Berlin.*

(Translation.)

*Berlin, 28th October, 1890.*

THE Undersigned has the honour to inform his Excellency Sir Edward Malet, Her Britannic Majesty's Ambassador, &c., in reply to the note of yesterday's date, that the Imperial Government agree with the proposals of the English Government respecting the compensation of the Sultan of Zanzibar in return for his cession of his possessions mentioned in that note, and situated on the continent and within the present Concessions of the German East Africa Company, together with their dependencies, such as the Island of Mafia (Art. XI, paragraph 1, of the Anglo-German Agreement of the 1st July, 1890).

Taking the points one by one, the Undersigned has the honour

to state the adherence of the Imperial Government to the following :—

1. The Imperial Government to pay in London, before the 31st December next, the sum of 4,000,000 marks in gold.

2. Until the payment of this sum is fully completed, the German East Africa Company to continue to send to the Sultan monthly accounts for the Customs duties collected by the Company, and to make him such payments as he has the right to claim under existing Agreements. The Customs revenues which have been kept back since the 30th June of this year to be paid over at once, in so far as this has not already been done.

3. As soon as the sum mentioned in Article I shall be paid, the German East Africa Company to withdraw from any interference in the affairs of the Zanzibar Custom-house.

The German East Africa Company to vacate and give up to the Sultan, not later than the 31st December, of this year, all the warehouses and other buildings occupied by the Company which belong to the Sultan, and either form part of or adjoin the Zanzibar Custom-house. The Company also to pay up at once all arrears of rent for these buildings, in so far as this has not already been done, and to pay the current rent monthly until evacuation.

The Undersigned, while expressing his satisfaction at the fact that this question also has now been satisfactorily settled, avails, &c.

MARSCHALL.

**No. 35.**—*NOTES exchanged between France and Germany, respecting the French Protectorate over Madagascar, and the Acquisition by Germany of the Continental Possessions of the Sultan of Zanzibar, as well as of the Island of Mafia.*  
—Berlin, November 17, 1890.

*No. 1.*—*M. Herbette, Ambassadeur de France à Berlin, au Baron de Marschall, Secrétaire d'État pour les Affaires Étrangères.*

*Berlin, le 17 Novembre, 1890.*

AU cours des entretiens que nous avons eus ensemble au mois d'août dernier sur les rapports réciproques de l'Allemagne et de la France à la Côte Orientale d'Afrique, votre Excellence m'a déclaré que le Gouvernement impérial était disposé à reconnaître le Protectorat de la France à Madagascar avec toutes ses conséquences.

De mon côté, j'ai été en mesure de vous donner, lors de notre entretien du 6 de ce mois, l'assurance que dans ces conditions le Gouvernement de la République Française n'élèverait pas d'objection contre l'acquisition par l'Allemagne de la partie con-

tinentale des États du Sultan de Zanzibar, ainsi que de l'Île de Mafia.

Il a d'ailleurs été entendu que les ressortissants Allemands à Madagascar et les ressortissants Français dans les territoires cédés à l'Allemagne par le Sultan de Zanzibar bénéficieraient sous tous les rapports du traitement de la nation la plus favorisée.

Dans le but de consacrer définitivement le complet accord des deux Gouvernements sur les points ci-dessus spécifiés, j'ai l'honneur d'adresser à votre Excellence la présente communication et je vous prie de m'en faire parvenir un accusé de réception confirmatif.

Baron de Marschall.

HERBETTE.

No. 2.—*Baron de Marschall, Secrétaire d'État pour les Affaires Étrangères à Berlin, au M. Herbette, Ambassadeur de la République Française.*

(Traduction.)

Berlin, le 17 Novembre, 1890.

Le Soussigné a l'honneur d'accuser réception à son Excellence l'Ambassadeur Extraordinaire et Plénipotentiaire de la République Française, M. Jules Herbette, de la lettre que celui-ci lui a adressée en date de ce jour et de lui faire connaître que le Gouvernement Impérial adhère aux déclarations qui y sont contenues. Il en résulte que le Gouvernement de la République Française n'oppose aucune objection à l'acquisition par l'Allemagne des possessions continentales du Sultan de Zanzibar et de l'Île de Mafia, et que l'Allemagne, de son côté, reconnaît le Protectorat de la France sur Madagascar avec toutes ces conséquences. Il est, de plus, expressément convenu que les ressortissants Allemands à Madagascar et les ressortissants Français dans les territoires désignés que le Sultan de Zanzibar cède à l'Allemagne, jouiront sous tous les rapports du traitement de la nation la plus favorisée.

M. Herbette.

MARSCHALL.

No. 36.—*DECLARATION between Great Britain and Zanzibar, relative to the Exercise of Judicial Powers in Zanzibar.—Signed at Zanzibar, February 2, 1891.*

[English Text.]

WHEREAS it has been found desirable that judicial powers under Article XVI of the Treaty of the 30th April, 1886, between Great Britain and Zanzibar, should, under certain circumstances be conferred by Her Majesty's Government upon persons, within the territories of Zanzibar, who are not Consular officers :

It has been agreed between Her Britannic Majesty and His

Highness the Sultan of Zanzibar that such judicial powers as are authorized by Article XVI of the aforesaid Treaty of the 30th April, 1886, may be conferred by Her Majesty's Government upon any person, whether such person be a Consular officer or not.

The present Declaration shall have the same force and duration as the Treaty to which it relates.

In witness whereof the Undersigned, duly authorised to that effect, have signed the same this 2nd day of February, 1891.

HIS HIGHNESS SEYYID ALI, *Sultan of Zanzibar.*  
C. B. EUAN-SMITH, *Her Majesty's Agent and*  
*Consul-General, Zanzibar.*

**No. 37.**—*CONCESSION of Benadir Ports granted by the Government of His Highness the Sultan of Zanzibar to the Government of His Majesty the King of Italy.—August 12, 1892.*

THE Government of His Highness the Sultan of Zanzibar and its dependencies on the East Coast of Africa by the present Agreement grants the following Concessions to the Government of His Majesty the King of Italy, who on their side accept the obligations herein contained :—

ART. I. The Government of His Highness the Sultan of Zanzibar makes over to the Government of His Majesty the King of Italy all the powers which they possess over the towns and ports of the Benadir coast, namely, Brawa, Merka, Magadisho, each with a radius landwards of ten sea miles, and Warsheik, with a radius landwards of five sea miles, and the islands in their vicinity, to be administered politically and judicially in the name of the Government of His Highness the Sultan of Zanzibar and under his flag ; but it is understood that the Government of His Highness the Sultan of Zanzibar will not be responsible for, and will not be called upon to defray, any expenses of administration, or others, such as those arising from war, as " blood-money " (" diya "), &c., or from any claim which may arise.

The Government of His Majesty the King of Italy, or their Representatives, will have the sole right of purchasing or dealing with public lands within the limits of the above-named territories.

The Government of His Highness the Sultan undertakes to give every facility to the Government of His Majesty the King of Italy, and to use their authority to insure to the said Government their rights and powers, in order that this Agreement may attain its full effect. It is further agreed between the High Contracting Parties that nothing contained in the following Articles of this Concession shall in any way infringe or lessen the rights accorded

by the Government of His Highness the Sultan of Zanzibar to the subjects or citizens of Great Britain, the United States of America, France, Germany, or any other foreign Powers having Treaty relations with the Zanzibar Sultanate, or the obligations which are or may be imposed by adhesion to "The General Act of Berlin, 1885," or "The General Act of the Brussels Conference, 1890."

II. The Government of His Highness the Sultan of Zanzibar authorizes the Government of His Majesty the King of Italy to concede the administration of the towns and ports of the Benadir coast, which form the object of the present Concession, to an Italian Company which will be charged with the administration of the towns, ports, and territories in the name of His Highness the Sultan and under his flag; but always on the responsibility of the Government of His Majesty the King of Italy. The Delegates of the Italian Company, in the name and with the authorization of the Government of His Majesty the King of Italy, may exercise all the rights agreed upon in the present Concession, may nominate all their own officers and subordinate employés, establish Courts of Justice, and adopt any measure which they may deem necessary or expedient for the protection and in the interests of the previously-mentioned towns, ports, and territories.

The Government of His Highness the Sultan agrees to hand over to the Government of His Majesty the King of Italy, or to their Representatives, all the forts and public buildings existing at the time of the occupation of the Benadir towns by the Italian Administration, as well as all the proprietary rights possessed by them over the territories within a radius landwards of ten sea miles from the towns of Brawa, Merka, and Magadisho, and of five sea miles from the village of Warsheik.

The Government of His Highness the Sultan furthermore authorizes the Government of His Majesty the King of Italy, or their Representatives, to levy any taxes, tributes, dues, and tolls, import and export duties, and to take any measure which they may consider necessary to meet the expenses of the Local Government, for the maintenance of public forces, for the administration of justice, the construction of roads, harbours, and other public works, defensive or otherwise, and for the liquidation of debts and payment of interest upon capital expended.

The Governors, all the judicial officers, and the officials of all ranks shall be appointed by the Italian Government or their Representatives.

The stipends of the Governors, Arab and native Judges, all officers and officials, and the cost of the troops, shall all be paid by the Government of His Majesty the King of Italy or by their Representatives.

III. The Government of His Highness the Sultan of Zanzibar grants to the Italian Company which, with the authority of the

Government of His Majesty the King of Italy, takes over the administration of the towns and territories of the Benadir coast, which form the object of the present Concession, or to the Company's representatives, the right to trade, to hold property, to erect buildings, to acquire lands or buildings by purchase or negotiation, anywhere within the towns and territories above mentioned, with the consent of the proprietors of any such lands and houses.

IV. The Government of His Highness the Sultan of Zanzibar grants to the Government of His Majesty the King of Italy, or to their Representatives, the exclusive privilege of levying taxes on the inhabitants, and powers to regulate trade and commerce, and also navigation, to control the fisheries, to construct roads, tramways, railways, canals, harbours, telegraphs, &c. ; to levy taxes and dues on these works of public utility ; and also the power to control or prevent the importation of any merchandize, arms, ammunition of all sorts, alcoholic liquors, or any other goods which, in the opinion of the Government of His Majesty the King of Italy, or of their Representatives, are detrimental to law, order, and public morality, and in respect of which the Government of His Highness the Sultan is under no obligation to other Governments. But it is clearly understood that the exercise of these rights and privileges shall be in conformity with the Treaties existing between the Zanzibar Sultanate and foreign Powers, and with the obligations which are or could be imposed by adhesion to the General Act of Berlin, and to the General Act of the Brussels Conference, 1890.

V. The Government of His Highness the Sultan of Zanzibar authorizes the Government of His Majesty the King of Italy, or their Representatives, to establish custom-houses and to levy dues and tolls on any vessels and goods arriving at or departing from the ports before mentioned, and to take all necessary measures for the prevention of smuggling, subject in all cases to the Treaties, Acts, and Conventions above named.

VI. The Government of His Highness the Sultan of Zanzibar grants to the Government of His Majesty the King of Italy or their Representatives, the right to establish a bank or banks in the towns which form the object of the present Concession with the exclusive privilege of issuing notes and gold, silver, and copper moneys, on the condition that they conform to any engagements previously entered into by His Highness the Sultan or by his predecessors.

VII. All the aforesaid powers, rights, and privileges, are granted to the Government of His Majesty the King of Italy, or their Representatives, for a term of twenty-five European years, to commence from the day on which the present Concession shall be approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the King of Italy.

At the expiration of the term of twenty-five European years the present Concession can be renewed for a corresponding term of twenty-five years, on the same conditions, by a simple declaration to that effect on the part of the Government of His Majesty the King of Italy.

At the expiration of the term of twenty-five years or fifty years all the public works, buildings, railways, &c., shall revert to the Government of His Highness the Sultan, if they so desire it, at a valuation to be fixed by Arbitrators chosen by both parties; except such buildings and constructions as shall have been handed over gratuitously by the Government of His Highness the Sultan to the Government of His Majesty the King of Italy or their Representatives, which shall be returned in like manner (gratuitously).

VIII. The Government of His Highness the Sultan of Zanzibar grants to the Government of His Majesty the King of Italy or their Representatives, the "régie" or lease of the customs in the above-mentioned ports for the period of twenty-five years or fifty years, as aforesaid, on the following conditions, namely:—

The Government of His Majesty the King of Italy undertakes to pay to the Government of His Highness the Sultan of Zanzibar a sum of 40,000 rupees, as a premium, on the Italian administration taking over possession of the ports, towns, and territories which form the object of the present Concession, and thereafter the sum of 40,000 rupees at the end of each quarter of the European year.

But it is clearly understood that the Government of His Highness the Sultan of Zanzibar shall not claim twice over the import and export duties in the trade in the towns of the Benadir coast which form the object of the present Concession, and that the Government of His Majesty the King of Italy, or their Representatives, shall be entitled to claim a "drawback" for the amount of any customs duties which may be paid direct to the Government of His Highness the Sultan of Zanzibar on any imports to or exports from the ports of the Benadir coast, from the date of the present Agreement coming into force.

IX. It is clearly understood that all administrative, judicial and other powers granted by the present Agreement shall be exercised by the Government of His Majesty the King of Italy, or by their Representatives, in the name of His Highness the Sultan of Zanzibar's Government, and under his flag, and that the Government of His Majesty the King of Italy, or their Representatives, shall enjoy all the rights, privileges, immunities, and advantages which are, or hereafter may be, accorded to any other Government, Company, or individual, to whom the Government of His Highness the Sultan of Zanzibar may have granted or may grant Concessions in other parts of his dominions, whether similar to those granted under the present Concession, or of a different character.

But the Government of His Majesty the King of Italy undertakes not to claim the right of altering the system of annual payment established by the present Concession, save with the consent or on the initiative of the Government of His Highness the Sultan, or the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India.

X. The present Agreement shall come into force whenever the Government of His Majesty the King of Italy shall deem expedient by their giving to the Government of His Highness the Sultan of Zanzibar one clear month's previous notice.

The Government of His Majesty the King of Italy shall be responsible to the Government of His Highness the Sultan of Zanzibar for the payment of the sums stipulated for in Article VIII of the present Agreement, but only from the date on which they may take over charge of the whole Administration, as above specified; it is further understood that the time of the gratuitous transfer of the custom-houses, lands, forts, public buildings, proprietary rights, &c., which the Government of His Highness the Sultan of Zanzibar possesses in the towns and territories above described, shall be fixed by special Agreement, and that a schedule of them shall be then given by the Government of His Highness the Sultan.

XI. The present Agreement shall be of value only when it has been approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the King of Italy.

XII. His Highness Seyyid Ali, Sultan of Zanzibar, has declared by his letters of 14 Rejeb, 1307 (6th March, 1890), to Mr. Mackenzie and of 5 Moharrem, 1310 (31st July, 1892), to Mr. Portal, that he has no objection to make to the Concession of the towns, ports, and territories of the Benadir coast to Italy, and that he will accept whatever arrangement may be made and approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, the Protecting Power of the Sultanate of Zanzibar.

The present Agreement has been made out in six copies, two of which are written in the English, two in the French, and two in the Arabic language, all of one and the same tenour. Should differences arise as to the interpretation of the stipulations of the present Concession, the French or English texts alone shall be considered decisive.

In faith whereof Sir Gerald H. Portal, Her Britannic Majesty's Diplomatic Agent and Consul-General, and M. Pierre Cottoni, Acting Consul for His Majesty the King of Italy, have signed these presents and affixed their seals.

Done at Zanzibar, this 12th day of August, 1892.

(L.S.) G. H. PORTAL.

(L.S.) P. COTTONI.



**No. 38.**—*DECLARATION between Great Britain and Zanzibar, respecting the Exercise of Judicial Powers in Zanzibar.*—Signed at Zanzibar, December 16, 1892.

WHEREAS under Article XVI of the Treaty of the 30th April, 1886, between Great Britain and Zanzibar, it is provided that 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 latter is the plaintiff or complainant, the matter may be brought before and decided by, some person specially delegated by the Sultan for that purpose :

Now, therefore, it has been agreed between His Highness Seyyid Ali, Sultan of Zanzibar, and Sir Gerald H. Portal, Her Britannic Majesty's Diplomatic Agent and Consul-General, acting on behalf of Her Majesty's Government, that in all cases arising within the British Protectorate of Zanzibar, in which the plaintiff or complainant is subject to the jurisdiction of the Protecting Power, and the defendant or accused is a subject of His Highness the Sultan or of other non-Christian Power not represented by Consuls, the Sultan hereby delegates all his judicial powers, as defined in the aforesaid Article XVI, to Her Britannic Majesty's Agent and Consul-General, or to any person or persons appointed by him with the concurrence of the Secretary of State for that purpose. His Highness, however, retains the right to appoint a Kathi to be present at the hearing of such cases and to act as Assessor.

The present Declaration shall come into force from the day of its signature, and shall have the same force and duration as the Treaty to which it relates.

In witness whereof the Undersigned, duly authorized to that effect, have signed the same this 16th day of December, 1892.

(L.S.) (Sultan's signature in Arabic.)

(L.S.) G. H. PORTAL, *Her Britannic Majesty's  
Diplomatic Agent and Consul-General.*

**No. 39.**—*SUPPLEMENTARY AGREEMENT to the Agreement between Zanzibar and Italy of August 12, 1892, for the provisional Administration by the Italian Government of the Benadir Ports for the Term of three Years.*—Signed at Zanzibar, May 15, 1893.\*

THE Government of His Highness the Sultan of Zanzibar and of the Dependencies on the East Coast of Africa grants, by the

\* This Agreement was approved by the Italian Chamber of Deputies, and came into force in the middle of July, 1893.

present Supplementary Agreement, to the Government of His Majesty the King of Italy the right to administer provisionally for a term of three years, according to the stipulations of the Convention of the 12th day of August, 1892, signed *ad referendum* by M. Pierre Cottoni and Sir Gerald Portal, the ports, towns, and territories on the Benadir Coast enumerated in Article I of the said Convention, on the conditions specified in the following Articles :—

ART. I. Should the Government of His Majesty the King of Italy or the Company by which they shall be represented evacuate the said Benadir towns within or at the conclusion of the term of three years, dating from the 16th day of July, 1893, and thus abandon the Agreement signed *ad referendum* on the 12th day of August, 1892, the Government of His Majesty the King of Italy undertakes to pay to the Government of His Highness the Sultan, immediately after the evacuation, a sum of 50,000 rupees as an indemnity for the expenses which the re-establishment of the Sultan's Administration in the Benadir towns and ports would occasion to the Government of His Highness ; this indemnity to be raised to 100,000 rupees if any warlike operations have taken place in the country during the three months preceding the evacuation.

II. Should the evacuation of the towns and ports on the Benadir Coast contemplated in the previous Article take place, such public works as roads, leading marks, or other works to which a money value cannot be assigned, which the Italian Company could not transfer to a third party nor continue themselves to work for profit, shall revert without compensation to the Government of His Highness the Sultan. The disposal of all other public works shall be regulated by Article VII of the Convention of the 12th day of August, 1892.

III. The premium of 40,000 rupees which the Government of His Majesty the King of Italy has undertaken to pay to the Government of His Highness the Sultan of Zanzibar, in accordance with Article VIII of the Agreement of the 12th August, 1892, shall only be paid when the said Agreement shall come definitely into force, to wit, after the termination of the three years of provisional administration granted by the present Supplementary Agreement, and on condition that the country be not evacuated by the Government of His Majesty the King of Italy at the conclusion of this provisional period.

IV. The provisional administration for three years in accordance with the stipulations of the Agreement of the 12th day of August, 1892, which is the object of the present Supplementary Agreement, shall commence from the 16th day of July, 1893, and shall terminate on the 15th day of July, 1896, during which period all the clauses and conditions of the Agreement of the 12th August, 1892, shall be held to be in force, subject to the modifications made therein by the present Agreement.

V. Should no evacuation of the towns and ports on the Benadir Coast have taken place before the 15th day of July, 1896, the Agreement signed *ad referendum* on the 12th day of August, 1892, by M. Pierre Cottoni and Sir Gerald Portal shall, with, all its clauses and conditions, from and after that date have full force.

VI. The present Agreement shall be of none effect until it shall have been approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the King of Italy.

VII. The present Agreement has been drawn up in six copies, three in English and three in French.

In faith of which Mr. Rennell Rodd, Her Britannic Majesty's Acting Diplomatic Agent and Consul-General, and M. Pierre Cottoni, Acting Consul for His Majesty the King of Italy, have signed these presents and affixed their seals.

Done at Zanzibar, this 15th day of May, 1893.

(L.S.) RENNELL RODD, *Her Britannic Majesty's  
Acting Diplomatic Agent and Consul-  
General.*

(L.S.) COTTONI, *Acting Consul for Italy.*

*The Sultan of Zanzibar to Mr. Rodd.*

(Translation.)

(After compliments.)

*Zanzibar, May 14, 1893.*

As to the wishes of our friends the Italians regarding the Benadir ports, I hereby appoint you and give you full power in that matter to do what may seem good to you, and it is better to have this matter settled by your Honour. I have faith in you that you will do nothing but good for us.

Written by his order by his slave—

SALEM-BIN-MAHOMED.

**No. 40.**—*AGREEMENT between Great Britain and Zanzibar, respecting the Possessions of the Sultan of Zanzibar on the Mainland and adjacent Islands, exclusive of Zanzibar and Pemba.—Signed at Zanzibar, December 14, 1895.*

*Zanzibar Possessions on Mainland and Islands, exclusive of Zanzibar and Pemba, to be administered by British Government.*

His Highness Seyyid Hamed bin Thwain, Sultan of Zanzibar, agrees for himself, his heirs and successors, that as regards his

possessions on the mainland and adjacent islands, exclusive of Zanzibar and Pemba, the administration shall be entrusted to officers appointed direct by Her Britannic Majesty's Government, to whom alone they shall be responsible.

These officers shall have full powers in regard to executive and judicial administration, the levy of taxes, duties, and tolls, and the regulation of trade and commerce. They shall have control over public lands, forts, and buildings, over all roads, railways, waterways, telegraphs, and other means of communication, and shall regulate questions affecting lands and minerals. All custom duties, taxes, and dues shall be accounted for to, and shall be expended by, Her Britannic Majesty's Government.

All assets purchased by the Sultan's Government from the Imperial British East Africa Company at the time of the surrender of its Concessions shall be the property of Her Britannic Majesty's Government, who shall also retain as their own property all public works of any description which may be constructed by the officers administering under this Agreement.

Her Britannic Majesty's Government shall pay to the Sultan's Government annually the sum of £11,000, as well as of £6,000 representing interest at 3 per cent. on the sum of £200,000 disbursed by the latter for the surrender of the Company's Concessions, and for the purchase of its assets.

This Agreement shall not affect the sovereignty of the Sultan in the above-mentioned territories or the Treaty rights of foreign Powers.

Her Britannic Majesty's Government shall have the power of terminating this Agreement on giving six months' previous notice to the Sultan of Zanzibar of their intention to do so.

(Signature of Sultan in Arabic.)

ARTHUR H. HARDINGE,  
*Her Britannic Majesty's Agent  
and Consul-General.*

Zanzibar, 14th December, 1895.

**No. 41.—ADDITIONAL ARTICLE to Agreement of August 12, 1892, between Italy and Zanzibar, respecting the Benadir Ports.—Signed at Zanzibar, September 1, 1896.\***

ON the occasion of the Convention of the 12th August, 1892, between the Government of His Highness the Sultan of Zanzibar and the Government of His Majesty the King of Italy, coming definitely into force, the Undersigned have agreed, on behalf of

\* Signed also in the French language.

their respective Governments, to the following Additional Article, which will be understood to form an integral part of the above-mentioned Convention :—

*Additional Article.*—The Government of His Majesty the King of Italy, having already paid the premium of 40,000 rupees, as stipulated in the Convention of the 12th August, 1892, undertakes, in accord with the Government of Her Britannic Majesty, to pay a rent of 30,000 rupees for every complete quarter of European year, instead of 40,000 rupees, as laid down in Article VIII, paragraph 2, of the above-named Convention.

This rent of 30,000 rupees for each quarter of European year will be paid at the end of each quarter dating from the 15th July, 1896, at which date the Convention of the 12th August, 1892, came into full force with all its other clauses and conditions.

The present Article has been drawn up in six copies, three in English and three in French.

In faith of which, Signor Antonio Cecchi, Consul-General for His Majesty the King of Italy at Zanzibar, and Basil S. Cave, Esq., Her Britannic Majesty's Acting Diplomatic Agent and Consul-General at Zanzibar have signed these presents and affixed their seals.

Done at Zanzibar this 1st day of September, 1896.

(L.S.) A. CECCHI.

(L.S.) BASIL S. CAVE.

**No. 42.**—*AGREEMENT respecting the Commercial Relations between Russia and Zanzibar.*—Signed at London, August, <sup>12,</sup><sub>24,</sub> 1896.

LE Gouvernement de Sa Majesté Britannique, agissant au nom de Sa Hautesse le Sultan de Zanzibar, d'une part, et le Gouvernement de Sa Majesté l'Empereur de Russie, de l'autre, désirant régler les relations commerciales en Zanzibar, sont convenus de ce qui suit :—

ART. I. Les sujets de Sa Majesté l'Empereur jouiront dans les États du Sultan du traitement de la nation la plus favorisée sous le rapport du commerce et de la navigation ainsi que sous tous les autres rapports ; ils n'auront à payer, pour leurs marchandises et leurs navires, à l'exportation et à l'importation, que les droits auxquels sont ou seront assujettis les sujets de la nation la plus favorisée.

Les sujets de Sa Hautesse le Sultan de Zanzibar jouiront dans les États de Sa Majesté l'Empereur, en se conformant aux lois du pays, du traitement de la nation la plus favorisée, sous le rapport du commerce et de la navigation, ainsi que sous tous les autres rapports ; ils n'auront à payer, pour leurs marchandises

et leurs navires, à l'exportation et à l'importation, que les droits auxquels sont ou seront assujettis les sujets de la nation la plus favorisée.

Il est bien entendu, toutefois, que les dispositions du présent Article ne s'appliquent pas :—

1. Aux faveurs actuellement accordées ou qui pourraient être accordées ultérieurement relativement à l'importation ou à l'exportation, aux habitants du Gouvernement d'Arkhangel ainsi que pour les côtes septentrionales et orientales de la Russie d'Asie (Sibérie).

2. Aux stipulations spéciales contenues dans le Traité passé entre la Russie et la Suède et la Norvège le 26 Avril (5 Mai), 1838, ni à celles qui sont ou seront relatives au commerce avec les États et pays limitrophes de l'Asie et que ces stipulations ne pourront dans aucun cas être invoquées pour modifier les relations de commerce et de navigation établies entre les deux Parties Contractantes par le présent Arrangement.

II. Sa Majesté l'Empereur de Russie aura le droit de nommer des Consuls dans les États de Sa Hautesse le Sultan de Zanzibar. Ces Consuls seront traités sur le même pied et jouiront des mêmes privilèges, immunités, et exemptions que ceux de la nation la plus favorisée.

Réciproquement, Sa Hautesse le Sultan de Zanzibar aura le droit de nommer des Consuls en Russie qui jouiront des mêmes droits, immunités, et privilèges que ceux de la nation la plus favorisée.

III. Le présent Arrangement restera en vigueur pendant dix années à partir du jour de sa signature.

Dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié avant la fin de la dite période son intention d'en faire cesser les effets, le présent Arrangement demeurera obligatoire jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

Les deux Hautes Parties Contractantes se réservent la faculté d'introduire, d'un commun accord, dans le présent Arrangement pendant sa durée, telle modification ou disposition complémentaire que l'expérience aurait démontrée utile.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Arrangement, et y ont apposé le cachet de leurs armes.

Fait à Londres, en double expédition, le  $\frac{12}{24}$  Août, 1896.

(L.S.) SALISBURY.

(L.S.) STAAL.

*Note.*—The Russian Government accepted the abolition of Jurisdiction on  $\frac{\text{June } 21}{\text{July } 4}$ , 1907.

**No. 43.**—*NOTES exchanged between Great Britain and Zanzibar, relative to the Boundary between the Sultan's Mainland Territories and the remainder of the British East Africa Protectorate.*—Zanzibar, July 13, 1899.

*No. 1. Mr. Basil Cave, Acting British Agent and Consul-General at Zanzibar, to Sir Ll. Mathews, First Minister of the Zanzibar Government.*

SIR, Zanzibar, July 13, 1899.

WITH reference to the despatch from Brigadier-General Raikes to Sir Arthur Hardinge of the 1st August last, accepting, on behalf of the Government of His Highness the Sultan of Zanzibar, the line of demarcation between His Highness' dominions on the mainland and the remainder of the British East Africa Protectorate as set out by Her Britannic Majesty's Agent and Consul-General, representing the Government of Zanzibar, and Mr. Whitehouse, the Chief Engineer of the Uganda Railway, on the 18th July, 1898, I am instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to inform you that Her Majesty's Government have formally assented to that line as the inland boundary of the mainland possessions of the Sultan of Zanzibar.

The point at which this line crosses the Uganda Railway is situated between the Mazeras and Mariacane stations, 19 miles 1,600 yards from Mombasa, and is marked by two white posts, bearing the inscription "Boundary of Zanzibar Sultanate."

Her Majesty's Government, however, wish it to be clearly understood that, in agreeing to a boundary which has been fixed by measurement from the heads of creeks and estuaries, they have done so merely for the sake of mutual convenience, in order that no change may be made which could affect localities hitherto recognized as lying either within or without the Zanzibar dominions; the line must not be taken as having been laid out in strict accordance with the text of the Agreement between Great Britain and Germany, dated the 29th October and 1st November, 1886, and adhered to by the Sultan on the 4th December of the same year, or in conformity with the principles internationally accepted as governing the demarcation of boundaries similarly described.

Sir Ll. Mathews.

I have, &c.,  
BASIL S. CAVE.

*No. 2.—Sir Ll. Mathews to Mr. Basil Cave.*

SIR, Zanzibar, July 13, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of to-day's date, referring to the line of demarcation between His Highness' dominions on the mainland and the remainder of the British East Africa Protectorate, as set out by Her Britannic

Majesty's Agent and Consul-General representing the Government of Zanzibar and Mr. Whitehouse, the Chief Engineer of the Uganda Railway, on the 18th July, 1898.

The boundary which was agreed to was not measured according to any hard and fast rule, but for mutual convenience in order that no changes might be made which could affect localities hitherto recognized as lying either within or without the Zanzibar dominions.

I have, &c.,

Basil S. Cave, Esq.

LLOYD WM. MATHEWS.

**No. 44.**—*ARTICLE VII of Anglo-German Convention, November 14, 1899.*

VII. Germany renounces her rights of extra-territoriality in Zanzibar; but it is at the same time understood that this renunciation shall not effectively come into force till such time as the rights of extra-territoriality enjoyed there by other nations shall be abolished.\*

VII. Deutschland giebt seine exterritorialen Rechte in Zanzibar auf; jedoch ist gleichzeitig verabredet, dass dieser Verzicht erst mit dem Zeitpunkt in Kraft treten soll, an welchem die anderen Nationen dort zustehenden Exterritorialitätsrechte ebenfalls aufgehoben sein werden.

**No. 45.**—*AGREEMENT between Great Britain and France, respecting Commercial Relations between France and Zanzibar.—Signed at London, June 27, 1901.*

[Ratifications exchanged at London, February 22, 1902.]

His Britannic Majesty's Government, acting in the name of His Highness the Sultan of Zanzibar, on the one part, and the Government of the French Republic, on the other, being desirous of regulating certain points of the commercial rela-

LE Gouvernement de Sa Majesté Britannique, agissant au nom de Sa Hautesse le Sultan de Zanzibar, d'une part, et le Gouvernement de la République Française, de l'autre, désirant régler certains points des relations commerciales entre

\* All the Powers affected having renounced their rights of extra-territoriality, German subjects were placed under the jurisdiction of the British Courts by Imperial Order, June 11, 1907.

By notes exchanged on <sup>Feb. 25</sup> March 15, 1907, Germany surrendered her jurisdiction subject to the retention of such rights as were reserved to themselves by the French Government in respect of Testamentary dispositions, the treatment of Protégés and the Power of Expulsion.



tions between France and that part of the Sultanate of Zanzibar which is placed under the Protectorate of His Britannic Majesty, have come to the following Agreement:—

ART. I. The valuation of 25 shillings fixed as the minimum by the Regulation of the 8th May, 1898, per case of 12 bottles of brandy or liqueur imported into the possessions of His Highness the Sultan of Zanzibar, under British protection, shall henceforward be reduced to 20 shillings on brandy or liqueur originating in France, Algeria, the French colonies and possessions, or in the Protectorates of Indo-China and Tunis.

II. In return, therefore, colonial produce ("denrées coloniales de consommation") originating in the possessions of His Highness the Sultan of Zanzibar under British protection shall enjoy, on their importation into France, into Algeria, into the French Colonies and possessions, and into the Protectorates of Indo-China and Tunis, the lowest customs duties applicable to similar produce of any other foreign country.

In faith of which the respective Plenipotentiaries have signed the present Agreement, and have sealed it with their arms.

Done in duplicate at London, the 27th June, 1901.

(L.S.) LANSDOWNE.  
(L.S.) PAUL CAMBON.

la France et cette partie du Sultanat de Zanzibar qui est placée sous le Protectorat de Sa Majesté Britannique, sont convenus de ce qui suit:—

ART. I. L'évaluation de 25 schellings fixée comme minimum par le Règlement du 8 Mai, 1898, par caisse de 12 bouteilles d'eau-de-vie ou de liqueur importées dans les possessions de Sa Hautesse le Sultan de Zanzibar placées sous le Protectorat Britannique sera, désormais, réduite à 20 schellings sur les eaux-de-vie ou les liqueurs originaires de la France, de l'Algérie, des Colonies et des possessions Françaises, ou des pays de Protectorat de l'Indo-Chine et de la Tunisie.

II. En compensation de cette mesure, les denrées coloniales de consommation originaires des possessions de Sa Hautesse le Sultan de Zanzibar placées sous le Protectorat Britannique bénéficieront, à leur importation en France, en Algérie, dans les Colonies et possessions Françaises, dans les pays de Protectorat de l'Indo-Chine et de la Tunisie, des taxes de douane les plus réduites applicables aux produits similaires de toute autre origine étrangère.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Arrangement, et y ont apposé le cachet de leurs armes.

Fait à Londres, en double expédition, le 27 Juin, 1901.

(L.S.) LANSDOWNE.  
(L.S.) PAUL CAMBON.

**No. 46.**—*CONVENTION between Great Britain and the United States, respecting Import Duties in Zanzibar.*—  
*Signed at Washington, May 31, 1902.*

[Ratifications exchanged October 17, 1902.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, acting in the name of His Highness the Sultan of Zanzibar, and the United States of America, have, for the purposes hereinafter stated, appointed their respective Plenipotentiaries, namely :

His Britannic Majesty, Arthur Stewart Raikes, Esquire, His Britannic Majesty's Chargé d'Affaires ; and

The President of the United States of America, the Honourable John Hay, Secretary of State of the United States of America ;

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

**ART. I.** Recognizing that it is just and necessary to facilitate to that portion of the dominions of His Highness the Sultan of Zanzibar which is under the protection of Great Britain, and which is situated in the basin of the Congo, as defined by the General Act of the African Conference at Berlin of the 26th February, 1885, the accomplishment of the obligations which it has contracted by virtue of the General Act of Brussels of the 2nd July, 1890, the United States waives any objection on its part to the collection of import duties upon merchandize imported into that Protectorate.

The tariff of these duties, as provided in the Declaration of Brussels bearing the same date as the said General Act of Brussels, for the period of fifteen years next ensuing from that date, is not to exceed 10 per cent. of the value of the merchandize at the port of importation, except for spirits and for fire-arms and ammunition, which are regulated by the General Act of Brussels.

At the expiration of the said period of fifteen years, and in default of a new agreement, the United States will, with respect to this subject, be restored to the relations with the said Protectorate which existed prior to the conclusion of this Convention, the right to impose thereafter import duties to a maximum of 10 per cent. upon merchandize imported into the said Protectorate remaining acquired to the latter so long only as it shall continue to comply with the conditions and limitations stated in this Convention.

I. The United States shall enjoy in the said Protectorate as to import duties all the advantages accorded to the most favoured nation.

Neither differential treatment nor transit duty shall be established in said Protectorate.

In the application of the tariff régime of the said Protectorate, the formalities and operations of commerce shall be simplified and facilitated so far as possible.

III. Considering the fact that in Article I of this Convention the United States has given its assent, under certain conditions, to the establishment of import duties in that portion of the dominions of His Highness the Sultan of Zanzibar which is under the protection of Great Britain, it is well understood that the said Protectorate assures to the flag, to the vessels, to the commerce, and to the citizens and inhabitants of the United States, in all parts of the territory of that Protectorate, all the rights, privileges, and immunities concerning import and export duties, tariff régime, interior taxes and charges, and, in a general manner, all commercial interests, which are or shall be accorded to the Signatory Powers of the Act of Berlin, or to the most favoured nation.

This Convention shall be ratified, and the ratifications shall be exchanged at Washington as soon as may be and within twelve months from the date hereof.

Done in duplicate at Washington, this 31st day of May, in the year of our Lord 1902.

(L.S.) ARTHUR S. RAIKES.

(L.S.) JOHN HAY.

**No. 47.**—*CONVENTION respecting Payment of Light and Harbour Dues by Vessels of the United States in Zanzibar.*  
—Signed at Washington, June 5, 1903.

[Ratifications exchanged at Washington, December 24, 1903.]

WHEREAS it is provided by Article III of the Treaty of Amity and Commerce concluded the 21st September, 1833, between the United States of America and His Highness the Sultan of Muscat, which Treaty was accepted by His Highness the Sultan of Zanzibar after the separation of that State from the jurisdiction of Muscat, that vessels of the United States entering any ports of the Sultan's dominions shall pay no more than 5 per centum 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;

And whereas no provision is made in the above mentioned Treaty, nor in any subsequent Agreement, for the payment of light and harbour dues in the dominions of His Highness the Sultan;

And whereas His Majesty the King of the United Kingdom of

Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, acting in the name of His Highness the Sultan of Zanzibar, and the United States of America, are desirous, in the interest of commerce, of so amending the said Article III of the said Treaty of Amity and Commerce of the 21st September, 1833, as to permit the imposition of light dues at the rate of 1 anna upon every registered ton, with an added harbour due of 1 anna upon every registered ton, on vessels of the United States entering the ports in the Islands of Zanzibar and Pemba ;

Now, therefore, the High Contracting Parties have to that end resolved to conclude a Convention, and have for this purpose appointed their Plenipotentiaries, to wit :

His Britannic Majesty, the Right Honourable Sir Michael H. Herbert, G.C.M.G., C.B., His Majesty's Ambassador Extraordinary and Plenipotentiary ; and

The President of the United States of America, John Hay, Secretary of State of the United States ;

Who, having exhibited each to the other their respective full powers, which were found to be in due and proper form, have agreed upon the following Articles :—

ART. I. It is understood and agreed between the High Contracting Parties that nothing contained in said Article III of the said Convention of the 21st September, 1833, shall be construed as preventing the imposition on and collection from vessels of the United States entering any port in the Islands of Zanzibar and Pemba of a light due of 1 anna per registered ton and an added harbour due of 1 anna per registered ton, His Britannic Majesty, acting in the name of His Highness the Sultan of Zanzibar, engaging that the light and harbour dues so imposed and collected shall be applied to the construction and maintenance of light-houses and buoys for the proper lighting of the coast of the said islands.

II. It is further understood and agreed between the High Contracting Parties that the consent of the United States to the imposition and collection of the light and harbour dues aforesaid is given on the conditions—

1. That really adequate lighthouses are provided and maintained ; also that lights shall be placed upon the buoys when required by American vessels entering or leaving the harbour of Zanzibar at night.

2. That accounts of the receipts and expenditure of the dues are carefully kept and published.

3. That provision be made for the reduction of the dues if they should hereafter become disproportionate to the expenditure.

4. That the consent of all the other Powers having Treaties with Zanzibar be given to the imposition of the said light and harbour dues on their vessels, and that vessels of the United States be subject to no differential treatment.

III. The present Convention shall be ratified by His Britannic Majesty, and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged in the city of Washington as soon as practicable.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at the city of Washington, this 5th day of June, in the year 1903.

(L.S. MICHAEL H. HERBERT.  
(L.S.) JOHN HAY.

**No. 48.**—*EXCHANGE OF NOTES between the British and French Governments relative to the suppression of French Jurisdiction and closing of French Post Office in Zanzibar, London,  $\frac{13}{18}$  May, 1904.*

*M. Cambon to the Marquess of Lansdowne.*

*Ambassade de France, Londres, le 13 Mai, 1904.*

M. LE MARQUIS,

LES récents entretiens que nous avons eus au sujet de la fermeture du Tribunal Consulaire de France à Zanzibar paraissent avoir dissipé les quelques doutes qui subsistaient de part et d'autre sur les conséquences exactes de cette mesure, et qui en avaient retardé jusqu'ici l'exécution.

Nos deux Gouvernements se trouvent d'accord pour reconnaître—et cela résulte notamment, en ce qui concerne le Gouvernement de Sa Majesté, des lettres du Marquis de Salisbury en date des 13 Octobre, 1899, et 15 Février, 1900—que la reconnaissance par le Gouvernement de la République dans les Iles de Zanzibar et de Pemba, ainsi que dans la partie continentale du Sultanat de Zanzibar placée sous le Protectorat Britannique, des Tribunaux Anglais institués par les Ordres en Conseil de 1899, aura pour effet de restreindre à l'avenir les immunités résultant pour les citoyens ou sujets Français et les protégés Français des Articles III et IV du Traité de 1844 entre la France et Mascate, dans la mesure nécessaire à l'administration de la justice par les dits Tribunaux.

Le Consul de France ne pourra s'opposer à ce que les actes de procédure régulièrement faits par ces Tribunaux soient exécutés par les fonctionnaires chargés de leur exécution, ni faire lui-même des actes de procédure ou mettre à exécution des actes de procédure émanant de toute autorité Française.

La juridiction des Tribunaux Britanniques à l'égard des citoyens

ou sujets Français et des protégés Français sera complète, entraînant le droit pour les officiers de justice de pénétrer, à condition que ce soit en vertu d'actes émanant régulièrement de l'autorité judiciaire Britannique, dans les maisons d'habitation, magasins et autres propriétés, possédés ou occupés par des citoyens ou sujets Français ou des protégés Français, et de les retenir contre leur gré dans les États du Sultan.

Hormis cette exception, les immunités, privilèges, ou prérogatives stipulés par le Traité de 1844 en faveur de la France lui sont maintenus conformément à la Déclaration signée à Londres le 5 Août, 1890,\* notamment en ce qui concerne l'administration des successions, dans la mesure toutefois où cette disposition ne serait pas de nature à entraîner, soit directement, soit indirectement, un retour à l'exercice de la juridiction Consulaire. Toute contestation relative à l'étendue des immunités, privilèges, ou prérogatives ci-dessus sera réglée par la voie diplomatique.

Enfin, les affaires pendantes devant notre Tribunal Consulaire à la date fixée pour la clôture seront réglées par lui conformément à la législation Française.

Nos deux Gouvernements se trouvent également d'accord pour régler dans les conditions suivantes la question de l'exercice par la France du droit de protection à Zanzibar :—

La qualité de protégé Français s'étend (ainsi que le reconnaissait le Marquis de Salisbury dans sa lettre précitée du 13 Octobre, 1899)—

1. Aux individus originaires des pays de Protectorat Français ;
2. Aux personnes qui sont " au service de Français," conformément aux stipulations du Traité de 1844. Cette qualification ne comporte pas de distinction d'emploi, de qualité ou de fonction, mais ne s'applique qu'à ceux qui sont réellement et " bonâ fide " au service des Français. Comme il est possible que certaines immatriculations d'indigènes qui ne rentreraient pas absolument dans les deux catégories ci-dessus aient été accordées en vertu de tolérances ou de coutumes locales antérieures, on procédera à leur égard ainsi qu'il a été fait en Tunisie à propos des indigènes Tunisiens inscrits au Consulat d'Angleterre.

Le Consul de France à Zanzibar arrêtera immédiatement et *ne varietur* une liste des protégés de cette catégorie inscrits actuellement et en donnera communication au Représentant de Sa Majesté à Zanzibar. Cette liste sera d'ailleurs aussi réduite que possible, le nombre des protégés y figurant ne devant pas dépasser vingt-cinq et ne devant pas être renouvelé.

Enfin, conformément aux principes applicables à l'ensemble des droits réservés par la France, toute contestation en matière de protection sera réglée par la voie diplomatique.

\* By which France recognized H.M.'s Protectorate over Zanzibar, the establishment of which, however, was not to affect any rights or immunities enjoyed by French citizens in the territories in question.

· Votre Seigneurie a fait observer à ce sujet que les délais nécessaires à un pareil règlement pourraient avoir des conséquences préjudiciable, soit à l'intérêt public, soit aux intérêts mêmes de l'individu dont la qualité de protégé Français serait discutée, et elle a proposé qu'en pareil cas on donnât à l'intéressé le bénéfice du doute en le considérant provisoirement comme ayant droit à la compétence des Tribunaux Britanniques : mon Gouvernement se rallie volontiers à cette manière de voir.

Il en est de même en ce qui concerne les mesures d'expulsion par voie administrative. Mon Gouvernement avait mentionné au cours des pourparlers présents qu'une pareille procédure ne serait pas applicable à nos nationaux et ressortissants. Il ne s'opposerait pas cependant à ce que dans des cas particuliers et avec l'assentiment du Consul de France il put être dérogé à cette règle à titre tout à fait exceptionnel.

L'accord se trouvant ainsi établi, j'ai l'honneur de faire savoir à votre Seigneurie que mon Gouvernement a décidé de prescrire la fermeture, à la date du 15 Septembre prochain, du Tribunal Consulaire Français à Zanzibar : je serais très reconnaissant à votre Seigneurie de vouloir bien m'accuser réception de cette communication, afin que mon Gouvernement, sur l'avis que je lui en donnerai, puisse faire parvenir sans retard à son Représentant à Zanzibar les instructions nécessaires à l'exécution de cette mesure.

J'ajoute qu'en ce qui concerne notre office postal, mon Gouvernement prendra des dispositions pour qu'il soit procédé sans retard au règlement de ses opérations en cours et ensuite à sa fermeture.

Veillez, &c.,  
(Signé) PAUL CAMBON.

*The Marquess of Lansdowne to M. Cambon.*

YOUR EXCELLENCY,

*Foreign Office, May 18, 1904.*

I HAVE the honour to acknowledge the receipt of your note of the 13th instant, recapitulating the conditions of the Agreement which has been arrived at between His Majesty's Government and the Government of the French Republic for the closure of the French Consular Court at Zanzibar, and the recognition by the French Government of the British Tribunals established by the Orders in Council of 1899 for the Islands of Zanzibar and Pemba, and the continental portions of the Sultanate of Zanzibar placed under British protection.

I have pleasure in confirming the Agreement thus come to, the terms of which are correctly described in your Excellency's note.

His Majesty's Government take note of your statement that

it has been decided to close the French Consular Court at Zanzibar on the 15th September next.

His Majesty's Government will make such arrangements as are required on their part for the due execution of those portions of the Agreement which relate to French protégés, and, without entering into the juridical question of the right of the Zanzibar Government to expel the nationals or protégés of foreign Powers by administrative process, they are willing to give an assurance that no such action shall be taken against French citizens or protégés without the concurrence of the French Consul.

I take note with satisfaction of your Excellency's statement that it is the intention of the French Government to take measures without delay for winding up and closing the French Post Office at Zanzibar.

I have, &c.,  
(Signed) LANSDOWNNE.

**No. 49.—ARRANGEMENT for an Exchange of Parcels between the Post Office of Zanzibar and the Post Office of the British Central Africa Protectorate.—Signed at Zanzibar, April 29, 1904.  
Zomba, June 4**

IN order to establish an exchange of parcels between Zanzibar and the British Central Africa Protectorate, the Undersigned, duly authorized for that purpose, have agreed upon the following Articles:—

ART. I. There shall be a regular exchange of parcels between the Post Office of Zanzibar and the Post Office of the British Central Africa Protectorate.

II. The exchange of parcels between the two countries shall be maintained by the direct sea route. The offices of exchange shall be, on the side of Zanzibar, Zanzibar, and on the side of the British Central Africa Protectorate, Chinde.

III. Payment of postage shall be compulsory, at the rates of—

	<i>s.</i>	<i>d.</i>
Not exceeding 3 lb. ....	1	6
Not exceeding 7 lb. ....	2	6
Not exceeding 11 lb. ....	3	6

on parcels exchanged between the Post Office of Zanzibar and the Post Office of the British Central Africa Protectorate on the one hand, and between the Post Office of the British Central Africa Protectorate and the Post Office of Zanzibar on the other hand.



The postage rates shall be apportioned as follows :—

		Not exceeding 3 lb.	Not exceeding 7 lb.	Not exceeding 11 lb.
		<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
Zanzibar ....	{ Sea service .....	0 5	0 5	0 5
	{ Inland service.....	0 5	0 9	1 1
B.C.A.P. ....	{ River service .....	0 4	0 8	1 0
	{ Inland service .....	0 4	0 8	1 0
		1 6	2 6	3 6

IV. Parcels shall be dispatched in mail bags or boxes with the ordinary mail. If boxes be used, the cost thereof shall be shared equally between the two countries.

V. The maximum weight for a parcel shall be 11 lb. No parcel shall exceed 3 ft. 6 in. in length, or 6 feet in length and girth combined. The maximum limit of value shall be 50l.

VI. Parcels exchanged between the two countries may not contain opium, liquids (unless securely packed in proper cases), substances of a dangerous, damaging, or offensive nature, or contraband articles or substances; nor may they contain a letter or packet addressed to a person other than the addressee of the parcel itself. In addition to the above conditions, no seeds, or living or dried plants, which have as their place of origin India, Ceylon, Straits Settlements, Dutch East Indies, German East Africa, Congo Free State, Mauritius, Zanzibar, or Natal may be sent to British Central Africa by parcel post.

VII. Every parcel shall bear the name and address of the person for whom it is intended, given with such completeness as will enable delivery to be effected.

VIII. The sender of a parcel shall be responsible that it is securely packed in such a manner as to protect the contents from danger.

IX. Every parcel shall be accompanied by a declaration of its contents and value, signed by the sender. The declaration shall also contain the address of the parcel.

X. The condition as to the posting, transmission, delivery of parcels (including the levy of customs duties and other charges), and redirection, within the limits of the country of destination, shall be governed by the Regulations of the country concerned.

XI. Parcels may be redirected to another country, subject to payment on delivery of ordinary parcel postage.

If for any reason a parcel cannot be delivered, the offices of exchange of the two countries shall communicate with one another with a view of ascertaining the sender's wishes in respect of the disposal of the parcel. A parcel which cannot be delivered to the original addressee shall, at the sender's request, be delivered

to any other person named by him in the country of destination, or be returned to the sender himself, subject to the payment by him of the charges due for redirection. Parcels which cannot be delivered, returned to the sender, or otherwise disposed of, shall be returned to the country of origin, charged as redirected parcels.

XII. Parcels exchanged between the two countries shall be entered in invoices in the annexed Form (A) or (AA), prepared by the dispatching office of exchange. The invoices, accompanied by the declaration and value of the parcels entered therein (referred to in Article IX), shall be prepared in duplicate, and forwarded with the parcels to the office of exchange of the country of destination.

Undelivered parcels returned to the senders under Article XI shall be entered in the invoices (A) and (AA), with the addition of the word "Undeliverable" in the column for remarks.

XIII. The invoices dispatched by each office of exchange shall be numbered in a consecutive series, commencing with No. 1 for the first invoice of each calendar year, and these numbers shall be termed the invoice numbers. The entries in each invoice shall also be numbered consecutively, commencing with No. 1 for each invoice, and these numbers shall be termed the entry numbers.

XIV. Every discrepancy between an invoice and the parcels entered therein, or other error in an invoice, observed by the receiving office of exchange, shall be recorded in a verification certificate in the annexed Form (C), which shall be forwarded by the return mail to the dispatching office of exchange.

XV. A quarterly account in the annexed Form (D) shall be prepared by the Zanzibar Office of Exchange. This account shall be based on the invoices in Forms (A) and (AA) for the quarter, corrected by the verification certificates in Form (C), received up to the date of the preparation of the quarterly account.

XVI. A copy of the account mentioned in Article XV shall be furnished by the Postmaster at Zanzibar to the Postmaster-General at Zomba with payment, if the balance be in favour of the British Central Africa Protectorate, by a draft on London, or for payment by draft on London if the balance be in favour of Zanzibar.

XVII. In ordinary matters relating to the preparation, transmission, or correction of invoices the offices of exchange shall be the offices of correspondence; but matters involving questions other than those of detail shall be settled in communication between the Postmaster of Zanzibar and the Postmaster-General of the British Central Africa Protectorate.

XVIII. The present Arrangement shall take effect on the 1st day of May, 1904. It shall continue in force until one year after the date on which one of the Contracting Parties shall have notified to the other of its intention to terminate it.

Executed in triplicate, and signed at Zanzibar, 29th April, 1904 ; at Zomba, 4th June, 1904.

A. S. ROGERS, *Regent and First Minister of the Government of His Highness the Sultan of Zanzibar.*

ALFRED SHARPE, *His Majesty's Commissioner, Commander-in-chief, and Consul-General.*

JOHN H. SINCLAIR, *Acting Diplomatic Agent and Consul-General.*

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[The Forms (A), (AA), (C), (D), referred to in Articles XII, XIV, and XV, are not printed.]

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**No. 50.**—*NOTES exchanged between Great Britain and Italy, respecting the Benadir Coast, Jurisdiction at Zanzibar, and Lease of Land near Kismayu.—London, January 13, 1905.*

[Agreement approved by the Italian Parliament, June 27, 1905.]

*No. 1.—The Marquess of Lansdowne to Signor Pansa.*

YOUR EXCELLENCY, *Foreign Office, January 13, 1905.*

IN pursuance of previous communications on the subject of an accord between the Zanzibar Government and the Government of His Majesty the King of Italy for the purchase by the Italian Government of all the sovereign and other rights of His Highness the Sultan of Zanzibar over the towns, ports, and territory of the Benadir Coast, of which the Administration is now vested in the Italian Government under the Agreement dated the 12th August, 1892, as amended by the Additional Article dated the 1st September, 1896, I have now the honour to propose to your Excellency, in the name of the Government of His Highness the Sultan of Zanzibar, and on behalf of His Majesty's Government, the following terms of Agreement :—

1. The Italian Government will pay to the Government of Zanzibar the sum of 144,000*l.* This sum, or its sterling equivalent, shall be lodged in the Bank of England to the credit of the Zanzibar Government within three months of the exchange of notes recording the Agreement.

The rent now payable by the Italian Government shall continue to be paid up to the day on which the purchase money is paid into the Bank.

On the payment of the above-mentioned sum, all right specially

reserved to His Highness the Sultan under the Agreements of 1892 and 1896 shall cease and determine. All subjects of His Britannic Majesty and other British-protected persons, and all subjects of His Highness the Sultan of Zanzibar, shall continue to enjoy in the towns, ports, and territory in question all the privileges and advantages with respect to commerce and shipping which are or may be accorded to the subjects of the most favoured nation.\*

2. On the same day on which the arrangement indicated in (1) comes into force, all the rights of extra-territoriality now enjoyed by Italy, under Treaty, Agreement or usage, in the dominions of His Highness the Sultan of Zanzibar, shall absolutely cease and determine; and on and after that date the extra-territorial jurisdiction hitherto exercised by His Majesty the King of Italy in His Highness' dominions shall be transferred to His Britannic Majesty's Court for Zanzibar, as constituted under "The Zanzibar Order in Council, 1897."

3. The Italian Government undertake that if at any time Italy should desire to give up the towns, ports, and territory in question, Great Britain shall have the right of pre-emption.

I beg your Excellency to do me the honour to inform me whether the Italian Government consent to these terms of Agreement.

I have, &c.,

LANSDOWNE.

Signor Pansa.

No. 2.—*Signor Pansa to the Marquess of Lansdowne.*

(Translation.)

MY LORD,

*Italian Embassy, London, January 13, 1905.*

IN your note of to-day's date your Lordship has done me the honour of communicating to me, in conformity with our preceding correspondence, the terms of a Convention between the Government of His Majesty the King of Italy and the Government of Zanzibar for the acquisition on the part of Italy of all the sovereign and other rights appertaining to His Highness the Sultan of Zanzibar over the towns, ports, and territories of the Benadir Coast, the administration of which is now vested in the Italian Government under the Convention of the 12th August, 1892, as modified by the Additional Article of the 1st September, 1896. The said terms proposed by your Lordship in the name of the Government of His Highness the Sultan of Zanzibar, and on behalf of His Majesty's Government, are as follows:—

1. The Italian Government will pay to the Government of Zanzibar the sum of 144,000*l.* This sum, or its equivalent, shall be lodged in the Bank of England to the credit of the Government of Zanzibar within three months of the exchange of notes recording this Agreement.

\* See also Nos. 5 and 6, pages 117, 118.

The rent now payable by the Italian Government shall continue to be paid up to the day on which the aforesaid sum shall be lodged at the Bank.

On the payment of the said sum all the rights specially reserved to His Highness the Sultan under the Agreements of 1892 and 1896 shall cease to exist.

All the subjects of His Britannic Majesty and other British protected persons, as well as all the subjects of His Highness the Sultan of Zanzibar, shall continue to enjoy in the cities, ports, and territories in question all the privileges and advantages with respect to commerce and navigation which are or may be accorded to the subjects of the most favoured nation.\*

2. On the same day on which the arrangements mentioned in the preceding Article come into force, all the rights of extra-territoriality now enjoyed by Italy under Treaties, Conventions, or usage in the dominions of His Highness the Sultan of Zanzibar shall absolutely cease; and on and after that date the extra-territorial jurisdiction hitherto exercised by His Majesty the King of Italy in the said dominions of His Highness shall be transferred to His Britannic Majesty's Court at Zanzibar, as constituted under "The Zanzibar Order in Council, 1897."

3. The Italian Government undertake that if at any time Italy should desire to give up the towns, ports, and territories in question Great Britain shall have the right of pre-emption.

In accordance with instructions received from his Excellency the Minister for Foreign Affairs, I have the honour to inform your Lordship that the Government of His Majesty the King of Italy accept the proposals referred to above, subject to the necessary approval of the Italian Parliament.

I have, &c.,  
PANSA.

*The Marquess of Lansdowne.*

*No. 3.—The Marquess of Lansdowne to Signor Pansa.*

YOUR EXCELLENCY, *Foreign Office, January 13, 1905.*

WITH reference to my other note of this day's date, I have the honour to submit to your Excellency the following terms of an Agreement dealing with the lease to the Italian Government of a plot of land in the neighbourhood of Kismayu, as well as the right of passage between that place and a point in Italian territory near the mouth of the River Juba :—

1. His Britannic Majesty's Government agree to lease to the Italian Government an area of land on the east side of Kismayu in the British East Africa Protectorate, not exceeding 150 yards sq are, for the erection of a bonded warehouse, or other necessary

\* See also reservation in Notes Nos. 5 and 6, pages 117, 118,

building. His Britannic Majesty's Government will also lease to the Italian Government sufficient ground on the foreshore of the spit, lying south-east of the existing British pier at Kismayu, for the erection of a pier for the use of the Italian Government together with a right of way from the said pier to the warehouse mentioned above, and from there to a point on the River Juba opposite Giumbo.

" 2. The exact site of the area of land and of the pier, and the course of the right of way, shall be agreed locally by two officers, of whom each Government shall appoint one. The said area of land shall be as nearly as possible contiguous to the pier. When the boundaries of the area of land, and the site of the pier, and the course of the right of way, have been agreed and marked out by the two officers, a plan thereof, signed by both of them, shall be sent to each Government.

" 3. The Italian Government shall pay for the land leased an annual rent of *l*l.

" 4. The lease shall be in force for thirty-three years from this date, but if the Italian Government shall show to the satisfaction of His Britannic Majesty's Government that the amount spent within ten years from this date on the erection of the pier and buildings exceeds 5,000*l*., then the lease shall be in force for sixty-six years; or, if the amount so shown to be spent exceeds 10,000*l*., then the lease shall be in force for ninety-nine years.

" 5. On the determination of the lease the buildings erected on the land shall become the property of His Britannic Majesty's Government.

" 6. The Italian Government shall be at liberty to erect on the area of land referred to in Article 1 such accommodation as may be necessary for the temporary shelter of Italian troops landing at Kismayu *en route* for Giumbo in the Italian sphere but no such troops shall be landed at Kismayu without the previous consent of His Britannic Majesty's Government.

" This restriction, however, shall only apply to the landing of such troops for expeditionary purposes; and in the case of ordinary reliefs, it shall be sufficient if due notice is given beforehand to the local British Commandant.

" 7. Import duties imposed on goods landed at the pier to be erected by the Italian Government shall be refunded in accordance with the Transit and Re-export Regulations for the time being in force in the British East Africa Protectorate if the goods are eventually removed to the Italian sphere.

" 8. Nothing herein shall be construed to exempt either the land leased or persons thereon from the Laws and Regulations in force in the British East Africa Protectorate, subject to which, however, employés of the Italian Government resident in the leased territory shall be free to exercise the functions of their respective offices "

I beg your Excellency to do me the honour to inform me whether the Italian Government consent to these terms of Agreement.

Signor Pansa.

I have, &c.,  
LANSDOWNE.

*No. 4.—Signor Pansa to the Marquess of Lansdowne.*

(Translation.)

MY LORD, *Italian Embassy, London, January 13, 1905.*

WITH reference to your preceding note of to-day, I have received the note of the same date which your Lordship has done me the honour of addressing to me, communicating in the following terms the conditions of an Agreement for the lease to the Italian Government of a plot of land in the neighbourhood of Kismayu, as well as the right of passage between that place and a point in Italian territory near the mouth of the Juba:—

“ 1. His Britannic Majesty’s Government agree to lease to the Italian Government an area of land on the east side of Kismayu, in the British East Africa Protectorate, not exceeding 150 yards square, for the erection of a bonded warehouse or other necessary building. His Britannic Majesty’s Government will also lease to the Italian Government sufficient ground on the foreshore of the spit to the south-east of the existing British pier at Kismayu for the erection of a pier for the use of the Italian Government together with a right of way from the said pier to the warehouse, mentioned above, and from there to a point on the River Juba opposite Gumbo.

“ 2. The exact site of the area of land and of the pier, as well as the course of the right of way in question, shall be fixed on the spot by two officers, each of whom shall be appointed by his respective Government. The said area of land shall be, as far as possible, contiguous to the pier. When the boundaries of the area of land, and the site of the pier, and the course of the right of way, shall have been agreed upon and marked out by the two officers, they shall make a plan thereof, to be signed by both, and forward it to their respective Governments.

“ 3. The Italian Government shall pay for the land leased an annual rent of 1l.

“ 4. The lease shall be in force for thirty-three years from the present date, but if the Italian Government shall show to the satisfaction of His Britannic Majesty’s Government that the amount spent within ten years from this date on the erection of the pier and buildings exceeds 5,000l., then the lease shall be in force for sixty-six years; or if the amount so shown to be spent exceeds 10,000l., then the lease shall be in force for ninety-nine years.

“ 5. On the termination of the lease, the buildings erected on the land shall become the property of His Britannic Majesty’s Government.

" 6. The Italian Government shall be at liberty to erect on the area of land mentioned in Article 1 such accommodation (buildings) as may be necessary for the temporary shelter of Italian troops landing at Kismayu *en route* for Giumbo in the Italian sphere, but no such troops shall be landed at Kismayu without the previous consent of His Britannic Majesty's Government.

" This restriction, however, shall only apply to the landing of such troops for expeditionary purposes ; in the case of ordinary garrison reliefs, it will be sufficient if due notice is given beforehand to the local British Commandant.

" 7. Import duties imposed on goods landed at the pier to be erected by the Italian Government shall be refunded, in accordance with the Transit and Re-export Regulations for the time being in force in the British East Africa Protectorate, if the goods are eventually removed to the Italian sphere.

" 8. Nothing in these Articles shall be construed to exempt either the land leased or the persons residing thereon from the Laws and Regulations in force in the British East Africa Protectorate, subject to which, however, employés of the Italian Government residing in the leased territory shall be free to exercise the functions of their respective offices."

In accordance with instructions received from His Excellency the Minister for Foreign Affairs in Rome, I have the honour to inform your Lordship that the Government of His Majesty the King of Italy accept the proposals referred to above, subject to the necessary approval of the Italian Parliament.

I have, &c.,

*The Marquess of Lansdowne.*

PANSA.

*No. 5.—Signor Pansa to the Marquess of Lansdowne.*

(Translation.)

MY LORD, *Italian Embassy, London, January 13, 1905.*

IN my other communication of to-day, I had the honour of informing your Lordship that the Italian Government consent to the terms of the Agreement contained in your Lordships' note of the same date respecting the purchase of all the sovereign and other rights appertaining to His Highness the Sultan of Zanzibar over the towns, ports, and territories of the Benadir Coast.

With reference, however, to the last paragraph of Article 1 of that Agreement, relative to the privileges and advantages guaranteed therein to the subjects of His Britannic Majesty and other British-protected persons, as well as to all the subjects of His Highness the Sultan of Zanzibar I am instructed by my Government to point out to your Lordship that, if the proviso in question is to be held to apply equally to coloured persons, the Italian Government might eventually find themselves bound to extend more favourable treatment to these latter than to their own subjects of the same category.



The Italian Government desire accordingly to reserve to themselves the right to act within the territories in question in such a way that the eventual special regulations applicable to their own coloured subjects may be equally applicable to coloured persons who may be British subjects or British-protected persons or subjects of His Highness the Sultan of Zanzibar.

I should be grateful if your Lordship would do me the honour to inform me whether His Britannic Majesty's Government agree to this reservation.

*The Marquess of Lansdowne.*

I have, &c.,

PANSA.

*No. 6.—The Marquess of Lansdowne to Signor Pansa.*

YOUR EXCELLENCY,

*Foreign Office, January 13, 1905.*

I HAVE the honour to acknowledge your note of this day's date, in which you inform me that the Italian Government desire to reserve to themselves the right to make such regulations as may be applicable, within Benadir territory, to their own coloured subjects equally applicable to coloured persons who may be British subjects or British-protected persons or subjects of His Highness the Sultan of Zanzibar.

I beg leave to inform your Excellency that His Majesty's Government agree to this reservation, but it is, of course, understood that they retain the right to make representations to the Italian Government in regard to any such regulations as may appear to them to be of an unusual character or likely to prove injurious in their practical working.

I have, &c.,

*Signor Pansa.*

LANSDOWNE.

**No. 51.—CONVENTION** *between Great Britain and the United States of America, respecting Extra-territorial Jurisdiction in Zanzibar.—Signed at Washington, February 25, 1905.*

[Ratifications exchanged at Washington, June 12, 1905.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, acting in the name of His Highness the Sultan of Zanzibar, and the United States of America, have, for the purposes hereinafter stated, appointed as their Plenipotentiaries namely :

His Britannic Majesty, the Right Honourable Sir Henry Mortimer Durand, G.C.M.G., K.C.S.I., K.C.I.E., his Ambassador Extraordinary and Plenipotentiary near the Government of the United States ; and

The President of the United States of America, the Honourable John Hay, Secretary of State of the United States of America ;

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

ART. I. The United States of America agrees to renounce in the British Protectorate of Zanzibar, and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which lies within the Protectorate of British East Africa, the extra-territorial rights secured to it by the Treaty of the 21st September, 1833, between the United States and the Sultan of Muscat, and the Treaty of the 3rd July, 1886, between the United States and Zanzibar.

The jurisdiction exercised thereunder by Consular Courts of the United States in the British Protectorate of Zanzibar and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which is under British protection, and all the exceptional privileges, exemptions, and immunities enjoyed by citizens of the United States as a part of or appurtenant to such jurisdiction shall absolutely cease and determine. It being understood, however, that this renunciation shall not take effect until such time as the rights of extra-territoriality enjoyed in Zanzibar by other nations shall have been likewise renounced.

II. In consideration of this renunciation by the United States of America, the Government of His Britannic Majesty agrees to empower the competent British Courts which have been established in the British Protectorate of Zanzibar and in that part of the mainland dominions of His Highness the Sultan of Zanzibar which is under British protection, to exercise jurisdiction over citizens of the United States the same as over British subjects and British protected persons, and that citizens of the United States shall have in and before said Courts all the rights and privileges that belong and are accorded therein to British subjects and to British protected persons.

III. The present Convention shall be ratified by His Britannic Majesty and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratification shall be exchanged at Washington as soon as possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention, and have hereunto affixed our seals.

Done in duplicate at the city of Washington, this 25th day of February, in the year of our Lord 1905.

(L.S.) H. M. DURAND.

(L.S.) JOHN HAY.

NOTE.—The condition specified at the end of Article I having been fulfilled arrangements were made by exchange of notes dated April <sup>22</sup>/<sub>29</sub>, 1907, for the transfer of jurisdiction to the competent British Courts.

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**No. 52.**—*EXCHANGE OF NOTES between Great Britain and Italy respecting the Cessation of Italian Consular Jurisdiction in Zanzibar.*—Rome, July 5 and 9, 1905.

(1) *The British Embassy at Rome to the Italian Minister for Foreign Affairs.*

His Britannic Majesty's Embassy has the honour to state that a telegram has been received from the Marquess of Lansdowne saying that the purchase money for the Benadir ports has been paid into the Bank of England, and asking whether the Royal Representative at Zanzibar has received any instructions with regard to the surrender of Italian extra-territorial jurisdiction.

His Majesty's Embassy would be very glad to be supplied with information which will render it possible to answer this enquiry.

Rome, 5th July, 1905.

(2) *The Italian Minister for Foreign Affairs to the British Embassy at Rome.*

(Translation.)

THE Ministry of Foreign Affairs of His Majesty the King of Italy has the honour to inform His Britannic Majesty's Embassy, in reply to their *note verbale* of the 5th instant, that the law of the 2nd instant, relating to the purchase of the Benadir Colony in accordance with the Agreement of the 13th January, 1905, between Italy and Great Britain, having been published to-day, the 8th (*sic* ? 9th) instant, in the "Royal Official Gazette," telegraphic instructions have been sent to His Majesty's Consul-General in Zanzibar to inform His Britannic Majesty's Agent that from the 8th instant the extra-territorial jurisdiction, up to now exercised by Italy in the dominions of His Highness the Sultan of Zanzibar, should cease, and be transferred to His Britannic Majesty's Court in Zanzibar.

Rome, 9th July, 1905.

**No. 53.**—*TREATY between Great Britain and Zanzibar abrogating the Treaty of April 30, 1886.*—Zanzibar, November 4, 1908.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Highness Seyyid Ali bin Hamoud, Sultan of Zanzibar, being desirous to confirm and strengthen the

good relations now existing between them and the various Arrangements now in force under which His Highness the Sultan of Zanzibar has placed his dominions under the protection of His Majesty, and being of opinion that it is no longer conducive to their respective interests to maintain the Treaty signed at Zanzibar on the 30th April, 1886, between Her late Majesty Queen Victoria and His late Highness Seyyid Barghash bin Said, and ratified at Zanzibar on the 17th August, 1886, have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say :—

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Basil Shillito Cave, Esquire, Companion of the Most Honourable Order of the Bath, His Britannic Majesty's Agent and Consul-General at Zanzibar.

And His Highness Seyyid Ali bin Hamoud, Sultan of Zanzibar, Seyyid Khaled bin Mahomed bin Said.

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

ART. I. The Treaty of the 30th April, 1886, between Great Britain and Zanzibar, signed at Zanzibar the 30th day of April, 1886, and ratified at Zanzibar the 17th day of August following, is hereby abrogated.

II. 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 fourth day of November in the year of Our Lord 1908, corresponding with the ninth day of Shawal of the year of the Hejira 1326.

(L.S.) BASIL S. CAVE.

(L.S.) (Signature of Seyyid Khaled bin Mahomed bin Said.)

(514) 75 6/10 H & S.