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MUSCAT DHOWS ARBITRATION.

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COUNTER-CASE  
ON BEHALF OF THE  
GOVERNMENT  
OF  
HIS BRITANNIC MAJESTY.

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**MUSCAT DHOWS ARBITRATION.**

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**IN THE PERMANENT COURT OF ARBITRATION  
AT THE HAGUE.**

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**GRANT OF THE FRENCH FLAG TO MUSCAT DHOWS.**

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**THE COUNTER-CASE**

**ON BEHALF OF THE**

**GOVERNMENT OF HIS BRITANNIC MAJESTY.**

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**MAY 03 1922**

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# MUSCAT DHOWS ARBITRATION.

## THE COUNTER-CASE

ON BEHALF OF THE GOVERNMENT OF HIS BRITANNIC MAJESTY.

### I.—PRELIMINARY OBSERVATIONS.

THE French Government has taken exception to the appearance of the name of His Highness the Sultan of Muscat on the title page of the British Case as a party to the present arbitration, and to the insertion of the statement at the end of p. 4 of the British Case—that His Majesty's Government were acting at the request of His Highness.

Appendix 1, p. 39.

Although they regard this protest as of a purely technical character, His Majesty's Government, in deference to the desire of the French Government, have agreed to treat as deleted the words objected to. But in making this concession His Majesty's Government reserve all their rights under the Anglo French Declaration of 1862, and the Compromis of the 13th October, 1904, to assert in the fullest sense the independence and sovereignty of His Highness the Sultan of Muscat, and to submit evidence and arguments in proof of the allegation that that independence is menaced by the claim of France to take subjects of Muscat under her protection. And it must also be distinctly stated that the arguments in the British Case are presented on behalf of His Highness the Sultan, who has spontaneously expressed his wish to have his case presented by His Majesty's Government.

Appendix 2, p. 40.

Finally, His Majesty's Government submit that the whole of their policy has been directed to strengthening and consolidating the position of the Sultan of Muscat as an independent Sovereign; that they have not sought to obtain from him a lease of territory; that they have not attempted in any way to exercise any jurisdiction over his subjects ashore or in the territorial waters of Muscat; and that, in fact, all their dealings with His Highness have been upon the basis of his independence.



## II.—GENERAL EXAMINATION OF THE FRENCH CASE.

In dealing with the Case presented to the Tribunal by the French Government, it is somewhat difficult to disentangle the relevant from the irrelevant portions of that Case. At the outset it is well to premise that (as stated in the second recital of the Compromis) the assistance of the Tribunal is asked to settle difficulties which have arisen as to the scope of the Declaration of 1862 "in relation to the issue by the French Republic to certain subjects of His Highness the Sultan of Muscat of papers authorizing them to fly the French flag, and also as to the nature of the privileges and immunities claimed by subjects of His Highness, who are owners or masters of dhows and in possession of such papers, or are members of the crew of such dhows and their families, and especially as to the manner in which such immunities and privileges affect the jurisdiction of His Highness the Sultan over his subjects."

French Case, p. 1.

British Case, p. 1.

A very considerable portion of the French Case is taken up with an attack on the supposed policy of Great Britain in the Indian Ocean, and in the Gulf of Oman and the Persian Gulf, and with suggestions that Great Britain has in various ways violated the Declaration of 1862 and the independence of Oman.

His Majesty's Government must protest against the introduction of these accusations into the French Case. They relate entirely to matters of a political rather than of a juridical nature, which are not included in the terms of the Compromis, and it cannot be maintained that they in any degree affect the real issues upon which the decision of the Tribunal is sought. His Majesty's Government are, however, prepared to answer these accusations *seriatim*, notwithstanding their irrelevance, after dealing with those portions of the French Case which are relevant and material.

The Government of His Majesty would also observe that the Declaration of 1862, while it imposes on the High Contracting Parties reciprocal obligations to respect the independence of His Highness the Sultan of Muscat, in no

way debars either Party from pursuing its own advantages and furthering the interests of its own subjects trading in the Sultan's dominions, providing that it does not in the pursuance of these objects impair the independence of His Highness; and that so far as *boná fide* trade and commerce is concerned, the interests of both Great Britain and France are safeguarded by the most-favoured-nation clauses in the Treaties of 1814 and 1891 (which are quoted in the British Case, pp. 6-9). The difference in the position of the two countries in Muscat lies mainly in the fact that Great Britain has large trade interests in Oman, and that many traders from India and other parts of the British Empire are settled there. On the other hand, the trade and trade interests of France are small, her subjects there settled are few, and the functions of her Consular Agent appear to be political rather than commercial, not excepting his action with respect to the Omanis, whose possession of French flags and papers has led to this arbitration.

The French version of the course of events which has led to the present dispute is the first, as it is the only, material part of the French Mémoire. It begins (p. 6) with a statement that France has always abstained from interference in the internal affairs of Oman, and has never sought by indirect means or special compacts to evade her promises. But the gist of the British Case and the ground of the complaints made by His Highness the Sultan are that in regard to the important matter of Omani vessels carrying the French flag the action of France has trespassed on the independence of the Sultan and on his authority over his own subjects, and that the description of Sür (in the French Case, p. 44) as semi-independent, so far as it is warranted by fact, is a description of the effect produced on the Sultan's independence and authority by the action of France with respect to the seafaring population of that town.

It is as impossible for His Majesty's Government to dissociate themselves from the acts of their Agents in Oman and of the authorities in India, who are specially intrusted with safeguarding British interests in Arabia and Persia, as it is for the French Government to dissociate themselves from the acts of French officials with reference to the francisation of Omani vessels and the protection of Omanis in Oman from their natural

Sovereign. It has already been stated (British Case, p. 13) that His Highness sought the advice of Great Britain as to the international correctness of the action of France in the francisation of dhows belonging to his subjects, and having their home port and the real residence of their owners within his territory. It is stated in one part of the French Case that the Sultan's first complaint was made in 1897 (p. 6); and elsewhere (p. 24), that he began to complain in 1895; but if His Highness did not make his objections directly to France before these dates, his silence was not the result of his own impulse, but of British advice. Between 1892 and 1897, the British Government had understood from certain statements by French Ministers and officials (which are detailed at pp. 12-15 of the British Case) that France was discontinuing wholly or in part the francisation of Sūri dhows. But in fact the practice had not ceased, and the consequent evils became so serious in Oman that the Sultan, in May 1897, addressed a protest on this subject to the French Consul at Muscat (see British Case, pp. 65-67). It will be seen that this protest was prior to the letter of the British Consul, dated the 18th October, 1897, to which reference is made at p. 6 of the French Case. From May 1897 until 1903 both the Sultan and the British Government continuously and consistently objected to the French practice as trenching on the sovereign rights of the Sultan, and these protests are given in detail in the British Case (pp. 15-18), though passed over lightly in the French Case (see pp. 6 and 7), in which Great Britain is represented as urging the Sultan, on insufficient pretexts and against his will, to attack what are styled the legitimate claims of France.

It will be interesting to compare the full, complete, and exact statement in the British Case with reference to the events of 1903, which led to the present arbitration, with the scanty and indefinite allusions made to it in the French Case, in which the only reference made to these important facts is a statement that three dhow-owners, who were French protégés, were arrested and arbitrarily imprisoned.

British Case,  
pp. 18-20.

French Case, p. 7.

### III.—ARAB SHIPPING.

His Majesty's Government have no quarrel with the definition of "boutre" given at p. 9 of the French Case, but venture to refer the Tribunal to the definition given in Article XXXI of the Brussels Act:—

"La qualification de bâtiment indigène s'applique aux navires qui remplissent une des deux conditions suivantes:—

"1. Présenter les signes extérieurs d'une construction ou d'un grément indigène;

"2. Être montés par un équipage dont le capitaine et la majorité des matelots soient originaires d'un des pays baignés par les eaux de l'Océan Indien, de la Mer Rouge, ou du Golfe Persique."

The Omani dhows in question in this Case all fall within both of the conditions indicated by the Article. These vessels, as stated in the French Case, are largely concerned in oversea trade in the Indian Ocean, and this trade has been carried on for many centuries, probably long before a European vessel visited these seas. But their owners have also from time immemorial been largely concerned in the Slave Trade, which is far more profitable than ordinary and legitimate commerce.

The inhabitants of Sür have had for many years an unenviable but well-earned reputation as the most notorious slave traders in the Indian Ocean, and so lately as 1902 the Portuguese Government captured over 100 of them in Mozambique, with their vessels, and with slaves ready for shipment.

Great Britain has never had any occasion to protest against or interfere with any form of lawful trade, for the policy of Great Britain for generations has been to encourage free trade in all seas and ports, and it is to a very great extent due to her efforts that piracy and slave trading have been reduced to a minimum in the Persian Gulf and Gulf of Oman, and that the trade in these seas has been opened to the lawful commerce of all nations.

It is common ground that numerous Arab

families have sought to obtain the benefits of the French flag on the high seas and even in the waters of their own Sovereigns. Their reason for this desire does not arise from any wish to engage in lawful commerce, in which Great Britain is at least as anxious as France to encourage them, being as fully as any nation an advocate of free commerce in all lawful merchandise.

The description given on pp. 9-16 of the procedure of the French Consular and Colonial authorities with respect to the grant of the French flag to Arab vessels calls for certain comments.

It is clear from the admitted necessity of issuing and renewing the strongest instructions for greater and greater care in the grant of French papers that France was conscious of the difficulty of ensuring that her flag would not be obtained by unqualified Arabs, and would not be abused if obtained. But the suggestion made (on pp. 10, 11) that to carry the French flag was the Arab mode of insuring personal security for Arabs, means, if it means anything, that the British authorities were disposed to act oppressively towards vessels under the Arab flag; whereas the sole ground for interference with such vessels was their carrying slaves, and the real motives for carrying the French flag on vessels not concerned in "cabotage" between French ports were that France, in 1845, denounced the Anglo-French Treaties of 1831 and 1833 giving mutual rights of search for detection and suppression of the Slave Trade; that she has since that date continually held out against the grant of such right of search; and that she has thus far failed to ratify the Articles of the Act of Brussels dealing with that subject. The date assigned in the French Case (p. 10) for the earliest francisation of an Arab dhow is 1845—the year of the denunciation of the Treaties just referred to. With the denial of the right to search vessels under the French flag came the grant of that flag to a class of vessels most calling for search, and owned by persons who were not French.

It was perfectly natural and proper for France to take steps to control vessels engaged in local trade between her own Colonies, and to adopt measures relaxing to some extent the strictness of her own maritime laws as to the conditions on which vessels might receive French papers.

French Case, p. 12.

French Case, p. 15. His Majesty's Government quite agree with the French Government that the flag may properly be given to natives of French Colonies or of French Protectorates, and this view has already been expressed at p. 24 of the British Case. Moreover, no question arises in the present arbitration as to the possession of French papers by Arab vessels outside the territorial waters of Oman ; nor does His Majesty's Government ask the Tribunal to deal with the case of any Arabs, except subjects of Muscat, who are found within the territory or the territorial waters of His Highness the Sultan. With reference to Zanzibaris who fly the French flag (French Case, p. 15), it is not necessary to say more than that such persons appear not to be subjects of the Sultan of Muscat, owing to the severance of Zanzibar from Muscat in 1856, but that their independence of His Highness does not qualify them to become French protégés in Muscat, and that their status in Oman would seem to be that of protégés of Great Britain and subjects of the Sultan of Zanzibar.

In the French Case it is sought to found an argument on the statement that a practice instituted in 1845 was allowed to go on without protest until 1897.

French Case, p. 31. Great Britain has continually sought to induce France to withdraw her flag from Arab vessels; but the objections taken to its use were its abuse for the purposes of the Slave Trade, which have been the subject of innumerable and well-founded reports by British cruisers in the Indian Ocean. It is very likely that in many cases the flag was used without the authority of any French officer, but often slavers had regular French papers. The French cruisers in the Indian seas were by no means numerous enough to insure adequate surveillance over the many Arabs who chose to hoist French colours; and it is to be observed that while credit is taken at p. 32 of the French Case for severe punishment said to have been inflicted in one case of slave-trading under the French flag, no mention is made of the fact that the capture of the vessels in question was not due to French effort, but to the vigilance of a British cruiser off the coast of Oman, that the French officials made a very violent protest against this action, and that the punishment inflicted was very far from severe or deterrent, seeing that sentence was awarded on the 28th August, 1897, and that the captains

Appendix 3, p. 41,

of the vessels were released on the 18th January, 1898, at the request of the French Consul.

Whatever concessions or usages there may have been in favour of the French practice on the part of the Sultan of Zanzibar before 1890, this does not affect the distinct Sultanate of Muscat, and there does not appear to be any record before 1891 of any protection by France in Oman of any native ship-owners. Before 1891 the objections of Great Britain related to the abuse of the French flag on the high seas, and, naturally, did not apply to its use in the territorial waters of other Powers or in British waters, the flag in such positions being unavailing against the territorial Sovereign. But the passing of the Act of Brussels in 1890 marks a distinct stage in the question of the francisation of native vessels. The provisions of that Act, which were accepted by France in 1892 (see British Case, pp 10-14), imposed a new obligation on France, and appear to make it unnecessary to go into detail as to the legality and regularity of the French practices said to have been in vogue before that date, though all rights to contest such validity are hereby fully reserved.

So far back as 1891 the Sultan found that the use of French flags by his subjects at Sür was interfering with his authority. He consulted the British Government, and but for their dissuasion would have then lodged his protest with the French Government; and, as already stated in the British Case, pp. 12 and 53, His Majesty's Government called the attention of the French Minister of Foreign Affairs to the existence of this abuse. Moreover, it will be seen from the document presented at p. 56 of the British Case (No. 10), that the Wali of Sür had, so early as 1891, received orders to require Süri ship captains to return their French flags.

British Case,  
Appendix XI, p 57.

These protests arose immediately out of the policy adopted by France on her partial acceptance of the Brussels Act.

According to the statements in the French Case, instead of taking the opportunity of their qualified adhesion to the Act to clear their registers of Omani vessels, the French Government, in 1894, set to work to register all vessels previously *francisés*, regardless of the question whether they were qualified for registration under the Brussels Act (French Case, p. 13). They sent a Consul to Muscat, and the course

of action adopted by him there, presumably on instructions, was no longer to send the vessels annually to a French port where they could be carefully examined, but to make Muscat the home port of the vessels in question. The policy thus adopted intensified the mischief complained of.

At this point it becomes necessary to analyze the reasons given for granting the French flag to Omanis. France claims the position of defendant in this arbitration. The exact object of this course is not clear; it may be to avoid formulating a definite claim, or it may be to compel Great Britain to prove in the first instance the accuracy and justice of the complaints of the Sultan and Great Britain as to the effect of the French policy. But if France is on her defence she must deny, justify, explain, or excuse.

To see how far any of these pleas will avail, one must examine the French contentions. The list in the French Case (p. 58) of owners of Muscat dhows with French flags shows that France does not deny that Omanis have French flags. How is that justified, excused, or explained?

It is faintly suggested that some may have been denationalized, as having definitely settled down in French territory or emigrated *sine animo revertendi*. But the Sultan of Muscat does not allow his subjects to abjure their allegiance—in this respect following the rule which in earlier days prevailed in Europe. While out of his jurisdiction, the question whether the *originaire* of Muscat has ceased to be the Sultan's subject cannot be effectually raised; but on return to his native land the question may arise. It is not stated that any in the list are naturalized as Frenchmen; and even if they were, their new nationality would not, without the Sultan's assent, avail them in Oman.

Various excuses for granting French flags to persons who were *originaires* of Oman, or on relations with Oman, are given:—

French Case,  
pp. 10-44.

1. That they had no *statut personnel* (p. 10), and no country but the sea.

This suggestion is disposed of by reference to the facts.

2. That they are polygamous Mussulmans, and have "établissements stables" in the different centres in which they traded.

French Case, p. 11.

This plea can hardly have been put forward seriously. It is stated that a good many French



protégés created for themselves new families in Oman (p. 11); the truth being that their real establishment and domicile was in Oman.

3. That they have residence in a French Colony. French Case, p. 12.

By this would seem to be meant possession of a house in the Colony, which, under the Brussels Act, is a further condition superimposed on those of being a subject or protégé of the State to which the Colony belongs. This point has already been discussed in the British Case, and reference to the *procès-verbal* of the statements made by the quarantine-breakers shows that the residence was colourable only (see British Case, pp. 85 and 86).

At p. 8 of the Case the dhow-owners are described as having for the most part a domicile in a French Colony (French Case, p. 8). But a few pages later in the Case the same men are described as having a "port d'attache," which is described as "en effet son domicile." French Case, p. 14. This last description is utilized to justify the practice set up of registering at Muscat—a foreign port—proprietors who were subjects of, and resident in, the State of which the foreign port is capital. The words domicile and residence appear in truth to be used in an equivocal sense: either they mean something short of what they mean in international law, or, if used in the full sense, Süris domiciled in Oman, even if naturalized as Frenchmen, are not qualified in international law, or under the Brussels Act, to be registered in Oman as owners of vessels flying the French flag.

The instructions given to French officials (French Case, p. 14) only to renew the papers ("remplacer les titres") of ships whose home port is the port where the officials reside, are acceptable French Case, p. 14. as a measure of precaution, but cannot be regarded as justifying the issue of French papers at Muscat by the French Consul to Omanis resident in Muscat and subjects of the Sultan; and the process of such registration cannot be regarded as a mere matter of procedure, since it involves an assertion of a claim to put the Sultan's subjects under a foreign flag in his territory and waters without any capitulation or usage authorizing such a practice. And France admits the need of caution, because of "les déclarations souvent French Case, p. 14. inexactes des indigènes," who undoubtedly get on to the French register by means of misleading statements.

If the lists so often promised by France to His Highness the Sultan and to Great Britain had been delivered without delay, His Highness would have had no difficulty in verifying on the spot the names of the persons included therein as French protégés.

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#### IV.—THE FRENCH LIST OF FLAG-HOLDERS.

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The list of Omani dhows which have received French papers, printed at pp. 58 and 59 of the French Case, shows that thirty Omanis possess French papers in respect of fifty-six dhows, with crews amounting in all to 1,060 men, and that France claims (French Case, p. 8) French protection for the owners and their families, and the crews of their vessels. The whole population of Sür, male and female, does not exceed 10,000, and if to the persons claimed as French protégés are to be added their wives and families, one quarter of the population of Sür will be exempt from the Sultan's jurisdiction.

French Case,  
pp. 58 and 59.

His Majesty's Government welcome the tardy delivery of this long promised list, as an admission of the correctness of the statements made by the Sultan and the British Consul in Muscat, that a large number of Omanis had received French papers for their ships. They cannot, however, admit that the list supplied is a complete performance of the promise made. No indication whatever is given therein of the qualification in respect of which any of the Arabs named (who are admitted by France to be Omanis) have been allowed to hold French papers or the French flag. It is not stated whether any of the Arabs has his domicil or chief establishment in Oman or in a French Colony or Protectorate, nor whether he is a French subject or in the service of a French subject in Oman or elsewhere, although from the Statement (at pp. 13 and 14 of the French Case) that Muscat is the "port d'attache" of these Arabs, it may be inferred that they are domiciled or resident in Oman.

In view of the small number of Arab personal names, it is difficult to fix the identity of an Arab unless he is described more fully than is done in the French list. The only effective mode of description for purposes of identification is that indicated by His Highness the Sultan in his letter of the 21st March, 1905. But meagre as is the description in the French list, and after allowing for the difficulties in setting

Appendix 4, p. 42.

down Arab names with accuracy, and the difference between the French and English mode of writing such names, it will be found on comparison of the list given in the French Case at p. 58, with that of the signatories of the document given to the Sultan at Sür in June 1900, printed at p. 68 of the British Case, that a number of the persons who appear in the French list are Süris, and there resident, and that they promised the Sultan, in June 1900, to surrender their French flags. This they would long since have done but for the pressure put upon them by the French Consul at Muscat, and the Commanders of the French war-ships "Catinat" and "Troude," and it should at this point be distinctly stated that the surrender of these flags was not in any way due to the act of the British Government, but was the result of an interview between the

British Case, p. 68. Sultan and his subjects at Sür.

Appendix 5, p. 43. In the Appendix will be found a collection of the lists of flagholders named in the British Case, and a partial identification of these men with those appearing in the French list.

The number of vessels—fifty-six—given in the French list, is about one-third of the dhows which belong to the port of Sür. The French Government admits (p. 14 of the French Case) that the French Consul at Muscat has orders to treat Muscat as the "port d'attache" of the vessels in question, and that the "port d'attache" of a dhow owner is in effect his domicile. If this admission is to be interpreted as meaning that the owners of these vessels are domiciled in Oman, the action of France in granting the French flag to them is clearly an infraction of Article 32 of the Brussels Act of 1890, which is obviously intended to authorize the grant of the flag by the authorities in France or in a French possession or Protectorate, and not to authorize the grant by French Consular officers in foreign States; and it is further to be noted that that Article permits the grant of the flag only to subjects or protégés, and that none of the Signatory Powers is entitled by grant of its flag to claim as its protégé an Arab not already internationally qualified for such protection.

It is true that this contention has at times been advanced by French officials. M. Guy, the French Consul at Zanzibar, on the 7th September,

1902, in a letter to Mr. Cave, the British Resident there, said :—

“ Je vous rappellerai donc qu'il a toujours été admis Appendix 6, p. 44.  
que les boutriers, patrons, et équipage naviguant sous pavillon Français sont protégés Français.”

Mr. Cave replied, on the 15th September, 1902, that he could not for a moment accept this statement, and concluded as follows:—

“ By Article 32 of the General Act of the Brussels Conference, to which the French Republic is a party, it is provided that authority to fly the flag of one of the Signatory Powers should only be granted to a native vessel the fitter out or owner of which is either a subject of, or a person protected by, the Power in question. I shall be much obliged if you will be so good as to inform me upon what grounds a native of Sür, in Arabia, has been granted the right of sailing under the French flag.”

M. Guy, on the 15th September, 1902, in his reply modified his claim, and restated it as follows :—

“ Il est bien certain (et ceci m'amène au point que vous visiez *in fine*) que le propriétaire d'une embarcation naviguant sous pavillon Français devait être (d'après l'Acte de Bruxelles et d'après nos lois) Français, et son patron et ses hommes sont considérés comme étant au service des Français, et doivent par conséquent jouir des avantages que leur accorde le Traité de Mascate.”

The Consul's first claim treated as admitted what had never been admitted, viz., that the persons on Arab vessels under the French flag were French protégés.

The second claim treats as certain that such persons are French protégés because French Law and the Act of Brussels require as a condition precedent to a ship being French that its owner should be French. This is an obvious *petitio principii*, based on a fiction of service to a person assumed to be French, by reason of the flag used, without examination into the right of the ship to use the flag.

It has already been pointed out that the French list merely states the names of the Omanis without indicating how they became entitled to the French flag. The British Government claim again, as in the British Case, p. 23, that a written explanation should be given of the grounds on which the *titre de navigation* was

British Case, p. 70. given to each of the Arabs on the list. They would point out that M. Cambon, on the 25th June, 1900, informed the Marquess of Lansdowne that no new paper of protection would be given, and that existing papers would be carefully examined, so as to exclude those for the grant of which no just cause existed, and also that in the French Case it is stated (p. 14) that the Consuls at Zanzibar and Muscat have received orders (it is not said when) not to grant French papers to any native vessel without first consulting the Ministry of Foreign Affairs. In view of these statements, it may justly be presumed that the materials are available for giving without delay a much more precise account of the Omani dhows than has yet been supplied.

Appendix 4, p. 42. There has not been sufficient time fully to examine in Oman the French list or to test its accuracy, and, as will be seen later, difficulties have been placed in the way of utilizing the short time available. But from the letter of His Highness the Sultan, dated the 21st March, 1905, it appears that of the persons named three are dead:—

Salim-bin-Mahomed Ali Badi (No. 23 on French list);  
 Salim-bin-Thabet (No. 14);  
 Ahmed-bin-Saeed (No. 22)

Further, independently of the fuller explanation for which His Majesty's Government and His Highness the Sultan are entitled to ask, a comparison of documents in the British Case with the French list makes it possible to give instances of the doubtfulness of the claims of these Omanis to be French protégés.

Of the Arabs named in the four *titres de navigation* set out at pp. 45-47 of the British Case, there appears on the French list—

Rachid-bin-Khamis, No. 8;  
 Salim-bin-Thabet, No. 14; and  
 Salim-bin-Mohammed, No. 10.

In the case of each of these men the place of residence was left blank in the *titre*, although the men were clearly resident at Sur, and admitted by the French list to be Omanis, and the *titres* were surrendered to the Sultan at Sur.

The attention of the Tribunal is directed to the Report on p. 77 of the British Case that Salim-bin-Thabet was engaged in the Slave Trade, and

to the Report of the British Consul at Muscat of the 20th January, 1898, with respect to the case *Appendix 7, p. 47.* of Salim Mohamed-ab-Badi as a *prête nom* for Arab vessels sailing under a French flag, and to the correspondence with respect to slave running in the Persian Gulf by the same man under French colours.

Passing thence to the Arabs whose breach of quarantine led immediately to the present arbitration (British Case, p. 18), Abdulla-bin-Khamis-bin-Ali (whose name is No. 3 on the French list), in his deposition at p. 86 of the British Case, says :—

“I got my Articles fourteen years ago at Jibuti. I bought a house there, and a man named Musa-bin-Saleh lives in it. He pays me rental yearly, but at no fixed rate. I have never resided in Jibuti myself. I and my family and my ancestors have all been born and bred in Sür. I visited Jibuti two years ago.”

And yet this man has been *francisé* by the colonial authorities of France : and turning to the case of his son, Salim-bin-Abdulla (British Case, p. 85), we find him stating :—

“I am a French subject, pure and simple. I cannot explain how I became one, but just like the other French subjects in Sür. I have no French papers. My father has . . . ; all I know about the Articles is that they give French protection. My father and my family and I have lived at Sür all our lives, and have never lived anywhere else.”

The statement of the third quarantine-breaker, Khalfan-bin-Muhammed (British Case, p. 85), is equally instructive. His name is not certainly traceable on the French list, but he states that he sails as captain (“*nakoda*”) in the buggalow of Juma-bin-Saeed, and there is a man of that name who is No. 6 on the French list. Khalfan states :—

“I am a French subject, having flown the French flag for five or six years. I got it at Jibuti, where I own a house. There is no one belonging to me residing in it.”

Subsequently he says :—

“I cannot exactly explain what grounds I have for believing that we are all French protégés. My cousin Juma knows most about it, and he says so. I made a mistake in stating that I share the ownership of a house in Jibuti; it belongs really to my cousin Juma entirely

but we are a united family, and look upon it as a family concern. Juma and I were both born and bred in Sür; neither of us nor any of our family have ever lived in Jibuti. As to the house, I have never lived in it, and I cannot say I have seen it. Juma has not been to sea for four or five years."

Yet Juma appears on the French list as an owner, and is presumably registered as resident in French territory.

If the rest of the Omanis on the French list have no better claims to be on the list than those disclosed in the five cases which have been above discussed, what can be said for the value of that document as affording any person named in it the right to decline the jurisdiction of his natural Sovereign, and what is to be said of the effect on the authority of that Sultan of the belief that his subjects resident in his dominions can acquire immunity from his jurisdiction with the facility, and on the flimsy grounds above disclosed? The manufacture of French subjects in Oman, if conducted on the lines indicated by these five cases, cannot but be a menace to the independence of Sultan Saiyid Feysal.

Appendix 8, p. 51. The summary in Appendix VIII of this Case of the returns from 1900 to 1905 of Arab vessels clearing under the French flag from Bombay for Oman on examination will be found to show that a number of vessels claiming the right to use the French flag have visited Bombay which do not appear in the French list. The inferences to be drawn from this summary are either that the French list is incomplete and needs revision, or that Arabs have at Bombay claimed without authority the right to fly the French flag. It must be added that on receipt of a full copy of the French list from the British Consul His Highness the Sultan sent a trusted representative to verify its accuracy; but the persons claiming French protection refused to give any information and referred him to the French Consul, a refusal which amounts to a further assertion of their independence of the Sultan and a further illustration of the difficulties created for him by French action.

It was not until the 25th March, 1905, that the French Consul in Muscat made an official communication to His Highness the Sultan, inclosing a list of the boat owners who are under French protection. The Sultan declined to accept the list, claiming the persons thereon named as



his subjects. The correspondence and the list Appendix 12, p. 55 supplied to the Sultan by France are printed in Appendix 12, pp. 55, 56 of this Counter-Case. It will be seen that that list does not contain the details to be found in the French Case, nor any mention of the vessels claimed to be protected, or of their captains, and apparently it is expected that the Sultan should accept, without demur or examination, the claim of France to protect the persons named therein.

In these circumstances, His Majesty's Government deem it necessary to claim before the Tribunal that the Government of the French Republic should accord the facilities for investigating the French list, which are at present denied, and to contend that on a list, the verification of which has been impeded as above stated, no valid claim can be made to protect the persons therein named or indicated.

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## V.—THE GEOGRAPHY OF OMAN.

It is suggested in the French Case (p. 35) that, in order to ascertain whether the complaint made against France is well founded, it is necessary to inquire what are the limits of the territory of the Sultan of Muscat, and who are his subjects. An inquiry of the nature suggested is not necessary to enable the Tribunal to deal with the questions involved, because, with very few, if any, exceptions, all the Omani Arabs, whose protection by France has caused the present dispute, are natives of, and resident in, Sür. That place has been part of the Sultan's dominions certainly since 1821, when it was conquered by the then Sultan of Muscat, with British aid, and it is to be observed that, while the bulk of the French Case is filled with suggestions that Great Britain has in various ways interfered with the independence of the Sultan, at p. 44 it is hinted that the Sür tribes have never ceased to proclaim their independence of the Sultan. The French Government do not venture to rest their Case on a distinct declaration or recognition of this alleged independence, which would be a patent breach of the Declaration of 1862, and they fail to indicate, though it is the fact, that the insubordination of these tribesmen is mainly caused by the protection given them by France by the methods of which Great Britain and the Sultan complain.

The maps annexed to the French Case, opposite pp. 35 and 80, do not correctly indicate the boundaries of the dominions of the Sultan of Muscat. The statement made in the French Case (p. 35), that at the time of the Declaration of 1862 the south coast of Persia, from Bostanah to Djask, and certain islands there named, belonged to the Sultan, is misleading. The predecessors of the present Sultan occupied territory for a good many years on the Persian coast from Bunder Abbas to Lingah with the Island of Kishm, under a Firman of the Shah of Persia, to whom they paid rent or tribute. In 1856 a lease for twenty years was granted at an annual rent. In 1868 a new arrangement was made for eight years, also at a rent, but, on the occasion of civil war in Muscat in 1868, the Shah cancelled the lease, under powers given by the Convention, and resumed occupation of the territory in question,

and it will be found on reference to the maps in the French Case that, while Kiepert's map, dated in 1850, marks the territory as if it belonged to Oman, the French official map marks no territory on the Persian coast as belonging to Oman.

Gwadur, which is mentioned in the French Case (p. 35), is an enclave on the confines of Persia and Beluchistan, which has for over 100 years formed part of the dominions of the Sultan of Muscat, to whom it was granted by the Khan of Khelat. It extends for a radius of one stage (about 10 or 15 miles from the town of Gwadur). In this territory is a station of the Indo-European telegraph, but it has never been occupied by Great Britain. The French Case (p. 38) states that English troops were landed on various occasions, notably in 1896, at Gwadur, for the purpose of repressing disturbances in Beluchistan, without any previous intimation to the Vali or the Sultan. His Majesty's Government have been unable to ascertain on what foundation this assertion is based. It is true that in 1896 a small body of men was landed at Gwadur in order to serve as an escort to Sir T. Holdich's mission for demarcating the Perso-Baluch frontier. The matter was not one of sufficient importance to call for any communication to the Sultan, but due notice had been given by telegraph to the British Native Assistant at the port, and all necessary arrangements were made by him with the authorities.

His Majesty's Government are not aware of other occasions on which British troops have been landed at Gwadur. It is to be noted that in the French Case Dhofar and Gwadur are spoken of together, though they are on different sides of the Gulf of Oman.

Passing now to the dominions of the Sultan of Muscat in Arabia, it is necessary to premise that neither the coast-line nor the Hinterland of his territory has ever been delimited or accurately ascertained. The boundaries of that territory (and particularly the inland boundary) are not relevant to the present controversy, but inasmuch as allegations are made in the French Case (pp. 35-38) with reference to encroachments alleged to have been made on the Sultan's dominions by Great Britain, it is proper to deal with the question of boundaries so far as is necessary to meet these allegations.

The southern limit on the coast line of Arabia reached by the Sultan's dominions is near Ras

Sair or Sajir. At Rakhout ( $17^{\circ} 15'$  south by  $53^{\circ} 25'$  east), a place near this point, the Sultan's Wali has built a fort. It is situated somewhat to the west of Merbat, the port assigned on the French official map as the southern limit of Oman, and at the western limits of the territory of Dhofar, referred to on p. 35 of the French Case. The position of Rakhout, as ascertained by Mr. Bent, the last European traveller who has visited that region, is indicated on the map annexed to this Counter-Case.

From Rakhout up to and beyond the town of Muscat, the coast-line is continuously and admittedly under the sovereignty of the Sultan of Muscat. Sür, the district in which most of the French protégés reside, is somewhat to the north and west of Ras-el-Hadd, the easternmost point of Arabia. North and west of the town of Muscat the coast-line is under the undoubted dominion of the Sultan, so far as Khor Kalba.

The maps in the French Case also assign to the Sultan all the coast-line of Arabia, from Khor Kalba up to Bahrein, and it is suggested that Great Britain has since 1862 deprived the Sultan of Muscat of his authority over the coast. This suggestion is made in ignorance or disregard of the history of the coast in question. The Island of Bahrein is coloured as part of Oman in Kiepert's map of 1850. In 1779 it was conquered by the Uttoabee tribe, by whom it has ever since been held under allegiance at one time to Muscat, and afterwards successively to the Wahabees, to Turkey, and to Persia, and now it is independent. Great Britain has had Treaties with Bahrein from 1820 to 1861, all of which are prior to the Anglo-French Declaration. Since that date Great Britain has had further Treaties with Bahrein. The peninsula of El Katr, wrongly described as Bahrein in Kiepert's map, has never been subject to Oman, and has always been held by Arab tribes.

“Slave Trade  
Act, 1878.”

Starting from El Odeid, the coast to the south and east up to a point where the mountains come down to the sea between Tibba (Tibat) and Sha'am or Shuam, known as the Pirate coast, has been and is in the hands of six Chiefs. In order to put an end to piracy in the Persian Gulf, and to open it to commerce, Great Britain, so far back as 1806, commenced operations against the Maritime Chiefs of the Pirate coast, and against the Chief of Bahrein. In 1820 Treaties were also concluded with the Chiefs, who

are commonly spoken of as the Trucial Chiefs, because of the Treaties of Maritime Truce concluded with them between 1835 and 1853, by which their internecine strife upon the sea was stopped. These Treaties, it will be seen, were made long before the Anglo-French Declaration of 1862, and when they were concluded Muscat had no claim of dominion or suzerainty over any of these Chiefs. Moreover, on reference to Kiepert's map in the French Case (p. 35), there will be found a dotted line round the bulk of the territory occupied by these Chiefs, indicating either an enclave separate from Muscat, or some ground for distinguishing the inclosed mainland and islands from the rest of what is treated as Oman, or (and more probably) indicating that the land and sea within the circle was the land and sea affected by the Maritime Truces concluded with Great Britain; and it may be added that these Treaties, so far from being an abrogation of the authority of the then Sultan of Muscat, were made with his knowledge and approval, when he and Great Britain were co-operating to suppress piracy and the Slave Trade, and to open the Persian Gulf to international commerce.

It is owing to the conjoined efforts of the Sultan and His Majesty's Government and these Treaties that the large traffic under many flags is enabled to pass freely in and out of the Persian Gulf. The Treaties of 1872 made with the Trucial Chiefs, and mentioned at p. 36 of the French Case, were made for the purpose of effectually putting an end to the Slave Trade. Great Britain has been compelled on occasion to intervene in case of infraction of these Treaties. But, in informing the Tribunal of these facts, the British Government are constrained to point out that the territory of the Chiefs in question is no part of the Sultanate, and that the statements about this territory made in the French Case are absolutely irrelevant to the controversy submitted to the Tribunal. In passing from this subject, it should be said that a confusion seems to have arisen between the coast geographically known as Oman and that portion of the coast which politically belongs to the Sultan. Besides the portion of the coast, known as the Pirate coast, which belongs to the Sheikh of Shargah, that Chief claims authority over the coast-line north of Khor Kalba as far as Ras Dibba as being part of the

territories of the Joasim tribe. For many years this coast, has been regarded as feudatory of the Sheikh of Shargah, and the coast itself as subject to the Maritime Truce already mentioned. The territory in question has never been under the sovereignty of His Highness the Sultan of Muscat, and it is admitted in the French Case (p. 36) that this piece of coast is under the government of the Sheikh of the Joasim, residing at Ras-el-Kheima.

From Ras Dibba to Tibba (Tibat) the coast forming the promontory of Mussandim is claimed by the Sultan, who has certainly before and since 1864 exercised authority on that coast by his Wali, and in other ways; and his rights on the coast are recognized by the Sheikh of Shargah and the Joasim.

French Case, p. 37. This statement will show that, far from Great Britain having withdrawn the Trucial Chiefs from the dominions of the Sultan, in breach of the Declaration of 1862, it has dealt with them by Treaty for over forty years before that Declaration was made. On this point the contentions of the French Case appear to be based on an insufficient knowledge of the history of the territories in question.

But, before leaving the geographical part of the French Case, it is necessary to deal, under protest, with the suggestion (on p. 38) that the British Government are seeking to shut in the Sultan of Muscat, in disregard of obligations to the Ottoman Empire, by a series of Treaties with the tribes of Hadramaut. This allegation is absolutely irrelevant to any question involved.

Southern Arabia,  
London, 1900,  
p. 235.

The Treaties in question, and others, have been made in furtherance of the British policy of suppressing the over-sea Slave Trade, and protecting commerce; but that policy is certainly not based on any British designs against Oman, while, with reference to the Ottoman Empire, it is sufficient to quote the language of the late Mr. Theodore Bent, the latest European traveller who has visited Hadramaut:—

“I may here emphatically say that the southern coast of Arabia has nothing to do with Turkey. From Muscat to Aden there is not a single tribe paying tribute to, or having any communication with, the Ottoman Porte, which was expelled from Southern Arabia in 1630, and has not since that date been able to recover its lost supremacy.”

## VI.—BRITISH ACTION IN OMAN.

The argument based by France on the Treaties made by Great Britain with the Sultan of Muscat (1891), the Sheikh of Abu Thabi (1892), and the Sheikhs of Hadramaut (1888), binding these Arab potentates to give Great Britain pre-emption in case of alienation of these territories is ill-founded: a Treaty stipulating against alienation of territory or giving a right of pre-emption to the other contracting party is in no sense inconsistent with the independence of the State which gives such pre-emption; indeed, it tends to preserve and not to destroy the State which enters into the arrangement. France occupies this position as regards the Congo Free State, and China and Turkey are both under obligations not to alienate territory.

French Case,  
pp. 37, 38.

In the event of an alienation, Great Britain is to be preferred as purchaser. Other would-be purchasers may dislike the arrangement, but cannot assert that the seller has lost his independence by making the bargain in question. He is under no compulsion to sell, and if the bargain has any specific tendency it is towards maintaining and not diminishing the territory of the Arab Sovereign in question.

Nor can any sound argument against the Sultan's independence be drawn from the fact that Great Britain has agreed to pay him the Zanzibar subsidy. Greece is admittedly an independent State, but Great Britain, France, and Russia make certain contributions to the civil list of the King, and, at the end of the Greco-Turkish war, a financial control was established in the interests of its creditors. The Ottoman Empire cannot be described as not independent, in spite of the financial assistance given to it in 1854 by Great Britain and France, the military assistance given in the Lebanon, and other arrangements which the Sultan has accepted on various occasions. Great Britain is under obligations to pay to France an annual sum with respect to Pondicherry; but the independence of neither nation is thereby impaired, and the withholding of the subsidy on the occasion of disputes between Great Britain and Muscat is a mere method (only once adopted) of obtaining a settlement of the disputes such as might be adopted

by any debtor who has a counter-claim against his creditor.

It is impossible to read without astonishment the suggestions made in the French Case that Great Britain has infringed on the independence of Muscat—

1. By warning Arab Sheikhs of Oman who were in revolt against the Sultan that they must not attack Muscat or Muttra (p. 42).

2. By assisting the Sultan to put down the rebellion in Dhofar (p. 39).

In both these instances the action taken by Great Britain was calculated and intended to preserve the sovereignty of the Sultan, and to maintain his dominions intact. Great Britain performed for Sultan Saiyyid Feysal the promise made to his father, Saiyyid Turki, to stop attacks on the capital of Oman (French Case, p. 42). The Sultan's authority over the tribes of the coast and Hinterland has not been exercised with continuous success. Throughout the first half of the nineteenth century Great Britain often helped the Sultan of Oman to resist the attacks of the Wahibi fanatics from the interior of Arabia; and even after the final repulse of these attacks, many tribes within the Sultan's dominions are recalcitrant if not rebellious, and attack the coast towns.

The picture drawn in the French Case, p. 42, of the Sultan "resigning" himself to telling his rebellious subjects that if they attacked Muscat or Muttra they would also have Great Britain to reckon with, is a travesty of the real facts. Is it to be understood that the Sultan was unwillingly coerced into denying himself the pleasure of seeing his capital and chief commercial port besieged, taken, and plundered by the inland tribes, as the completest mode of asserting his independence of Great Britain? And if (as is stated at p. 43 of the French Case), Arabs have one word for "protection" and "protectorate," what inference is to be drawn as to the action of France in Sür from the repeated use of these terms in the letter from the Arab flagholders, printed at pp. 65-70?

"Et à présent nous prions le Gouvernement Français de nous donner une protection forte telle que personne ne nous fasse opposition, ni sur terre, ni sur mer, ni dans nos personnes, ni dans notre avoir, ni dans tout ce qui nous concerne," p. 65.

In truth it is obvious that the action of the



British resident, of which France complained, was based on friendship to the Sultan and desire to maintain his position and from a perfectly justifiable concern for the lives and property of the many natives of India resident in Oman (who are British subjects or protégés within the Anglo-Muscat Treaty of 1891) from injury by attacks of predatory Arabs from the Hinterland of Oman. British Case, p. 7.

Turning now to the Dhofar incident (p. 39 of the French Case), it is to be observed that both Great Britain and France agree that Dhofar is part of Oman. Mr. Théodore Bent, who travelled through that district very shortly before the disturbances in question, at first had an unfriendly reception, which he ascribed to the presence on the beach at Merbat of a large dhow flying French colours which he had reason to believe was conveying a cargo of slaves. He there met Suleeman, the Wali of the Sultan of Muscat, who had been in office for eighteen years. The district was certainly not wholly peaceful, and Mr. Bent's observation of the Wali's acts led him to conclude that his methods were somewhat rigorous. If the person who raised rebellion in Dhofar, Seiyyid Fazhil, was, as stated in the French Case (p. 39), a Turkish Chief, the attitude of the Sultan in opposing his endeavours to seize Dhofar was a natural resistance to an attempt to transfer this very fertile part of the frankincense coast to another sovereignty, and the action of Great Britain in acceding to the Sultan's request for help was the action of a loyal ally assisting the Sultan to preserve his dominions from attack and not, as most unwarrantably suggested, an attempt to establish a Protectorate over Muscat or Dhofar. Southern Arabia, p. 232. The British documents quoted in the French Case (p. 40 n), and the declaration of the Marquess of Dufferin there referred to (p. 40), demonstrate the correctness of the British attitude. The stipulation as to future arrangements was a fair and just condition of assistance directed to preventing recurrence of local outbreaks or the severities of Wali Suleeman, and the result of the British action (which was confined to sending a ship of war to the spot, thus securing a bloodless victory for the Sultan), was, as stated in the French Case (p. 41), the restoration of the authority in Dhofar of the Sultan's Wali, and the suppression of machinations intended to put that district under another authority.

The action of Great Britain in thus assisting the Sultan to maintain his rights in his capital and in outlying parts of his territory may be contrasted with the action of France in making claims of protection, which, if successful, would withdraw over 1,000 of the Süri tribesmen, with their very numerous dependents, from the Sultan's jurisdiction, and would result in the creation of an independent Arab community within his dominions.

Yet another allegation by France needs to be dealt with—the suggestion that Great Britain attempted to impose Indian Customs officials, on the Sultan (p. 48). It is quite true that Great Britain has offered such officials as a means of securing a better collection of customs than was effected by the system of farming them and of putting an end to the evasion of such customs on the strength of possessing French papers. The proposal, if accepted, would have greatly increased the revenues of the Sultan, but the Sultan did not accept it. It should, however, be stated that the Süris, who have the French flag and rely on French protection, refuse to pay more than a very small portion of the customs due from them, and that the consequent loss to the Sultan on the farm of customs at Sür is very great, as he realizes only 6,000 dollars a-year instead of 50,000. The French Government are, therefore, quite mistaken in saying (p. 47) that the Sultan's customs duties are not impaired by the grant of French flags.

Appendix 9, p. 53.

The revenues of the Sultan of Muscat have suffered severely by the habitual evasion by French flagholders at Sür of the whole or part of his lawful customs dues of 5 per cent. In order to lessen the Sultan's loss by this evasion, the Bombay Customs Department prepared, and at regular intervals sent to Muscat, a return of the native craft clearing for Oman. A summary of the returns is appended to this Case. From that summary it will be seen that only 12,023 bags of rice (168 lbs. each) were cleared for Sür, a place of 10,000 inhabitants, which is the chief import and export centre of the Sharkiyeh and Jalaan districts of Oman, whereas 23,376 bags of rice were cleared for Maseira, an island of 1,000 inhabitants, mainly of the Jennebeh tribe, to which most of the French flagholders belong, and at which the Sultan has no Customs officer.

The *modus operandi* seems to be to pay only on

the manifest for Sür, and to land at Sür, without payment, goods cleared for Maseira.

Recent instances of the mode in which this evasion of customs duties is effected are given in Appendix 13.

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VII.—THE COALING STATIONS  
QUESTION.

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His Majesty's Government learned at the end of 1898 that His Highness the Sultan had made an Agreement to grant to France a coaling station at Bundar Jisseh, about 5 miles from Muscat. The arrangement was made with great secrecy. Even M. Delcassé, the French Minister of Foreign Affairs, was unaware of it when his attention was called to it by the British Government, and considerable difficulty was experienced in discovering its terms. It was the conduct of the Sultan in this matter, coupled with his delay in paying his liabilities to Great Britain, which led to the delivery of the Memorandum of the 3rd February, 1899, on which so much stress is laid in the French Case. His Majesty's Government expressed both to His Highness the Sultan and to France the view that the sale or lease of any part of His Highness' dominions to a foreign Power was not only a breach of the Sultan's Agreement with Great Britain of 1891, but was also inconsistent with the Declaration concluded between the British and French Governments in 1862. The Government of the French Republic accepted the British reading of the latter instrument, viz., that neither State might accept any cession or lease of Muscat territory; and it was agreed that France should be free to establish a coal depôt on the same terms as those granted to Great Britain, viz., on sufferance, and such a depôt has been established in Muscat Harbour on a portion of the ground originally allotted to Great Britain for the purpose. The result, therefore, of British action has been to prevent a lease or cession of territory to France in contravention of the Declaration of 1862, which would otherwise have taken place. In other words, the British protest, so far from being a breach of that Declaration, prevented its breach by France.

Appendix 14, p. 56.

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## VIII.—THE ZANZIBAR SUBSIDY.

The Zanzibar subsidy of 40,000 crowns was awarded by Lord Canning in 1861 in settlement of disputes between the sons of Sultan Saiyyed as to the partition of his dominions, which, at his death in 1856, included both Muscat and Zanzibar. In 1873, on the conclusion with both Muscat and Zanzibar of Treaties for suppressing the Slave Trade, Great Britain undertook to relieve the Sultan of Zanzibar of all liability for the 40,000 crowns, and guaranteed payment thereof to Sultan Saiyyed Turki, the Sultan of Muscat, "so long as he continued faithfully to fulfil his Treaty engagements and manifest his friendship towards the British Government." On the death of Sultan Saiyyed Turki in 1888, difficulties arose about the succession owing to the absence of any recognized law on the subject. His Highness Sultan Saiyyed Feysal obtained complete recognition as Sultan in 1890, and from that date until 1899 the subsidy was regularly paid to him upon the same conditions as those upon which it was paid to his predecessor. The obligation of Great Britain is not, as suggested at p. 20 of the French Case, absolute and existing in favour of every occupant of the Throne at Muscat. It depends on the arrangements made with each Sultan on his accession, and has, in fact, been only once withheld in the circumstances now to be stated.

French Case,  
pp. 19-20.

The rebellion of Abdullah-bin-Saleh (referred to in the French Case, pp. 42, 43) caused serious loss to British-Indian subjects in Oman. The claims for compensation in respect of losses to British subjects, as verified by a Committee of investigation, amounted to 77,894 dollars. The Sultan was required to pay the amount by quarterly instalments in three years, and proceeded to impose a punitive tax on the offending tribes for the purpose.

Loans had also been made by the British Government to the Sultan in 1895 of 60,000 rupees, and in 1897 of 60,000 rupees.

At the time of the delivery to the Sultan of the British Memorandum of the 9th February, 1899 (styled in the French Case an Ultimatum), large sums of money were due from the Sultan

in respect of the unpaid balances of the indemnity and the two loans, and in September 1899 the account stood approximately as follows :—

	Rupees.		Rupees.
Amount of arrears of subsidy from December 1898 to September 1899, both inclusive, at 7,200 rupees per mensem .. ..	72,000	Amount of arrears of instalments due on account of loans for same months at 2,000 rupees per mensem .. ..	20,000
Deficit .. .. .	18,000	Further balance due—total liquidation of loans, about .. .. .	36,000
		Balance of indemnity due to British subjects at 130 rupees per 100 dollars, about .. ..	34,000
	<u>90,000</u>		<u>90,000</u>

On the 15th November, 1899, the subsidy for October 1899 was paid to the Sultan; the arrears above mentioned were paid to him, less two quarterly instalments in respect of the arrears of indemnity, and less 5 per cent. interest on the unpaid balance from February 1899, and less the instalments due in respect of loans.

## IX.—THE ARAB FLAG.

The plain red flag usually borne by Arab vessels is not peculiar to Oman, but is carried by Arabs irrespective of their political nationality, and is regarded by them as the free flag of Islam. A certain amount of confusion arises from the use of the same flag by Arabs owing political allegiance to different Sovereigns, and from its similarity, at a distance, to the flags borne by Turkish or Egyptian vessels.

See French Case, pp. 10, 37.

So far back as 1835, in the Maritime Truces of that year, arrangements were made with the Chiefs of the Pirate coast for the use by their vessels of a distinctive flag. The statement made at p. 37 of the French Case is irrelevant to the present controversy. The proposal by the British Government, on which animadversion is there made, would not prejudicially affect any subject of Oman, as the colour proposed to the Sheikhs for their flag is that affected by Moslems who are descendants of the Prophet, or have made the pilgrimage to Mecca. The proposal to the Sultan of Muscat in February 1899 that he should order his subjects to use a distinctive flag was made to enable the Sultan to avoid the embarrassment which had been, or might be, caused through the use by Muscat subjects of the flag or papers of other Powers, and because such flag would serve to emphasize and preserve the integrity of His Highness' sovereign rights over his own subjects.

French Case, p 37.

X.—THE SLAVE TRADE TREATY  
OF 1873.

See French Case,  
pp. 48, 56.

See list in British  
Case, p. 9.

It is somewhat late to challenge in 1905 for the first time as an infraction of the Declaration of 1862, a Treaty made in 1873. Treaties relative to the suppression of the Slave Trade have been in force between Great Britain and Muscat since 1822. The Sultan gave authority to British vessels to search for slaves in Muscat waters so far back as 1850, and this authority was in force when the Declaration of 1862 was signed. The effect of the Treaty is to enable one of the High Contracting Parties to do work which the other has no vessels suitable to undertake, in the policing of Oman waters for the suppression of slavers. And under the Brussels Act, all the adhering Powers except France concede to each other mutual rights of search of Arab boats bearing their colours even on the high seas—hardly a mutual surrender of independence. Indeed, the Treaty is but one of a series of Treaties made during the last fifty years by Great Britain with the Rulers of the Arabian coasts with the single object of suppressing a nefarious trade—Treaties which have formed the subject of legislation by the British Parliament, with the object of providing a regular adjudication on the character of vessels seized under the provisions of these engagements.\*

No doubt under the Treaty, apart from any special capitulation, British vessels would be entitled to seize any vessel found in Muscat waters carrying slaves, irrespective of her flag; and in the case of the dhows referred to in the French Case (p. 32), the vessels were only handed over to the French authorities because the Captain of the British cruiser which captured them was under the impression, subsequently

\* See also "The Slave Trade (East African Courts) Act, 1873," 36 & 37 Vict., cap. 59, in which is contained a recital that by various Treaties Her Majesty is empowered to exercise jurisdiction with in the dominions of the Imam of Muscat in regard to vessels captured on suspicion of being engaged in the Slave Trade, and "The Slave Trade Act, 1873" (36 & 37 Vict., cap. 88), which repeals and supersedes the Statutes 11 & 12 Vict., cap. 128, and 12 & 13 Vict., cap. 84.



found to be erroneous, that the place of seizure was on the high seas, and not in the territorial waters of His Highness the Sultan.

And it may be of interest to the Tribunal to be referred to a decision of the highest British Court in which the seizure made by a British cruiser under the authority of His Highness the Sultan of a British ship engaged in the trade of gun-running forbidden by His Highness' Decree was held legal on the ground of the independence of the Sultan and his legislative competence to make the Decree in question.

Carr v. Francis,  
Times, and Com-  
pany, L.R. 1902,  
Appeal Cases,  
p. 176.

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## XI.—THE LOUWATIA.

The Louwatia, with respect to whom a complaint is made against Great Britain (French Case, p. 45) are more usually known in India as Khojas. These Khojas are a Mohammedan sect of Indian origin, whose religious head in India is His Highness the Agha Khan.

Appendix 10, p. 53.

Many of them migrated to Muscat from Hyderabad, in Sind and Kattiawar, and they form distinct communities in Oman, and are known there as Hyderabadis or Louwatras. About 1,000 are in Muscat, and in Muttra they occupy a separate fortified quarter containing about 500 houses, into which no stranger is allowed to enter.

It is well known to persons familiar with the East that races and faiths do not tend easily to commingle as they do in the West.

The Khojas who migrated from India before the British annexation of Sind in 1843, and their descendants have always been considered as subjects of the Sultan, and those who migrated later, with their descendants, have been considered as British subjects. Some of the Khojas who migrated from Cutch and other native States of India are treated as British protégés under Art. 2 of the Anglo-Muscat Treaty of 1891 (printed at p. 7 of the British Case), which continues an arrangement to the like effect made in 1873 with the then Sultan of Muscat. These facts explain the diversity of status among the Khojas on which France makes comment.

Appendix 10, p. 53.

There is no reason to suppose that Col. Miles issued any notification to the Khojas as suggested in the French Case, p. 45.

Public notices were, as a matter of ordinary routine, posted by the British Consul, inviting *British subjects* resident in Oman to register themselves at the British Consulate. An example is given in Appendix 10.

The Khojas are often in pecuniary difficulties, and occasionally to evade the jurisdiction of a British Court, some of those who fall into the category of British subjects, claim to be subjects of the Sultan. Abdul Hussin-bin-Fadl mentioned in the French Case was an old man who had always

Appendix 11, p. 54.

claimed British protection, but suddenly claimed to throw off his nationality, and this claim the British Consul rejected, on the knowledge that it was made to evade a suit pending against the man in the High Court of Bombay.

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## XII.—ZANZIBAR.

The reference in the French Case (p. 5) to the British Protectorate of Zanzibar is wholly irrelevant to the questions in controversy before the Tribunal. Zanzibar and Muscat ceased in 1856 to be under the same Sovereign. The reciprocal Declaration of 1862 as to respecting the independence of Muscat and Zanzibar applied to these States as separate entities, and the Anglo-French Declaration of the 5th August, 1890, which followed on the assumption by Great Britain, of a Protectorate over Zanzibar, while constituting an acceptance by France of that Protectorate (in consideration of getting a free hand in Madagascar), and a modification of the Declaration of 1862, so far as concerned Zanzibar, had no connection whatever with Muscat; and the Declaration of 1890 contains no reference to Muscat and no stipulation affecting that State, but deals solely with the results of the new situation created by the Protectorate of Great Britain over a State which had for thirty-four years ceased to be part of the Sultanate of Oman. Great Britain has not sought in any way to alter the situation created at Muscat by the Declaration of 1862, and the present controversy has arisen out of the action of France in a manner inconsistent with the obligations with regard to Muscat imposed upon her by that Declaration.

It is quite true that disputes have arisen with respect to the rights of France in Zanzibar, somewhat similar to those submitted to the Tribunal in respect to Muscat, and that France has made claims there with regard to the protection of Zanzibari and other Arabs and their vessels, which were rejected as inadmissible by Great Britain; but these disputes have been settled by an arrangement made the 13th May, 1904, which limits French protection to persons who are *originaires* of countries under French protection or are *bond fide* in French service. If France were prepared to make a similar arrangement as to Oman, she would then be limiting her protection within the terms of the Treaty of the 17th November, 1844, and abandoning her present ill-founded claim to protect *originaires* of Oman who are not *bond fide* in French service.

### CONCLUSION.

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In conclusion, His Majesty's Government submit with confidence to the Tribunal that nothing in the French Case displaces the statements or contentions contained in the British Case, and that upon consideration of the statements and contentions of both Parties to the arbitration it is clearly proved that the French practice of francisation of Omani dhows exists, that its effect is seriously to impair the authority of the Sultan over his own subjects in his own dominions, and that his well-founded protests have been disregarded and his independence threatened by persistence in a practice which has no warrant either in international law or under the municipal laws of France.

His Majesty's Government, on their own behalf and on behalf of the Sultan of Muscat, desire to repeat the protest which they have already made against the introduction into the French Case of the matters dealt with in Parts V, VI, X, XI, and XII of this Counter-Case. They are absolutely irrelevant to the inquiry before the Tribunal, which relates solely to the action of France with regard to those who are admittedly subjects of the Sultan of Muscat. His Majesty's Government have adverted to them only because they did not think it right that erroneous statements with regard to their action in Muscat should be allowed to pass without correction.

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## APPENDIX 1.

(No. 1.)

*M. Cambon to the Marquess of Lansdowne.—(Received February 6.)**Ambassade de France, Londres,  
le 6 Février, 1905.*

M. le Marquis,

EN prenant connaissance du Mémoire Britannique relatif aux boutriers Mascatais, que, pour se conformer aux stipulations du Compromis d'Arbitrage, votre Seigneurie a bien voulu faire communiquer à M. Delcassé par son Ambassadeur à Paris, mon Gouvernement a constaté non sans surprise que, d'après le titre qu'il porte, ce document est présenté au Tribunal Arbitral au nom du Gouvernement Britannique et du Sultan de Mascate, et qu'une déclaration dans le même sens figure à la fin de la préface. Une pareille rédaction aboutirait à faire du Gouvernement Britannique l'avocat et le tuteur légal du Sultan indépendant de Mascate : mon Gouvernement se trouverait dans l'impossibilité d'admettre une telle prétention. Le Sultan de Mascate n'a aucune qualité pour intervenir dans un litige qui concerne exclusivement l'interprétation de la Déclaration Franco-Anglaise du 10 Mars, 1862 ; il n'a point été Partie Contractante à cette Déclaration, ni au Compromis d'Arbitrage du 13 Octobre, 1904. Chacun de ces deux Actes est pour lui *res inter alios acta*, et il ne peut prendre aucune part, directe ou indirecte, aux débats institués devant le Tribunal de La Haye, devant lequel sont seules Parties la France et la Grande-Bretagne, en vertu de l'Acte même qui a constitué ce Tribunal.

Je suis chargé par mon Gouvernement de vous présenter une observation à ce sujet et de déclarer à votre Seigneurie que nous ne saurions accepter l'introduction du Sultan de Mascate dans la discussion qui doit se poursuivre devant le Tribunal Arbitral de La Haye.

Veuillez, &c.  
(Signé) PAUL CAMBON.

(No. 2.)

*The Marquess of Lansdowne to M. Cambon.*

Your Excellency,

*Foreign Office, March 15, 1905.*

I HAVE the honour to acknowledge the receipt of your note of the 6th ultimo on the subject of the Arbitration now pending before The Hague Tribunal in regard to the Muscat dhows.

Your Excellency states that the French Government have observed with some surprise that the British Case is stated to be presented in the name of the Sultan of Muscat as well as in that of His Majesty's Government; and you add that the French Government are unable to agree to the introduction of the name of His Highness as one of the parties to the discussion which is about to take place before the Tribunal.

I would ask your Excellency to point out to the French Government that the terms of the Compromis signed on the 13th October last distinctly indicate that the Sultan of Muscat is the party primarily interested in the solution of the questions at issue.

His Highness would therefore clearly appear to have a moral right to be heard on the subject, either by representing his own Case to the Tribunal or by intrusting his interests to the care of one of the Parties to the Arbitration.

His Majesty's Government will be prepared to maintain and to prove by documentary evidence that the Sultan has elected to commit his cause to their care, of his own free will, and not, as is implied in the Case presented by the French Government, in consequence of any pressure put upon him by the British authorities.

It was for these reasons that His Majesty's Government considered that the Case which they have put forward should be presented in the name of the Sultan as well as in their own.

They do not, however, regard it as essential that the name of His Highness should appear as one of the plaintiffs in the suit, and they will, in deference to the views of the French Government, omit it in the further documents to be presented to the Court at The Hague.

His Majesty's Government propose to forward copies of your Excellency's note and of this reply to the Tribunal.

I have, &c.  
(Signed) LANSDOWNE.

(No. 3.)

*M. Cambon to the Marquess of Lansdowne.—(Received March 30.)*

M. le Marquis,

*Ambassade de France, Londres, le 27 Mars, 1905.*

MON Gouvernement, auquel j'avais eu soin de donner connaissance de la note de votre Seigneurie en date du 13 de ce mois, me charge de faire savoir à votre Seigneurie qu'il ne peut

que prendre acte de la promesse qui y est faite d'omettre à l'avenir le nom du Sultan de Mascate des documents qui seront ultérieurement présentés au Tribunal Arbitral pour l'affaire des boutes.

Mais il me charge en même temps de formuler toutes réserves sur les arguments invoqués dans la note en question pour justifier, en raison d'un droit "moral," l'introduction aux débats de la personne du Sultan.

Au cours d'un des entretiens que j'ai eu avec votre Seigneurie, le 25 Mai, 1903—le jour même de l'accord intervenu entre nos deux Gouvernements—j'avais eu soin de déclarer que nous admettions l'arbitrage sur l'interprétation de nos Conventions avec la Grande-Bretagne ou des Déclarations communes aux deux pays, mais que nous n'entendions en aucune façon accepter les demandes d'arbitrage qu'il plairait au Sultan de Mascate de nous adresser.

Ces déclarations amenèrent le retrait par votre Seigneurie d'un projet de note qu'elle m'avait soumis et qui envisageait précisément l'intervention éventuelle aux débats du Sultan de Mascate.

Veillez, &c.  
(Signé) PAUL CAMBON.

(No. 4.)

*The Marquess of Lansdowne to M. Cambon.*

Your Excellency,

*Foreign Office, April 13, 1905.*

I HAVE the honour to acknowledge the receipt of your letter of the 27th ultimo on the question of the introduction of the name of the Sultan of Muscat in the British Case as one of the Parties in the Muscat Dhow Arbitration.

Your Excellency states that the French Government take note of the promise made by me that, in the further documents to be presented by His Majesty's Government to the Tribunal, the name of His Highness will not appear as one of the Parties to the Arbitration. It is not necessary, therefore, to enter into further argument as to the grounds on which His Majesty's Government originally thought it right to insert His Highness' name.

But as your Excellency has referred to what passed between us on the 25th May, 1903, in regard to the Agreement for referring the question at issue to arbitration, I think it right to observe that the passage which, at your request, was omitted from the draft of my note on the subject, provided for the reference to arbitration of any questions which the Sultan might desire to raise. It is the fact, as your Excellency states, that you objected on behalf of the French Government to accepting any demands for arbitration which the Sultan might himself put forward.

But I did not at the time understand you to state that your Government wished to preclude the Tribunal from taking cognizance of the Sultan's views upon any questions affecting his interests which the British or French Government might desire to refer to it for settlement.

His Majesty's Government will communicate your Excellency's note, with this reply, to the Tribunal, in the same manner as the previous correspondence.

I have, &c.  
(Signed) LANSDOWNE.

## APPENDIX 2.

(No. 1.)

*Secretary of State for India to Viceroy of India, July 29, 1903.*

PLEASE instruct Captain Cox to warn the Sultan of Muscat that arbitration requires formalities which cannot but take considerable time, and to inform him that some progress has been made regarding arrangements for reference to The Hague Tribunal, but that negotiations are still going on between British and French Governments, and matter is not yet settled; also that the question of the privileges of French flag-holders will be argued before the Tribunal, on the Sultan's behalf, by British Government, who will welcome the assistance of any one whom the Sultan may wish to depute to furnish information and suggestions.

(No. 2.)

*Translation of a Letter written by His Highness the Sultan of Muscat to Major P. Z. Cox.*

(After compliments.)

YOUR honour asked me in the name of your Government eight months ago, whether I wished to send any one to represent me at The Hague Arbitration Tribunal, and I replied that I had no person experienced in such important matters, and would prefer to leave my repre-

sentation to the British Government. You have now asked me the same question again, and I repeat to you that I have no experienced man whom it is possible for me to send, and hope that your great Government will kindly represent me and endeavour to gain my object.

FEISAL BIN TURKI

*Dated Muscat, Moharram 11, 1323  
(March 19, 1905).*

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APPENDIX 3.

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*Major Fagan (British Consul at Muscat) to British Consul-General at Bushire.*

*Muscat, January 20, 1898.*

I HAVE the honour to furnish you with information regarding the two dhows carrying slaves under the French flag captured by His Majesty's ship "Sphinx" in September 1896.

2. The names of these two dhows were the "Salama" and the "Saad." The captain of the "Salama" was Abdulla-bin-Muhammad, Baluch, an inhabitant of Abu Abali, a place on the Batineh coast, about 50 miles from Muscat, and within the territories of His Highness the Sultan. The owner was Hamed-bin-Abdullah, Baluch, of the same place. It will be observed in the *titre de navigation* of this vessel (copy of which I attach) that the owner is described as Ahmed-bin-Abdullah, resident of Majungo (a port in Madagascar), and that he is only accorded the right of sailing under the French flag on the coast of Madagascar and the islands contiguous to ("avoisinant") that coast.

3. The captain of the "Saad" was Mubarak-bin-Saeed-bin-Ali, Arab, of the Beni Rasib tribe, an inhabitant of Sür. The owner was Saeed-bin-Muhammad-bin-Abdulla, Arab, of the Beni Rasib tribe, also an inhabitant of Sür. It would appear, from an office Memorandum of this vessel's papers made about the time of capture by Captain Beville (copy inclosed), that she is represented therein to be owned by Mibzami Nouli, of Great Comoro, and that she was licensed to trade under the French flag on the African and Madagascar coasts and in the Gulf of Oman. (No copy of the actual *titre de navigation* of the "Saad" appears to have been kept.)

4. It would thus appear that in the case of the "Salama," the owner, when applying for French papers, gave his right name, but fraudulently described himself as an inhabitant of Majungo, while the "Saad's" papers were obtained by fraudulently representing her as belonging to an inhabitant of Great Comoro, to whom she, in point of fact, did not belong.

5. I am informed that it is quite a common practice for inhabitants of Sür, the Batineh coast, and other places in the Persian Gulf, who own dhows and wish to procure the right to navigate them under French protection, to send their dhows down to French settlements and to fraudulently represent that they belong to inhabitants living in those places, thus obtaining French papers and the right to fly the French flag.

6. The following is a case in point: About two or three months ago Abdul Muhasan, an inhabitant of the Island of Keis (Persian territory), made a complaint to the Sultan of Muscat against one Yousaf-bin-Saeed, of the Yal Sad tribe, an inhabitant of Mesnah, Batineh coast, to the effect that this individual was the Nakhoda of complainant's dhow, and, while serving in this capacity, he took the dhow to Bookeyn (a port in Madagascar), and fraudulently obtained French papers for the dhow which he registered in the name of Salim-bin-Muhammad Al Badi, who was at the time living in French territory, but was originally a subject of the Sultan of Muscat. The complainant represented at the same time that the Nakhoda had returned to Mesnah, on the Batineh, and had beached the dhow and put her up to auction.

7. On receiving this complaint the Sultan ordered the Wali to make inquiries into the case, which he did, with the result that the complainant's story was found to be correct. Salim-bin-Muhammad Al Badi, who happened to be at Mesuah at the time, took over the papers and the French flag from the Nakhoda of the dhow, and delivered her over to the Wali. I am informed that there has been some correspondence on the subject between the Sultan and the French Vice-Consul.

8. I beg to add, in conclusion, that the two Nakhodas sentenced on the 28th August, 1897, by the Court at Réunion to a term of imprisonment were released on the 18th instant at the request of the French Vice-Consul.

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No. 66, Lettre signaletique M.  
No. d'inscription 28.

Titre de Navigation, sous Pavillon Français.  
Valable pour un an.

Au Nom du Peuple Français.

En vertu des instructions du Gouvernement Français relatives aux navires dénommés boutres exclusivement affectés à la navigation dans les Mers des Indes :



Nous, Commissaire de l'Inscription Maritime à Majungo, déclarons que le bouter "Salama," d'un tonnage de 14 tonneaux, appartenant à Amed-ben-Abdullah, résidant à Majungo, commandé par Abdullah-ben-Mahomed, a le droit de naviguer sous pavillon Français pour faire la navigation sur la côte de Madagascar et les îles avoisinants, avec la faculté d'avoir un équipage composé d'étrangers. Le présent titre est valable pour un an.

En conséquence le Gouvernement de la République Française prie, requiert tous Souverains, États annexes et alliés de la France et leurs subordonnés, ordonne à tous fonctionnaires publics, commandants de bâtiments de l'État et tous autres qu'il appartiendra, de laisser sûrement et librement passer le dit navire sans lui faire souffrir qu'il lui soit fait aucun trouble ou empêchement, mais, au contraire, de lui donner toute faveur, secours ou assistance partout où besoin sera.

Fait à Majungo, le 10 Juillet, 1895.

Le Commissaire de l'Inscription Maritime,  
(L.S.) (Signé)

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*Office Memorandum of "Saad's" Papers.*

Papers issued at Zanzibar Consulate owned by Mibsami Nouli, of Great Comoro.

Issued on the 17th February, 1896.

For one year, to trade African coast, Madagascar coast, Gulf of Oman.

(Signed) F. G. B.

September 29, 1896.

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APPENDIX 4.

*Copy of a Letter addressed to the British Consul-General at Bushire by His Highness the Sultan of Muscat, dated 14th Muharrum, 1322 (21st March, 1905).*

(After compliments.)

I HAVE the honour to make a reference to you regarding the 30 persons from among my subjects whom the French Government claim to protect, together with their dhows and the crews thereof, according to the list furnished to me a few days ago. As a matter of fact, the details given in the list (as now supplied) are not sufficient for the proper identification of the individuals, and I see in the list possibilities of doubt and confusion in the matter of identity, for instance, one of them is quoted as "Juma-bin-Saeed" and his dhow the "Fateh-el-Khair" and its Nacoda "Khalfan-bin-Ahmed"; and, God knows, there may be 20 persons in Soor of the name of "Juma-bin-Saeed" or "Khalfan-bin-Ahmed," and similarly there might be 20 dhows named the "Fateh-el-Khair." Until such time therefore as the fullest inquiry can be made with regard to each person named in the list, with opportunities for the production of witnesses and documents, I cannot admit that any single one of those mentioned is entitled to French protection. Accordingly, it has been necessary to inform you to that effect.

The details which I require in regard to the claimants are as follows:—

The individual's name, such as Mubarak (bin).	
His father's name,	Salim (bin).
His grandfather's name,	Mahomed.
His nickname, if any	"El Katheree."
His clan or sub-tribe	Fowaris.
His tribe	Jennebeh.

That is Mubarak-bin-Salim-bin-Mahomed El Katheree Clan Fowaris, Tribe Jennebeh. I beg you will obtain this information for me, and communicate it to me.

Apart from the above request, I note that among the individuals named on this list whose names I recognize as belonging to persons whom I can identify (as claiming French protection) are included several persons long since dead. How can the French Government include such in their list?

Those to whom I refer are three in number—

- (1) Salim-bin-Mahomed Al Badi (No. 93 on French list).
- (2) Seleem-bin-Thabet (No. 14 " " " ).
- (3) Ahmed-bin-Saeed (No. 22 " " " ).

This is what had to be explained, and Saluam.

(Signed) FEISAL BIN TURKI,  
Sultan of Muscat.

Dated 14th Muharrum, 1322.

## APPENDIX 5.

*Comparisons of British and French Lists of Flagholders.*

No.	Names taken from British Lists.	Comparison with French List.	Remarks.
<i>List of 1891, British Case, p. 52.</i>			
1	Salim-bin-Saleem Wad Suheilah .. ..	French list, No. 5	See his letter, French Case, p. 66
2	Mohamed-bin-Saleem Wad Abood .. ..		
3	Rashed Wad Taacbah .. ..		
4	Mubarak-bin-Salim-bin-Saeed .. ..		
5	Musalem-bin-Ali-bin-Seif .. ..		
6	Musalem-bin-Nasir .. ..		
7	Abdullah-bin-Alabd .. ..		
8	Rashed-bin-Khamees .. ..	" No. 8.	
9	Mohamed-bin-Rashed .. ..	See French list, No. 28.	
10	Hamad-bin-Matar .. ..		
11	Khamees-bin-Salim .. ..		
12	Khamees-bin-Ali .. ..		
13	Salem-bin-Saeed .. ..	French list, No. 18.	
<i>List of 1894, British Case, p. 60.</i>			
14	Muhammed-bin-Abdullah-bin-Sultan .. ..	" No. 1.	
15	Abdullah-bin-Saleh-bin-Juwaid .. ..	See French list, No. 9.	
16	Musallam-bin-Hamad-el-Kethree .. ..	" No. 30.	
2	Muhammad-bin-Sulleyim-bin-Abud .. ..		
12	Khamis-bin-Ali-bin-Rubeujeh .. ..		
17	Halim-bin-Seyyed-bin-Belal .. ..		
1	Salem-bin-Sulleyim-bin-Suheleh .. ..	French list, No. 5.	
18	Seyyed-bin-Abdulla-bin-Sabur .. ..		
19	Mubarak-bin-Salem-el-Khadeeree .. ..	? = No. 4, <i>supra</i> .	
20	Salem-bin-Hamed-bin-Rashed Mukheyree .. ..		
21	Salem-bin-Rashed-bin-Seyyed .. ..		
22	Salim .. ..	Sons of Juma-bin-Sulleem. . . . .	See French list, No. 19.
23	Sulleyim .. ..		
8	Rashed bin-Khames Walad Aweysla .. ..	" No. 8 ..	See this man's <i>titre</i> , British Case, p. 45.
9	Muhammed-bin-Rashed Rothlee .. ..		
24	Khater-bin-Ramzan .. ..		
25	Hawwee-el-Jaffree .. ..		
26	Rashed-bin-Salmeen .. ..		
27	Suweylim-bin-Saleem .. ..		
28	Rashed-bin-Salem .. ..	" No. 20.	
29	Hamad-bin-Kadun .. ..		
30	Rashed-Mahwad .. ..		
<i>List of 1900, p. 68.</i>			
31	Abdulla-bin-Muhammad Mubarak .. ..	" No. 29.	
32	Abdulla-bin-Khamis .. ..	" No. 3 ..	British Case, p. 86, and letter in French Case, p. 65.
14	Muhammad-bin-Abdulla .. ..	French list, No. 1	
33	Khamis-bin-Musallam .. ..	? = No. 11, <i>supra</i> .	
34	Musallam-bin-Mussallan .. ..		
35	Salem-bin-Abdulla .. ..	French list, No. 9.	
36	Abdulla-bin-Muhammad .. ..	See French list, No. 15.	
37	Salim-bin-Musallim .. ..	French list, No. 12 ..	See letter, French Case p. 65.
38	Abdulla-bin-Muhammad Abud (see No. 2) .. ..		
39	Ali-bin-Mubarak .. ..		
40	Salem-bin-Salim (Wad Sehele) (see No. 1) .. ..	" No. 5 ..	See letter, French Case, p. 66.
41	Mubarak-bin-Muhammad .. ..	? French list, No. 16 ..	See British Case. p. 18.
42	Saiyed Ahmed-bin-Abdul .. ..		
2	Muhammed-bin-Salim .. ..		
43	Muhammad-bin-Mubarak .. ..		

No.	Names taken from British Lists.	Comparison with French List.	Remarks.
<i>List of 1900, p. 68 (continued).</i>			
44	Saïved Ali-bin-Ahmed .. ..	French list, No 11.	
45	Nasir-bin-Khamis .. ..		
46	Ali-bin-Salim .. ..	See French list, Nos. 2 and 17	British Case, p. 21.
9	Muhammad-bin-Rashid .. ..		
13	Salem-bin-Saïd .. ..	French list, No. 13.	
22	Salem-bin-Juma .. ..	See French list, No. 19.	
23	Ali-bin-Saïyed .. ..		
47	Hamed-bin-Salim .. ..		
? 22	Salem-bin-Juma .. ..	„ No. 19.	

## APPENDIX 6.

(No. 1.)

*M. Guy to Mr. Cave (British Agent at Zanzibar.)*

M. le Gérant,

*Consulat de France à Zanzibar, le 7 Septembre, 1902.*

HIER, vers 10 heures du matin, Jouma-bin-Mubarak, propriétaire établi à la Grande Comore depuis vingt-cinq ans, patron de bontres battant pavillon Français, a été arrêté sur l'ordre du Juge de la Cour Britannique. Il s'agissait, paraît-il, d'une dette qu'un Indien lui réclamait. La loi et le juge du demandeur ont été la loi et le juge du défendeur qui a été arrêté, condamné, et emprisonné dans l'espace de deux ou trois heures (jamais demandeur Français poursuivant un sujet Britannique n'a obtenu une justice si pressée !)

J'ai cru d'abord à une erreur, déjà assez désagréable en elle-même, et je vous ai signalé le fait, pensant que Djouma allait être rendu à ma juridiction. Vous m'avez répondu que je n'avais établi aucune raison prouvant que Djouma dût être considéré comme sujet Français, en déclarant par avance que Djouma pourrait alléguer cette exception d'incompétence devant le Juge lui-même. Au cours d'une conversation que nous avons eu dans la suite, vous m'avez dit que même dans le cas où vous seriez d'avis que cet homme est protégé Français, si le Juge est d'avis contraire, vous ne pouvez que le laisser agir en conséquence, étendant ainsi sur le domaine administratif la compétence exclusivement judiciaire de la Cour. Or, je n'ai pas besoin de vous rappeler (1) que le Consul de France à Zanzibar n'est pas accrédité auprès de la Cour, mais bien auprès de l'Agence ; (2) que le Gouvernement Français n'a pas reconnu la Cour Britannique, qu'il sera d'autant plus longtemps à la reconnaître qu'elle se permettra de pareilles violations et du droit des États et du droit des particuliers.

Il eut donc fallu que vous vous déclariez responsable de l'acte commis par la Cour Britannique ; vous vous en êtes abstenu. Mais de mon côté, sans m'arrêter devant cette sorte d'indépendance administrative que vous accordez à la Cour Britannique, je considère vos lettres et vos paroles comme autant d'approbations de l'acte du Juge, et je vous attribue cette responsabilité que vous évitez d'assumer.

Je vous rappellerai donc qu'il a toujours été admis que les boutriers, patrons, et équipages naviguant sous pavillon Français sont protégés Français.

En conséquence, je proteste de la façon la plus énergique contre cette arrestation et cette condamnation (si rapides), qui constituent un manque d'égards absolu vis-à-vis du Gouvernement de la République et de son Représentant. Malgré les protestations de cet homme plutôt (car, même s'il eut eu tort, on devait me prévenir), l'arrestation s'est produite par des gens et en présence de gens qui insultaient mon pays.

Je cède donc devant la force, mais je réserve mes droits, et dorénavant je ne tiendrai nul compte, ni officiel ni officieux, de l'existence de la Cour Britannique, qui ne vous offre décidément pas les garanties suffisantes de bonne distribution de la justice.

Je vais, de plus, signaler à mon Gouvernement que la force irraisonnée employée de plus en plus à l'égard de nos ressortissants par les autorités Britanniques ne me permet plus le libre exercice de mes fonctions.

Veuillez, &c.  
(Signé) ARTHUR GUY.

(No. 2.)

*Mr. Cave to M. Guy.*

Sir,

*Zanzibar, September 15, 1902.*

I HAVE the honour to acknowledge the receipt of your letter dated the 7th instant, in which you protest against the arrest of a Süri Arab named Mubarak, the master of a dhow carrying the French flag.

The facts of the case are as follows: A British Indian subject applied to the Court of His Highness the Sultan's Delegated Jurisdiction for a summons for debt against Juma-bin-Mubarak, and it having been proved to the satisfaction of the Judge that the debtor intended to leave the jurisdiction of the Court, a warrant was issued for his arrest. On the receipt of your letter of the 6th instant, I had informed the Judge that Juma might claim to be under French protection, and the case was, for this reason, heard as soon as possible. When Juma was brought before the Court he was asked on what grounds he claimed French protection, and replied: "I am a Süri Arab, but my wife lives in Comoro; I therefore claim French protection, as I have often stayed there. At present, my wife and I live in Arabia." As neither the man's own statement nor the fact that he was the captain of a dhow sailing under French colours was considered by the Judge to be a sufficient reason for his withdrawal from His Highness the Sultan's jurisdiction, Juma was ordered to give guarantee for the payment of his debt, and, on his refusing to do so, was ordered to be detained in custody until such security was forthcoming. On the 9th instant a satisfactory guarantee was given, and the man was at once released.

You state in your letter of the 7th instant that I had verbally informed you that, even if I had considered Juma-bin-Mubarak to be a French-protected subject, I could not have interfered with the Judge's action in the matter if the latter were of a different opinion. Allow me to observe that you have not quite correctly quoted my words. I said that, although, under the circumstances, I should endeavour to convince the Judge that the man was not in effect under his jurisdiction, and although I was convinced that he would pay great attention to my representations, I could not actually deprive the Court of a function which is inherent in all Courts, namely, that of determining whether a particular person or thing is or is not within its jurisdiction. But I added that, although on these grounds I could not technically assume responsibility for whatever action the Judge might take, I was strongly of opinion that the judicial proceedings in the particular case under discussion had been absolutely correct, and was fully prepared to support them.

The only ground on which you claim Juma-bin-Mubarak as a French-protected person is that he is the captain of a dhow sailing under the French flag, and you state that "it has always been admitted that the crews of dhows, captain and men, sailing under French colours, are under French protection."

This statement I cannot for a moment accept. You support it in a private letter to Mr. Vice-Consul Kestell-Cornish by saying that you have found in the archives of your Consulate letters from Sir A. Hardinge, myself, and others, introducing to the Consul for France Indians who had claims to advance against the personnel of French dhows; it is quite possible that the individuals against whom these claims were made were considered on other grounds to be under French protection at Zanzibar, or, if that was not the case, that the information on which the introductions were given was false; but, however that may be, I am convinced that no person employed on a dhow sailing under the French flag has, for that reason alone, been regarded by any Representative of the Protecting Power as under French jurisdiction within the territories of His Highness the Sultan. It is, of course, provided by the Brussels Act that the crews of native vessels shall, as regards their engagement and discharge and some other matters, be under the direction of the Consular authorities of the Powers under whose flags the vessels sail, but I am not aware of any engagement to which the Sultan of Zanzibar is a party under which persons so employed can withdraw themselves in civil or criminal matters from the jurisdiction to which they would otherwise, when in Zanzibar, have been subject.

It appears from the evidence given in the case that the money claimed from Juma-bin-Mubarak was employed by him in the purchase of a dhow of which he is the master, and that he is, therefore, the owner, as well as the captain, of a vessel which sails under the French flag.

By Article XXXII of the General Act of the Brussels Conference, to which the French Republic is a party, it is provided that authority to fly the flag of one of the Signatory Powers shall only be granted to a native vessel the fitter-out or owner of which is either a subject of or a person protected by the Power in question. I shall be much obliged if you will be so good as to inform me upon what grounds a native of Süri, in Arabia, has been granted the right for sailing under the French flag.

I have, &c.  
(Signed) BASIL S. CAVE.

(No. 3.)

*M. Guy to Mr. Cave.*

*Consulat de France à Zanzibar,  
le 15 Septembre, 1902.*

M. le Gérant,

EN réponse à votre lettre de ce jour, sur les quelques points qu'elle soulève je serais heureux de vous faire admettre—

1. Que l'on ne peut (officiellement) laisser à un fonctionnaire de l'ordre judiciaire la compétence de décider si une personne est sous sa juridiction ou non. C'est une question, purement administrative, du ressort des autorités administratives. On peut dire que le pouvoir administratif limite et définit le pouvoir judiciaire. On entame différemment une action devant eux; on recourt différemment contre leurs décisions. Alors qu'on peut faire revenir l'Administrateur sur les siennes, en tout état de cause, on agit envers le Juge au début,

avant toute sentence rendue, *in limine litis*, en déposant une requête—cela appartient au plaideur; je ne suis pas plaideur, donc je ne puis rien faire en ce sens. Une fois la sentence rendue, on a recours contre elle par l'appel ou la cassation. Il faut encore être plaideur. Donc, la porte serait fermée à toutes mes réclamations; je n'aurais aucun moyen de faire respecter les Traités par le Juge s'il y contrevient. Et il en résulterait pour les autorités Britanniques une facilité très grande de se désintéresser de la question, puisqu'elles auraient décidé en principe de ne pas intervenir.

2. D'autre part, les prescriptions de l'Acte de Bruxelles, qui placent sous l'autorité des Consuls les équipages d'embarcations naviguant sous pavillon étranger en ce qui concerne leur engagement, &c., s'appliquent à tous les pays, qu'il s'agisse de pays souverains ordinaires ou de pays de Capitulations. C'est le principe général qui régit toutes les marines de commerce. Il est bien certain (et ceci m'amène au point que vous visiez *in fine*) que le propriétaire d'une embarcation naviguant sous pavillon Français devant être (d'après l'Acte de Bruxelles et d'après nos lois) Français, son patron et ses hommes sont considérés comme étant au service de Français, et doivent, par conséquent, jouir des avantages que leur accorde le Traité de Mascate.

3. Ici, Djouma-bin-Mbarak est non seulement patron, mais propriétaire de son boutre. Cela exprime qu'il a été considéré comme Français par les autorités qui l'ont armé. Et c'est, en effet, le cas. Djouma a reçu son acte de navigation à la Grande-Comore des mains du Résident de France. J'ignore exactement à quel titre, mais je pense ne pas faire une supposition éloignée de la vérité en disant que Djouma, étant établi à la Grande-Comore avant la conquête Française, était sujet du Sultan de ce pays, et que nos autorités, en y arrivant, ont dû forcément le considérer comme protégé Français.

Que toutes ces questions de navigation boutrière soulèvent beaucoup de difficultés j'en suis d'accord . . . . C'est une raison de plus pour les éviter à l'amiable; et le cas de Djouma était si simple que j'ai pu le résoudre presque tout seul, en trouvant un sujet du Sultan qui voulût bien se porter garant pour lui. Mais je crois que ma garantie à moi, même moins précise, même donnée en dehors de la Cour, eût pu suffire pour qu'on épargnât à cet homme une arrestation humiliante qui m'atteint également, puisqu'elle frappe mon ressortissant.

Djouma paye sa dette. Il m'en a remis le montant dont vous trouverez le décompte dans le bordereau ci-joint. Je vous l'adresse à mon tour pour qu'il soit versé à votre protégé. Je vous serais reconnaissant de m'en délivrer un reçu, ou bien de me faire parvenir le titre original de la créance.

Veillez, &c.  
(Signé) ARTHUR GUY.

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(No. 4.)

*Mr. Cave to M. Guy.*

Sir,

*Zanzibar, September 16, 1902.*

I HAVE had the honour to receive your letter of yesterday's date respecting the case of Juma-bin-Mubarak.

There are only two points in your letter on which I would desire to offer any further observations.

In the first place, you state that "le propriétaire d'une embarcation naviguant sous pavillon Français devait être Français, son patron et ses hommes sont considérés comme étant au service de Français, et doivent, par conséquent, jouir des avantages que leur accorde le Traité de Mascate."

The only persons who can claim French protection in Zanzibar are Frenchmen ("Français") and subjects of His Highness the Sultan who are in the service of Frenchmen, and this privilege has, by usage, been extended to certain natives of Comoro who were resident in their country of origin at the time of the French occupation. Juma-bin-Mubarak is not a Frenchman; he is not in the service of a Frenchman, and he is not a native of Comoro; how, then, can he be considered as enjoying the protection of the French Consulate in Zanzibar? And, if he is not a Frenchman, how can those in his service be regarded as French-protected persons?

In the second place, you express the opinion that the French authorities at Comoro were obliged, for certain reasons, to regard Juma-bin-Mubarak as a French-protected person. Neither the Government of His Highness the Sultan nor I, as the Representative of the Protecting Power, have any concern with the status which Juma-bin-Mubarak may be considered to hold when he is in a French Colony, but, so long as he is in the Sultan's territories, he cannot be allowed to enjoy extra-territorial privileges to which he is not entitled under the Capitulations.

I have, &c.  
(Signed) BASIL S. CAVE.

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## APPENDIX 7.

(No. 1.)

*Lieutenant-Colonel Talbot (British Consul-General at Bushire) to the Government of India.**Bushire, July 10, 1892.*

I HAVE the honour to forward, for the information of the Government of India, copy of a letter which I have addressed to the Chief of Shargah, Head of the Joasim tribe, regarding the recovery of some slaves freshly imported into Khor Fakan on the Batineh coast, a Joasim Chiefship. The Persian authorities have also been requested to recover such of them as can be traced in Persia.

2. I have taken advantage of the departure of Her Majesty's ship "Sphinx" for Muscat by way of Bahrain and the Arab coast to forward my letter through Commander Hart-Dyke, R.N., who will impress upon the Chief of Shargah the necessity for exertion in this case.

3. A further report will be submitted hereafter.

Inclosure in No. 1.

*Lieutenant-Colonel Talbot to the Chief of Shargah.*

(After compliments.)

*Bushire, June 30, 1892.*

SOME time ago it was reported to me that one Salim-ul-Badi, a subject of Ras-ul-Khaimah, had arrived at Khor Fakan from Zanzibar with some raw slaves, and that he had written to the Chief of Ras-ul-Khaimah inquiring whether he might bring the slaves to Ras-ul-Khaimah, but had received no answer. I caused further inquiries to be made, and have now ascertained that Salim-ul-Badi had with him thirty-three slaves, fifteen of whom he has by this time disposed of at various places, ten are with him in his boat, while there are still eight belonging to him at Khor Fakan. The Sheikh of Khor Fakan is of your tribe and subordinate to you, and, in accordance with the Agreement of 1847, it is my duty to call upon you as head of the Joasim to require from the Sheikh of Khor Fakan the surrender of the eight slaves still at Khor Fakan.

I must further request you to recover from Salim-ul-Badi a fine of 70 dollars per head of each of the thirty-three imported slaves, such fine to be reduced by 70 dollars for each slave produced by him for manumission.

(No. 2.)

*Lieutenant-Colonel Talbot to the Government of India.*

(Extract.)

*Bushire, October 3, 1892.*

I HAVE the honour to submit, for the information of the Government of India, copies of correspondence regarding the slave-running operations of Salim-ul-Badi, a subject of the Chief of Ras-ul-Khaimah.

2. Some delay has been caused in the submission of this report by the omission until quite recently of the Sheikh of Ras-ul-Khaimah to reply to my letter to him of the 7th August last. This reply, received on the 1st instant, cannot, in my opinion, be considered as satisfactory. There can be no reasonable doubt that the Sheikh has been all along fully cognizant of Salim-ul-Badi's proceedings, and although, according to the report first received from the Residency Agent, Shargah, he was said not to have replied to the letter in which Salim-ul-Badi announced his arrival from Zanzibar with slaves, and asked whether he could safely come to Ras-ul-Khaimah, his subsequent conduct in sheltering both him and the Sheikh of Khor Fakan, where the slaves were first landed, makes him a *particeps criminis* in all that has taken place. I have ascertained personally from Commander Hart-Dyke, R.N., that the Residency Agent's report of his interview with the Sheikh is correct, and there can be no real doubt of the latter's knowledge of Salim-ul-Badi's doings, though that is now disavowed by him.

3. The responsibility in this case must, I consider, be shared between the Sheikhs of Ras-ul-Khaimah and Khor Fakan, and if they are not able to recover from Salim-ul-Badi a fine of 70 dollars for each slave imported, it must be exacted from them, in the proportion, I would suggest, of two-thirds from the Sheikh of Ras-ul-Khaimah, who, as a Trucial Chief, is the worse offender, and of one-third from the Sheikh of Khor Fakan. The Sheikh of Shargah, as the recognized head of the Joasim, is responsible for the conduct of a subordinate Sheikh of the tribe, such as Khor Fakan, even though the latter may not be directly under his authority. It is necessary to enforce this responsibility, both in order to limit the number of the Sheikhs to whom Government can look for the repression of slavery to those with whom it has Treaty engagements, and also

to check a Traffic which is again on the increase, and which these Sheikhs habitually allow in their territories in disregard of their Treaty obligations. In default of payment by the Khor Fakan Sheikh, the Chief of Shargah must therefore make good the amount, and if the fine is not paid, boats belonging to both Ras-ul-Khaimah and Shargah will be seized and sold to make it good.

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Inclosure 1 in No. 2.

*Report from the Residency Agent, Shargah, dated February 8, 1892.*

ONE Salim-ul-Badi went from Ras-ul-Khaimah towards Zanzibar and settled in Bukin. He has become wealthy, and wants to return to Ras-ul-Khaimah; but as he was in possession of slaves he proceeded to Jasa, one of the neighbouring villages of Muscat, and wrote to the Chief of Ras-ul-Khaimah asking to be given an assurance that nobody would seize the slaves in his possession when he would come to Ras-ul-Khaimah; otherwise he would go and settle in another country. The Chief of Ras-ul-Khaimah is said not to have given him any answer, and he proceeded to Khor Fakan, which is under Sheikh Hamaid-bin-Majid-bin-Sultan-bin-Saghar Ghasemi.

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Inclosure 2 in No. 2.

*The Residency Agent, Shargah, to Lieutenant-Colonel Talbot.*

*July 20, 1892.*

I HAVE received your letter dated the 5th Dil Hajjah, 1309 (30th June, 1892), by the hands of Captain Hart-Dyke. On my departure to Abu Dhabi I deputed a person to find out the place where Salim-ul-Badi was staying after his return from Katr, and to let me have the information at Ras-ul-Khaimah if I arrived there with the man-of-war.

On my return to Shargah in the man-of-war the Chief of Shargah was sent for, and the Captain delivered to him your letter, whereupon a discussion took place regarding the surrender of the slaves and the recovery of the fine of 70 dollars per each from Salim-ul-Badi. But the Chief of Shargah excused himself from moving in the matter on the ground of his being unable to manage the affair, since Khor Fakan is not under his jurisdiction, but belongs to his cousin, who has been ruling over it for years, like the other sons of Sultan-bin-Saghar, over their respective possessions.

Seeing that the discussion was fruitless of good result, I went to Ras-ul-Khaimah in the man-of-war. Here my informant told me that Salim-ul-Badi and his boat were in the place, and by looking with a telescope we saw that the boat had French colours.

At an interview between the Captain and the Chief of Ras-ul-Khaimah regarding Salim-ul-Badi and Khor Fakan, the Chief stated that the man on his return from Katr and Bahrein had come to Ras-ul-Khaimah and beached his boat there for repairs. After finishing he intended to proceed to Bussorah shortly.

The Chief further stated that he could not seize anything from, or exercise his authority over, Salim-ul-Badi; and as regards the Chief of Khor Fakan, though he was his cousin, still he could not interfere with his actions. Whereupon the Captain desired the Chief of Ras-ul-Khaimah to expel both Salim-ul-Badi and the Chief of Khor Fakan from his territory, so that they might go to their own country, Khor Fakan, where it would be probably necessary to enter into correspondence with them. The Chief of Ras-ul-Khaimah agreed to do so within five days, and then left the ship. After this I also landed at Ras-ul-Khaimah and remained there for three days, during which I did not observe him taking any steps, so I reminded him of his promise and advised him to fulfil it, and he promised to do so, but my own impression is that neither Salim-ul-Badi nor the Chief of Khor Fakan will move from Ras-ul-Khaimah.

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Inclosure 3 in No. 2.

*Lieutenant-Colonel Talbot to the Chief of Ras-ul-Khaimah.*

(After compliments.)

*Bushire, August 7, 1892.*

SOME time ago it was reported to me that one Salim-ul-Badi, a subject of yours, had arrived at Khor Fakan from Zanzibar with some raw slaves, and that he had written to you inquiring whether he might bring them to Ras-ul-Khaimah, but had received no answer.

2. I caused further inquiries to be made, and ascertained that Salim-ul-Badi had with him 33 slaves, 15 of whom he had disposed of at various places, 10 were with him in his boat, while there were still 8 belonging to him at Khor Fakan.

3. I addressed the Chief of Shargah regarding his responsibility, as Head of the Joasim, for the doings of the Chief of Khor Fakan, but I cannot absolve you also from share in it, for the Khor Fakan Chief is a relative of yours and has been living at Ras-ul-Khaimah, though you must have been aware of these matters.

4. I further requested him to recover from Salim-ul-Badi a fine of 70 dollars per head of each of the thirty-three imported slaves, such fine to be reduced by 70 dollars per each slave produced by him for manumission. This, however, is primarily your duty, as Salim-ul-Badi is your subject

5, I am aware from a letter from the Commander of Her Majesty's ship "Sphinx" that Salim-ul-Badi has been living lately at Ras-ul-Khaimah, and I also learn from the Residency Agent, Shargah, that he has not been sent out of Ras-ul-Khaimah as promised by you to the Captain of the man-of-war, nor has the Chief of Khor Fakan, who was also there, been sent back to his own place, as also promised.

6. You are well aware of your responsibility to the British Government in the matter of the importation of slaves, and unless you recognize it by taking effective steps to recover the fine imposed on one of your subjects engaged in the illegal Traffic, I shall be compelled to make some recommendations to Government that may not be agreeable to you.

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Inclosure 4 in No. 2.

*The Chief of Ras-ul-Khaimah to Lieutenant-Colonel Talbot.*

12th Safar, 1310 (September 5, 1892).

I RECEIVED your esteemed letter, and understood its purport regarding Salim-bin-Mohamed-ul-Badi. The fact is that formerly I did not allow him to come to my country when he had slaves with him; but he came to me after his return to Katr and Bahrein, when I did not find any slaves with him except those he stated to be the crew of his buggalow. He came to my country for the purpose of repairing his boat, and not to take up a permanent residence in it. He left my country thirty years ago, and placed himself under the protection of the French Government.

When I received your letter I demanded from him what you had required of him; but he became displeased with me, and left with the object of going to Bussorah. The hands of the Government can stretch far against him, and I hope you will not consider me guilty in a matter in which I have no power.

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Inclosure 5 in No. 2.

*The Residency Agent, Shargah, to Lieutenant-Colonel Talbot.*

September 11, 1892.

IN reply to your letter dated the 7th August last, I beg to inform you that I made inquiries regarding the slaves who were in possession of Salim-ul-Badi when he was in Khor Fakan. Beyond the news communicated to you in my previous report, which was reported to me by my messenger, no one else knows the number of slaves he possessed.

My informant states that it appears to him that Salim-ul-Badi had thirty-three male and female slaves in Khor Fakan; ten of these were sent from Zanzibar in a Süri boat (to Süri) in charge of one Bin Hashoom, of Ras-ul-Khaimah, and thence they were taken to the Batineh and Khor Fakan in native boats; but the rest Salim-ul-Badi brought in his own buggalow. Some of these he has entered in the register as crew of his buggalow, and some his servants. On his voyage to Katr he sold some of them. When I went to Ras-ul-Khaimah in Her Majesty's ship "Sphinx" I wanted to see the register of Salim-ul-Badi's boat, but he refused to show it. It is not possible to obtain a written declaration (that Salim-ul-Badi possesses these slaves), as, firstly, the prohibition of this Traffic is contrary to their religion, and, secondly, they are afraid of their Chiefs.

Salim-ul-Badi intends leaving Ras-ul-Khaimah on the 5th September, presumably for Bussorah.

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Inclosure 6 in No. 2.

*The Chief of Shargah to Lieutenant-Colonel Talbot.*

(After compliments.)

19th Muharram, 1310 (August 13, 1892).

I HAVE received your letter, dated the 5th Zil Haj, 1309, and have learnt its contents.

Regarding Salim-ul-Badi, who, you have heard, has slaves, and, according to what is known to you, is a subject of Ras-ul-Khaimah, know that he is not a subject of Ras-ul-Khaimah, but is a merchant and traveller. Although he was born at Ras-ul-Khaimah, yet it is nearly thirty years since he has left the place and has settled himself in Obokh. He has assumed French nationality and terminated his connection with these parts. He has this year come here for trading purposes. The Captain of the man-of-war and the Residency Agent became acquainted with his affairs when they arrived here. I have no control over him, and the Government should excuse me in respect to a man who has nothing to do with me, and over whom I have no control.



## Inclosure 7 in No. 2.

*The Residency Agent, Sharqah, to Lieutenant-Colonel Talbot.*

*September 25, 1892.*

WITH reference to your letter dated the 25th ultimo, I proceeded to Ras-ul-Khaimah and obtained an answer from the Chief of that place, which is inclosed herewith.

From what I heard from people at Ras-ul-Khaimah, it appears to me that Salim-ul-Badi has no more slaves left with him, but he has nine freed slaves employed as the crew of his boat; the hands short in the crew of this boat have been engaged at Ras-ul-Khaimah. When Salim-ul-Badi sailed towards the Katr coast, all the crew of his boat were slaves, but he took some of the natives of Ras-ul-Khaimah to replace those whom he sold. As to the eight slaves who were seen by my Munshi in Salim-ul-Badi's house at Khor Fakan, when Salim-ul-Badi came to Ras-ul-Khaimah he sent his boat to Khor Fakan, and it brought eight male and one female slaves to Ras-ul-Khaimah. Of these he took eight male slaves with him on his voyage, said to be, for Bussorah, and left the female slave at Ras-ul-Khaimah. The Chief of Ras-ul-Khaimah, on being questioned by me about these eight slaves, said he did not know anything, and did not inquire about Salim-ul-Badi's affairs. I suppose these eight slaves will be taken by himself or sent from some other place for sale to Katr, because the people of Ras-ul-Khaimah heard from him that slaves are dear there.

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APPENDIX 8.

NAMES of Dhows, &c., sailing under French Flags certified by the Bombay Customs Department to have cleared from Oman Ports during the Years January 1900 to January 1905.

No.	Name of Vessel.	Name of Nakhoda.	Name of Owner and Port of Domicile.	Date of Sailing.	Remarks.
1	"Fath-ul-Khair"	Khamis bin Abdullah	Khamis bin Abdullah of Soor	7th April, 1900..	This dhow corresponds to No. 12 in the French list, but therein Abdullah bin Khamis bin Musallam is given as the owner.
	" "	" "	Khamis bin Musallam, of Soor	3rd January, 1901	
2	"Ta'ooos"	Mahomed bin Abdullah	Mahomed bin Abdullah of Masirah	3rd April, 1900..	This corresponds to dhow No. 11 in the French list, in which Abdullah bin Khamis bin Ali is given as owner.
	" "	" "	" "	20th March, 1901	
	" "	" "	Khamis bin Ali..	} 20th March, 1902	}
	" "	" "	Abdullah bin Khamis		
3	"Marseille"	Ibrahim Firoz	Ibrahim Firoz of Merbat (near Dhofar)	9th January, 1900	This dhow is not to be found in the French list.
4	"Mashkas"	Salim bin Abdullah	Salim bin Abdullah, of Lashkira (near Soor)	April 1900 ..	This corresponds to No. 23 in the French list.
5	"Fath-ul-Khair"	" "	Salim bin Abdullah	5th April, 1900..	This dhow cannot be traced in the French list.
6	"Kashim"	Sayyid Hamed	Sayyid Hamed, of Soor	14th April, 1900	This dhow is also not in the French list.
7	"Saad-ul Karim"	Rashid bin Salim	Rashid bin Salim, of Rasul-Hadd (near Soor).	19th October, 1900	This dhow is shown in the French list No. 33 as belonging to Salim bin Thabit. The latter is dead; Rashid is probably his son.
	" "	" "	Not given	4th March, 1902	
8	"Marseille"	Sayyid Mahomed	Sayyid Mahomed, of Merbat (Dhofar)	19th October, 1900	Not traceable from the French list.
9	"Fath-ul-Khair"	Salim bin Saleem	Salim bin Saleem, of Masurah	1st December, 1900	Probably dhow No. 32 in the French list, which is there shown as belonging to Salim bin Thabit. Vide No. 7 above.
	" "	" "	Not given	16th December, 1901	
10	"Fath-ul-Khair Selamati"	Mubarak bin Salim	Salim bin Salim	12th April, 1902	16th dhow in French list.
11	"Hadthra"	Khamis bin Mubarak	Mubarak bin Ahmed	16th November, 1901	35th dhow in French list, probably, but names of owner and Nakhoda do not correspond.
	" "	" "	" "	31st January, 1905	
12	"Samhan"	Mahomed bin Mubarak	Mahomed bin Mubarak	27th November, 1901	Not traceable from French list.
13	" "	Mahomed bin Khamis	Not given	17th February, 1902	Probably No. 26 in the French list. Owner therein given as Sayyid Ali bin Ahmed.

No.	Name of Vessel.	Name of Nakhoda.	Name of Owner and Port of Domicile.	Date of Sailing.	Remarks.
14	"Zahir"	Musallam bin Salim	Not given	16th December, 1901	} No. 28 in French list.
	" "	Salim bin Salim	" "	27th January, 1902	
	" "	Musallam bin Salim	Salim bin Musallam	21st March, 1902	
15	"Yad-ul-Karim"	Ahmed bin Mahomed	Salim bin Mahomed	18th March, 1902	No. 24 in French list, where Khalfan bin Ahmed is given as Nakhoda.
16	"Mar-seille"	Salim bin Abdullah	Not given	23rd January, 1902	{ Corresponds to No. 8 in French list, where Mahomed bin Khamis is given as Nakhoda and Abdullah bin Khamis as owner. This Salim is the son of the latter.
	" "	" "	Abdullah bin Khamis	22nd March, 1902	
	" "	" "	Mahomed bin Abdullah	20th March, 1903	
17	"Fath-ul-Khair"	Musallam bin Sayyid	Not given	25th March, 1902	Not traceable from French list.
18	" "	Salim bin Ahmed	Salim bin Mahomed	27th March, 1902	" "
19	"Salamati"	Abd-ul-Mohsin	Not given	10th April, 1902	} Not found in French list. Made its second journey under Arab flag.
	" "	" "	Abd-ul-Mohsin, of Langan (under Arab flag)	1st April, 1903	
20	"Fath-ul-Khair"	Khulfan bin Ahmed	Khulfan bin Ahmed	11th April, 1903	} Untraceable from French list.
	" "	" "	Juma bin Saeed	24th March, 1903	
	" "	" "	Khulfan bin Ahmed	29th January, 1904	
21	"Othman"	Abdullah bin Ahmed	Khamis bin Musallam	19th March, 1904	} Not to be found in French list.
	" "	" "	" "	26th March, 1903	
22	"Salamati"	Khamis bin Juma	Saeed bin Nasir of Sur	27th March, 1903	} Untraceable from French list.
	" "	" "	Ahmed bin Rashid of Sur	26th October, 1903	
23	"Fath-ul-Mohsin"	Khamis bin Khulfan	Khamis bin Khulfan	29th March, 1904	No. 4 in French list, where owner is given as Mahomed bin Abdullah.
24	"Fath-ur-Rahman"	Mahomed bin Saeed	Salim bin Mahomed	3rd December, 1902	No. 25 in French list.
25	"Fath-ul-Khair"	Na'eem bin Saeed	Na'eem bin Saeed	31st March, 1904	Not traceable from French list, in which the name of Na'eem bin Saeed does not occur.
26	" "	Abdullah bin Ahmed	Abdullah bin Ahmed of Muscat	31st March, 1904	Not found in French list.
27	"Atait-ur-Rahman"	Ali bin Saeed	Ali bin Saeed of Sur	9th April, 1903	No. 13 in French list, where Abdullah bin Khamis bin Musallam is shown as proprietor.

A second mention has been made of the same dhow only in cases in which the name of the owner or Nakhoda has been changed.

## APPENDIX 9.

MEMORANDUM showing Total Merchandise exported from Bombay by Native Craft under French Flag to Oman Ports of South-East Arabia during the years 1900 to 1904.

Year.	Merbat.		Maseira.		Soor.		Other Ports.	
	Rice Bags.	Sundries.	Rice Bags.	Sundries.	Rice Bags.	Sundries.	Rice Bags.	Sundries.
1900 ..	2,965	1,767	4,798	111	3,444	2,920	240	66
1901 ..	1,033	434	2,991	15	2,704	763	430	105
1902 ..	1,088	2,418	7,556	249	3,913	2,467	300	6
1903 ..	674	2,075	4,767	420	1,227	1,334	940	2,854
1904 ..	650*	37	3,269	1,862	735	205	3,384	3,659*
Total ..	6,410	6,731	23,376	2,657	12,023	7,689	3,294	6,690

\* Incomplete ; manifests of six Bughlas mislaid by Muscat Customs Office.

(Signed) P. Z. COX, Major,  
Officiating Political Resident in the Persian Gulf.

Muscat, March 21, 1905.

## APPENDIX 10.

(No. 1.)

*Lieutenant-Colonel Miles to British Consul-General, Bushire.*

IN acknowledging the receipt of your letter requesting answers to certain questions regarding the Indian Khojas and Muscat, I have the honour to submit herewith the information called for accordingly.

*Memorandum of Queries and Replies.*

1. Do the Khojas of Muscat preserve a peculiar religion and peculiar social habits of their own, or do they combine with other communities ?

The Khojas at Muscat do not combine with other communities. They dwell in a separate walled quarter at Mutrah, called the Khoja Fort, and intermarry only among themselves. They comprise two parties, viz., the followers of Agha Khan, who preserve their peculiar religion and social customs, and those who have recently adopted the Mahomedan religion. The latter are in the majority, but even those notwithstanding preserve some of their old social habits.

2. Are there any Khojas who are beyond question subjects of the Sultan ?

Yes. Such as those whose ancestors emigrated from Sind prior to British conquest, and such as have declared themselves Arab subjects.

3. If there are, do the Indian Khojas intermix with them, or do the Indian Khojas form a separate community preserving an immiscible character ?

They are one and the same community, and intermix.

4. Do the members of the Khoja community at Muscat come from India only, or from other parts of the world as well ?

The Khojas are Indians, and come from the Provinces of Sind and Cutch.

5. Are there any general considerations which prevent Khoja immigrants from acquiring the nationality of Muscat?

I am not aware of any general considerations which would prevent Khoja immigrants from acquiring Arab nationality if they preferred to do so.

6. Is the Sultan a party to the register of persons under British protection, or has he notice of it, and has he ever objected to the practice of registration?

The registration of persons is done with the Sultan's cognizance, but notice is not usually given him. He has never formally objected to the practice of registration so far as I am aware, but he has been furnished at his own request with a list of persons registered.

Yes. On application being made by them.

7. When Khojas born at Muscat of Indian parents come of age, are their names entered in the Register?

Names are never entered in the Register unless at the personal request of the persons and after investigation.

8. Are names ever entered in the Register except at the request or with the consent of the persons themselves?

It has always been the custom to treat adult Muscat-born descendants of Indian immigrants as protected subjects, provided the immigrants were themselves British subjects or subjects of protected States; provided also the descendants themselves desire to be so treated.

9. Is it the open and acknowledged practice to treat adult Muscat-born descendants of Indian-born immigrants to Muscat as protected natives of India?

(Signed) H. B. MILES, *Lieutenant-Colonel,*  
*Political Agent, His Britannic Majesty's Consul, Muscat.*

August 5, 1875.

(No. 2.)

*Specimen of Notification issued by His Britannic Majesty's Consul, Muscat, re registration of British Subjects.*

#### PUBLIC NOTICE.

EVERY British Subject now residing within the dominions of His Highness the Sultan of Muscat is hereby directed to apply to Her Britannic Majesty's Consul to be enrolled in the Register Book of British Subjects. Likewise all natives of British protected States in India who may claim British protection. All such persons now residing in Muscat or Mutrah must appear for registration within one month from this date. Those residing in other parts of the Sultan's dominions within three months from this date. All persons not previously enrolled must produce two respectable British Subjects to attest their claims to British protection.

Every British Subject who may arrive within the said dominions (except British Subjects borne on the Muster Roll of any British ship arriving in any port of Muscat) shall within five days after his arrival also apply to the Consul to be enrolled in such Register.

Any British Subject who shall refuse or neglect to obey this order, and who shall not excuse such refusal or neglect to the satisfaction of the Consul shall not be entitled to be recognized or protected as a British Subject in respect to any suit, dispute or difficulty in which he may have been or may be engaged or involved within the dominions of the Sultan of Muscat at any time when he shall not have been or shall not be so enrolled.

C. E. ROSS, *Major,*  
*Political Agent & His Britannic Majesty's Consul.*

MUSCAT:  
The 18th January 1872.

#### APPENDIX 11.

*Memorandum regarding the Case of Abdul Hussein-bin-Fadl Ali, mentioned on page 19 of French Statement.*

AMONG the trading firms of Muscat and Mutrah is the British-protected Khoja firm of "Fadl Ali Toorani and Co.," trading with Bombay and Calcutta.

Owing to the fact that its founder, Fadl Ali, migrated from India after the British annexation of Sind, and also that the trading operation of the firm are carried on with India, both the family and the firm have always enjoyed British protection.

Fadl Ali died many years ago and left four sons, who continued to carry on the business of the firm in his name. The eldest of these was Abdul Rab-bin-Fadl Ali, and the second, Abdul Hussein-bin-Fadl Ali, the individual referred to in the French statement. The elder of the two became the head of the firm, still trading as "Fadl Ali Toorani and Co."

In September 1901, when British Consul at Muscat, I received for execution from the Calcutta Small Cause Court a Decree against the firm for a considerable amount, and from reports which reached me at the time of the state of the firm's affairs, I had reason to think that other similar claims from India were likely to follow. On the 9th January, 1902, following, a Petition was presented to me by the elder brother, Abdul Rab, asking that his name might be removed from the Register of British subjects. No application of the sort was received at this time or any other from Abdul Hussein, but as far as my memory serves me he did present himself with his brother, when I called for the latter on the 13th January, 1902. On this occasion I explained to Abdul Rab, who offered no explanation of his wish suddenly to divest himself of British nationality, that while the British Government did not thrust their protection on people, nevertheless, seeing that he and his father had always hitherto claimed our protection, before I could take steps to take his name off the Register, I must ask for six months' notice and a substantial deposit as security for the satisfaction of any more claims that might come in against him as a British subject. It will be understood that there were strong grounds for thinking that his only object in desiring to take Muscat nationality in this sudden way was that it would be easier for him to evade, as an Arab subject, claims that might come against him from British India.

He did not see his way to deposit any security and went his way, and I heard no more of his desire to change his nationality. He died a few months later.

In December 1903 a suit was brought against the second brother, Abdul Hussein, in the Muscat Consular Court, in connection with the title to possess a certain plot of ground. Defendant was, as usual, summoned to appear, but refused to accept the summons, and a warrant had to be issued. On hearing of this, Abdul Hussein came to see me of his own accord, and said he had refused to sign the summons because he had, since his brother's application of two years before, considered himself a Muscat subject.

I explained to him that I could not accept this explanation; that his brother had never completed the requirements for the removal of his name from the Register, and that, in the circumstances, I could not consider him (Abdul Hussein) as anything else than a British subject. He accepted my decision in the suit without further appeal, and I had no dispute of any kind with His Highness the Sultan on the subject. If I saw him personally within a few days of taking the above action I should certainly have mentioned the matter to him, and probably did, but I have no special recollection of doing so, and His Highness certainly never addressed me any official communication on the subject.

My successor at Muscat, Major Grey, has had considerable dealings with Abdul Hussein in the Consular Court, and informs me that the Khoja has never suggested any wish on his own part to change his nationality, and there can be hardly any doubt that his object in endeavouring to do so on the previous occasion in question was the one which I have suggested.

(Signed) P. Z. COX, Major,  
Acting British Consul-General at Bushire.

Muscat, March 17, 1905.

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APPENDIX 12.

(No. 1.)

*Letter from the French Vice-Consul to His Highness the Sultan, dated March 25, 1905.*

(After compliments.)

IN accordance with orders received from the Great French Government, I have the honour to present to your Highness a list of the boat-owners who are under French protection, the presentation of which list to you has been agreed upon by the two Great Governments of France and England.

May you ever be preserved, and Salaam.

(Signed) JEAN BEGUIN-BILLECOCQ.

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*Reply, dated 18th Moharram (same day).*

(After compliments.)

I have been honoured by the receipt of your letter, and have understood its contents. It is not possible for me to accept the list of names which you have sent me, as the persons mentioned therein are my subjects, and I do not admit your claim to regard them as being under French protection, as I have never given permission for that. Moreover, your Honour knows that this question is at present under discussion at The Hague, and that the Great English Government is my Representative in that Court, so that the matter is connected with them and depends upon them, and Salaam.

(Signed) FAISAL-BIN-TURKI.

(No. 2.)

LIST of Dhow-owners supposed by French to be under their protection, which was submitted to His Highness the Sultan by the French Vice-Consul at Muscat on March 25, 1905, and declined by the former.

- |                                      |  |
|--------------------------------------|--|
| 1. Mahomed-bin-Abdullah-bin-Sultan.  | 14. Salim-bin-Thabit.                  |
| 2. Ali-bin-Salim-bin-Rashid.         | 15. Abdullah-bin-Mahomed Walad Kuthir. |
| 3. Abdullah-bin-Khamis-bin-Ali.      | 16. Mubarak-bin-Ahmed Walad Razaik.    |
| 4. Abdullah-bin-Khamis-bin-Masallam. | 17. Ali-bin-Salim Walad Tahib.         |
| 5. Salem-bin-Saleem Walad Suhaili.   | 18. Abdullah-bin-Saeed.                |
| 6. Juma-bin-Saeed Walad Bilal.       | 19. Salim-bin-Juma.                    |
| 7. Salim-bin-Bakhit.                 | 20. Ahmed-bin-Saeed.                   |
| 8. Rashid-bin-Khamis.                | 21. Saiyid Bakhari-bin-Saiyid Ahmed.   |
| 9. Salim-bin-Abdullah-bin-Javaid.    | 22. Hodeid-bin-Nasib.                  |
| 10. Salim-bin-Mahomed.               | 23. Seif-bin-Suleiman.                 |
| 11. Saiyid Ali-bin-Ahmed.            | 24. Rashid-bin-Mahomed.                |
| 12. Salim-bin-Masallam.              | 25. Abdullah-bin-Mubarak.              |
| 13. Salim-bin-Saad.                  | 26. Masallam-bin-Ahmed.                |

About 56 boats; about 1,060 men forming crews.

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APPENDIX 13.

*From British Consul, Muscat, to Secretary of State for India.*

(Extract.)

April 19, 1905.

AS regards evasion of customs-duties by dhows sailing under French flag, I beg to submit the following specific cases. They are a few out of very great number, and are taken from the Customs records.

The names of the dhow owners are in the French list:—

(1.) Dhow owned by Salim-bin-Thabit, of the Makana section of the Jennebeh tribe, captain's name Mahomed, landed at Sür in month of January last 759 bags of rice, but only paid duty on 150, the amount manifested for Sür.

(2.) A dhow belonging to Abdulla-bin-Khamis-bin-Ali, of the same section and tribe as (1), name of captain Ibrahim, arrived at Sür in same month with 1,000 bags of rice, all of which were landed there. The owner had only 200 manifested for Sür, and declined to pay duty on more, although remainder were landed publicly.

(3.) Dhow owned by Abdulla-bin-Khamis-bin-Musallam, of same section and tribe, captain's name Khamis, landed at Sür in January last 1,600 bags of rice, also seven bags of coffee and two packages of piece goods, but paid duty on 277 bags of rice only, representing that remainder were not manifested for Sür.

(4.) A dhow belonging to Mubarak-bin-Ahmad, of the Gherama section of the Jennebeh tribe, with a captain named Mahomed, landed 1,400 bags of rice at Sür in same month, but owner only paid duty on 210 bags, the amount manifested for Sür.

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APPENDIX 14.

(No. 1.)

*The Marquess of Salisbury to Sir E. Monson.*

Sir,

*Foreign Office, February 27, 1899.*

THE French Ambassador called to-day with reference to the question of a French coaling station at Muscat. His Excellency said that the French Government accepted our reading of the Treaty of 1862, that neither State might accept any cession or lease of Muscat territory. He moreover withdrew the suggestion he had made a week ago that France should keep the grant of Bunder Gisseh under a formal assurance that it involved no territorial right. His Excellency stated, however, that it was necessary for his Government to be able to procure coal in these waters, and they accordingly proposed to establish a coal depôt on exactly the same terms as our own, that is to say, on sufferance. But he requested that the British Consul at Muscat might be informed that this was being done with the assent of Her Majesty's Government, as otherwise the Imaum might object to the arrangement.

I replied that I must in the first instance consult the Government of India, and that I would at once request the Secretary of State for India to communicate with the Viceroy on the subject by telegraph.

I am, &c.

(Signed) SALISBURY.

(No. 2.)

*Extract from the "Journal Officiel" of March 7, 1899.*

(Extract.)

LE Gouvernement de la République se trouvait donc en présence d'une double question : une question de fond, une question de forme.

Au fond, quel grief pouvait-on invoquer contre nous ? Par le Traité de 1862, la France et l'Angleterre ont pris l'engagement réciproque de respecter l'indépendance de l'Imam de Mascate. A cette indépendance, pas plus aujourd'hui que dans le passé, la France n'a aucune envie de porter la moindre atteinte. Elle l'a toujours dit ; elle ne fait aucune difficulté à le redire ; et, pas plus sans doute que l'Angleterre, elle ne vise, par des moyens détournés, par des pactes séparés, à se créer à Mascate une situation privilégiée et à affaiblir à son profit la portée de la Convention de 1862.

Serait-ce que la Concession d'un dépôt de charbon puisse justifier la moindre alarme ? Mais, depuis longtemps déjà l'Angleterre possède à Mascate un dépôt de charbon ; et comment ce que l'Angleterre a pu faire sans dommage pour la Convention de 1862, le seul projet de le faire à son tour pourrait-il constituer, de la part de la France, un manquement, une infraction à la même Convention.

Sur ce point, la discussion ne pouvait être longue ; aussi le Gouvernement de la Reine, renseigné sur les faits, sur nos intentions, n'a pas tardé à reconnaître que, les droits de la France et de l'Angleterre à Mascate étant identiques, comme identiques leurs obligations, la France peut très légitimement y avoir à son tour un dépôt de charbon, exactement dans les conditions où l'Angleterre y a installé le sien.

(No. 3.)

*The Marquess of Salisbury to Sir E. Monson.*

Sir,

*Foreign Office, March 21, 1900.*

THE French Ambassador spoke to me to-day again with respect to the coaling-station which the French Government were anxious to acquire in the neighbourhood of Muscat.

I replied that I had been in communication with the Indian Government on the subject, and that I was now prepared to make to him the following proposal :—

The ground available at present for coal stores in Makalla Cove should be divided as far as possible evenly between England and France, and two coal stores as nearly similar as possible established, one for the use of English vessels and the other for the use of French vessels.

His Excellency said he doubted if this arrangement would be acceptable to his Government, but he undertook to lay it before them.

I am, &c.  
(Signed) SALISBURY.

(No. 4.)

*Memorandum communicated to French Embassy, May 11, 1900.*

THE ground available in Makalla Cove admits of division into two parcels by means of a wall built from the sea to the high ground at the back. On one side of the wall would be the large shed No. 1 and a smaller one on the north side of it No. 2 ; on the other side of the wall would be shed No. 3 with any land that may lie to the south of the wall, and which can be more precisely defined when the division is made.

Her Majesty's Government offer to the French Government their choice between the two sites, and the dividing wall will be erected by Her Majesty's Government on receipt of an intimation that the solution is accepted by the French Government.

If the French Government chooses the northern site with sheds Nos. 1 and 2, time should be allowed for the removal of the coal belonging to Her Majesty's Government in those sheds to the other site, and for the construction of the necessary shed. The French Government would probably in that case wish to pay for the sheds Nos. 1 and 2 at a fair valuation.

Should the French Government be disposed to accept the southern site with its shed No. 3, Her Majesty's Government would propose to give that shed without making any claim for compensation.

(No. 5.)

*Pro-memoriâ communicated by French Embassy, May 12, 1900.*

L'AMBASSADEUR de France s'empresse d'accuser réception au Secrétaire d'État pour les Affaires Étrangères du *pro-memoriâ* relatif à la question de l'établissement d'un dépôt de charbon à Mascate, que sa Seigneurie lui a fait parvenir, et qui constitue l'offre par le Gouvernement de la

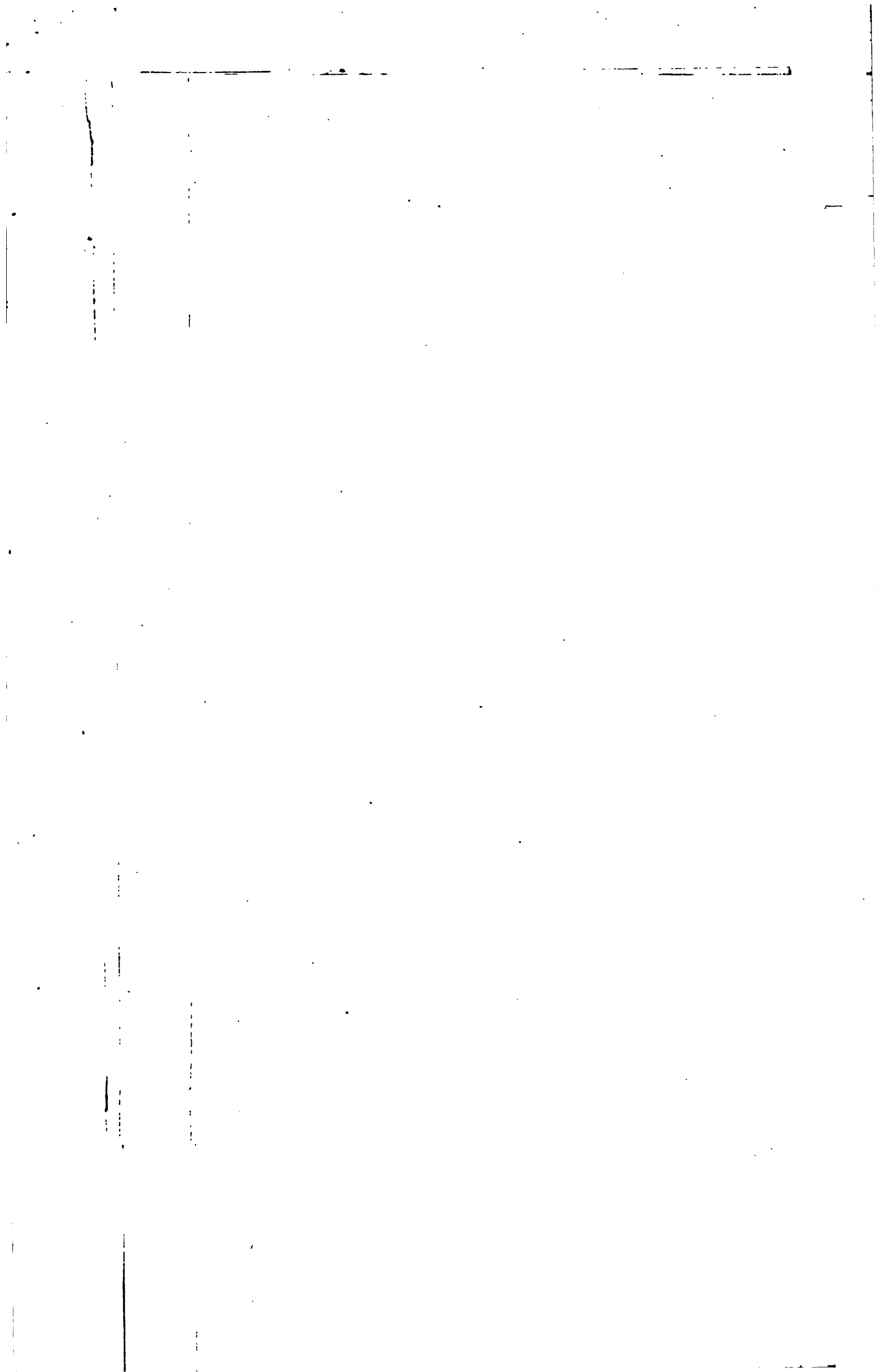


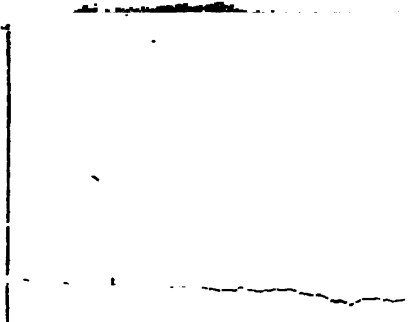
Reine au Gouvernement de la République, de lui céder à son choix l'un des terrains situés à proximité de cette ville, et sur la Baie de Makalla, indiqués dans les documents antérieurement communiqués par l'Office des Affaires Étrangères.

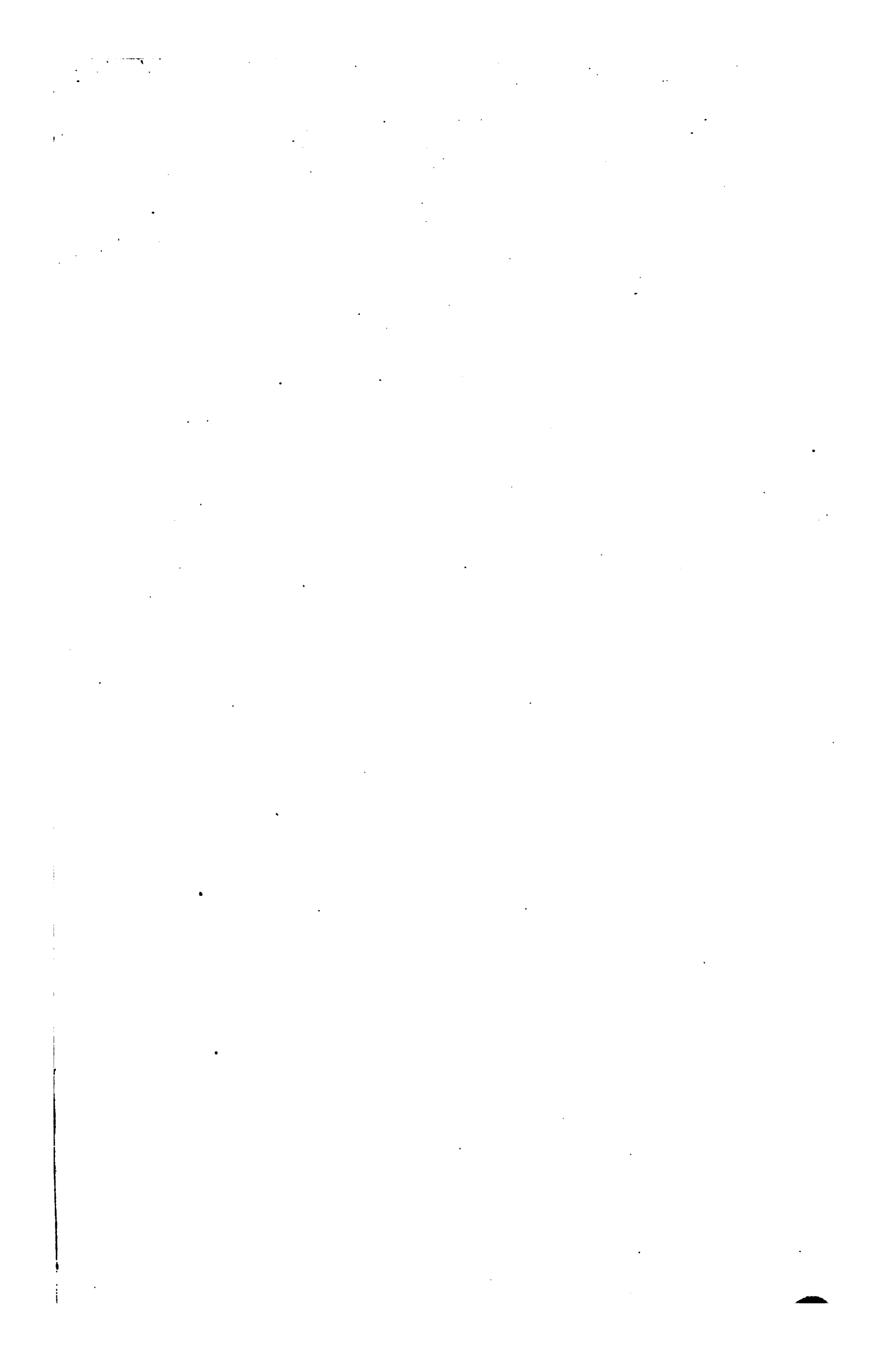
M. Cambon a l'honneur de porter à la connaissance de sa Seigneurie le Marquis de Salisbury, que le Gouvernement de la République fait choix du terrain et du hangar sud pour y établir un dépôt de charbon. Il est entendu qu'un mur de séparation sera construit à frais communs entre les établissements Anglais et Français, depuis le littoral de la mer jusqu'aux collines bornant la Baie de Makalla à l'ouest, et que de chaque côté de ce mur les deux Gouvernements auront la jouissance de terrains d'égale superficie pour leurs dépôts de charbon.

*Ambassade de France, Londres, ce 12 Mai, 1900.*

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