

**TREATY SERIES. No. 9.**

**1892.**

**T R E A T Y**

**OF**

**FRIENDSHIP, COMMERCE, AND NAVIGATION**

**BETWEEN**

**GREAT BRITAIN AND MUSKAT.**

**Signed at Muskat, March 19, 1891.**

*Ratifications exchanged at Muskat, February 20, 1892.*

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*Presented to both Houses of Parliament by Command of Her Majesty.  
May 1892.*

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TREATY OF FRIENDSHIP, COMMERCE, AND  
NAVIGATION BETWEEN GREAT BRITAIN  
AND MUSKAT.

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*Signed at Muskat, March 19, 1891.*

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*Ratifications exchanged at Muskat, February 20, 1892.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Highness the Seyyid Feysal-bin-Turki-bin-Saeed, Sultan of Muskat and Oman, being desirous to confirm and strengthen the friendly relations which now subsist between the two countries, and to promote and extend their commercial relations, have named as their Plenipotentiaries to conclude a Treaty for this purpose, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Colonel Edward Charles Ross, Companion of the Star of India, Her Britannic Majesty's Political Resident in the Persian Gulf;

And His Highness the Sultan of Muskat, in person;

Who have agreed upon and concluded the following Articles:—

ARTICLE I.

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

ARTICLE II.

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

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

### ARTICLE III.

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

### ARTICLE IV.

There shall be perfect freedom of commerce and navigation between the High Contracting Parties; each shall allow the subjects of the other to enter all ports, creeks, and rivers with their vessels and cargoes, also to travel, reside, pursue commerce and trade, whether wholesale or retail, in each other's dominions, and therein to hire, purchase, and possess houses, warehouses, shops, stores, and lands. British subjects shall everywhere be freely permitted, whether personally or by agent, to bargain for, buy, barter, and sell all kinds of goods, articles of import, or native production, whether intended for sale within the dominions of His Highness or for export, and to arrange with the owner or his agent regarding the price of all such goods and produce without interference of any sort on the part of the authorities of His Highness.

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

### ARTICLE V.

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

## ARTICLE VI.

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

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

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

1. All goods and merchandize which, being destined for a foreign port, are transhipped from one vessel to another in any of the ports of His Highness the Sultan of Muskat, or which have been for this purpose provisionally landed and deposited in any of the Sultan's custom-houses to await the arrival of a vessel in which to be reshipped aboard. But goods and merchandize so landed shall be exempted only, provided that the consignee or his agent shall have, on the arrival of the ship, handed over the said goods to be kept under Customs seal, and declared them as landed for transshipment, designating at the same time the foreign port of destination, and also provided that the said goods are actually shipped for the said foreign port as originally declared, within a period not exceeding six months after their first landing, and without having, in the interval, changed owners.

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

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

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

## ARTICLE VII.

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

## ARTICLE VIII.

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

## ARTICLE IX.

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

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

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

## ARTICLE X.

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

## ARTICLE XI.

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

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

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

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

## ARTICLE XII.

Should sailors or others belonging to a British ship of war or merchant-vessel, desert and take refuge on shore or on board of any of His Highness' ships, the authorities of His Highness the Sultan of Muskat shall, upon request of a Consular official, or, in his absence, of the captain of the ship, take the necessary steps in order to have them arrested and delivered over to the Consular official or to the captain.

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

## ARTICLE XIII.

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

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

**civil questions, claims, or disputes in which they are the defendants, is expressly reserved to the British Consular authorities and Courts, and removed from the jurisdiction of His Highness the Sultan.**

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

#### ARTICLE XIV.

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

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

#### ARTICLE XV.

Should a subject of Her Majesty residing in the dominions of His Highness the Sultan of Muskat be adjudicated bankrupt, the British Consul shall take possession of, recover, and realize all available property and assets of such bankrupt, to be dealt with and distributed according to the provisions of English Bankruptcy Law.

#### ARTICLE XVI.

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

#### ARTICLE XVII.

Should a British subject die within the dominions of His Highness the Sultan of Muskat, or dying elsewhere leave property

therein, movable or immovable, the British Consul shall be authorized to collect, realize, and take possession of the estate of the deceased, to be disposed of according to the provisions of English law.

#### ARTICLE XVIII.

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

#### ARTICLE XIX.

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

#### ARTICLE XX.

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

#### ARTICLE XXI.

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

- The Dominion of Canada.
- Newfoundland.
- The Cape of Good Hope.
- Natal.
- New South Wales.
- Victoria.
- Queensland.
- Tasmania.
- South Australia.
- Western Australia.
- New Zealand.



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

#### ARTICLE XXII.

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

#### ARTICLE XXIII.

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

In witness whereof Colonel Edward Charles Ross, C.S.I., on behalf of Her Majesty the Queen of Great Britain and Ireland, and Empress of India, and His Highness Seyyed Feysal-bin-Turki, Sultan of Muskat, on his own behalf, have signed the same and affixed thereto their respective seals.

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

(Signed) EDWARD CHARLES ROSS, *Colonel.*  
*Political Resident in the Persian Gulf.*  
 Signature in Arabic of His Highness the  
 Sultan of Muskat.

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#### *Protocol.*

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

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

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

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

(Signed) A. C. TALBOT, *Lieutenant-Colonel,*  
*Political Resident, Persian Gulf.*

(L.S.)

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

(L.S.)

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