

BRITISH NORTH BORNEO TREATIES.

BRITISH NORTH BORNEO, 1888.

PROTECTORATE AGREEMENT

AGREEMENT BETWEEN HER MAJESTY'S GOVERNMENT AND THE BRITISH NORTH BORNEO COMPANY

WHEREAS BY virtue of certain grants and commissions from the Sultans, Chiefs, and Rulers of the territories in North Borneo hereinafter mentioned and by other lawful means, all rights of sovereignty over the said territories are vested in the British North Borneo Company:

AND WHEREAS by Her Majesty's Royal Charter of Incorporation, bearing date the 1st day of November, 1881, the Company was authorised and empowered to assume the Government of the said territories subject to the conditions in the said Charter contained:

AND WHEREAS the said territories are now governed and administered by the Company as an independent State, hereinafter referred to as "the State of North Borneo":

AND WHEREAS the Company have represented to Her Majesty's Government the desire of that State to be placed under the protection of Her Majesty the Queen, under the conditions hereinafter mentioned; it is hereby agreed and declared as follows:-

ARTICLE I

The State of North Borneo comprises the territories specified in the said Royal Charter, and such other territories as the Company have acquired, or may hereafter acquire, under the provisions of Article XV of the said Charter.

It is divided into nine provinces, namely:

Province Alcock;

Province Cunliffe;

Province Dent;

Province Dewhurst;

Province Elphinstone;

Province Keppel;

Province Martin;

Province Mayne;

Province Mayburgh.

ARTICLE II

The State of North Borneo shall continue to be governed and administered as an independent State by the Company in conformity with the provisions of the said Charter, under the protection of Great Britain, but such protection shall confer no right on Her Majesty's Government to interfere with the internal administration of that State further than is

provided herein or by the Charter of the Company.

ARTICLE III

The relations between the State of North Borneo and all foreign States, including the States of Brunei and of Sarawak, shall be conducted by Her Majesty's Government, or in accordance with its direction; and if any difference should arise between the Government of North Borneo and that of any other State, the Company, representing the State of North Borneo, agrees to abide by the decision of her Majesty's Government, and to take all necessary measures to give effect thereto.

ARTICLE IV

Her Majesty's Government shall have the right to establish British Consular Officers in any part of the said territories, who shall receive exequaturs in the name of the government of North Borneo. They shall enjoy whatever privileges are usually granted to Consular officers, and they shall be entitled to hoist the British flag over their residences and public offices.

ARTICLE V

British subjects, commerce and shipping shall enjoy the same rights, privileges, and advantages as the subjects, commerce, and shipping of the most favoured nation, as well as any other rights, privileges, and advantages which may be enjoyed by the subjects, commerce, and shipping of the State of North Borneo.

ARTICLE VI

No cession or other alienation of any part of the territory of the State of North Borneo shall be made by its Government to any foreign State, or the subjects or citizens thereof, without the consent of Her Majesty's Government; but this restriction shall not apply to ordinary grants or leases of lands or houses to private individuals for purposes of residence, agriculture, commerce, or other business.

IN WITNESS WHEREOF the Undersigned have signed the present Agreement in duplicate, and have affixed thereto their seals.

Done at London, the 12th day of May, 1888.

(L.S.) (*Signed*) SALISBURY.

(On behalf of the British North Borneo Company.)

(L.S.) (*Signed*) RUTHERFORD' ALCOCK,

Chairman