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SLAVE TRADE. No. 1 (1876).

CORRESPONDENCE

RESPECTING THE

RECEPTION OF FUGITIVE SLAVES

ON BOARD

HER MAJESTY'S SHIPS.

Presented to both Houses of Parliament by Command of Her Majesty.
1876.

LONDON:

PRINTED BY HARRISON AND SONS.

[C.—1413.] Price 7d.

TABLE OF CONTENTS.

No.		Date.	SUBJECT.	Page
1	India Office	Mar. 9, 1874	Forwarding letter from Government of India relative to reception of a fugitive slave on board Her Majesty's ship "May Frere." Suggesting expediency of consulting Law Officers on subject of rules to be observed in such cases	1
2	To Admiralty	Apr. 30, 1875	Rules to be observed as to the reception of fugitive slaves on board Her Majesty's ships. Suggesting that instructions in this sense be sent to Naval Officers of East India squadron	6
3	Admiralty	May 11,	Instructions in sense of No. 2 have been sent to Commander-in-chief on East India Station. Does Lord Derby wish similar instructions to be sent to other foreign naval stations?	7
4	To Admiralty	21,	Lord Derby considers it advisable that instructions in sense of No. 2 be sent to all foreign naval stations	7
5	Admiralty	June 25,	Inclosing draft of Circular Instructions to Naval Officers respecting reception of fugitive slaves. Proposing addition of paragraph	8
6	To Admiralty	July 22,	Lord Derby sees no objection to paragraph suggested in No. 5 being added to Instructions to Naval Officers	9
7	Admiralty	31,	Instructions respecting "receipt of fugitive slaves;" to form part of "General Slave Trade Instructions" to Naval Officers	9
8	To Admiralty	Oct. 6,	Requesting suspension of Instructions to naval officers on subject of reception of fugitive slaves on board Her Majesty's ships	10
9	Admiralty	8,	Circular of 31st July relative to fugitive slaves has been suspended	11
10	To Admiralty	Nov. 4,	Cabinet has decided to withdraw Circular of 31st July	11
11	"	23,	Forwarding draft of amended Instructions respecting reception of fugitive slaves on Her Majesty's ships	11
12	Admiralty	Dec. 23,	Inclosing copy of amended Instructions, issued in conformity with No. 11	12

APPENDIX.

No.		Date.	SUBJECT.	Page
1	Her Majesty's Commissioners at Havana	Oct. 10, 1837	Copy of correspondence with Lieutenant Jenkin, of Her Majesty's ship "Romney," relating to his giving up to local authorities a negro who had taken refuge on board	15
2	To Her Majesty's Commissioners at Havana	Jan. 5, 1838	Approving Lieutenant Jenkin's proceedings, as reported in No. 1	16
3	To Sir G. Villiers.. ..	6,	Transmitting copy of correspondence (No. 1), to be communicated to Spanish Government	16
4	Sir G. Villiers	27,	Has communicated correspondence (No. 1) to Spanish Government	16
5	Mr. Hudson	July 14, 1851	Requesting instructions as to disposal of an African negro who had taken refuge on board Her Majesty's ship "Conflict" at Bahia	16
6	To Mr. Hudson	Aug. 20,	Instructions to send negro mentioned in No. 5 to some British Settlement	17
7	Mr. Jerningham	Mar. 7, 1856	Case of Captain Sandys, of British ship "Danube," accused of harbouring slaves on board. Has instructed Consuls to warn captains of British vessels not to receive slaves	18
8	To Mr. Jerningham	Apr. 30,	Approving instructions sent by him to Consuls	21
9	"	June 19,	Referring to instructions (No. 7). Though British merchant-vessels must surrender slaves, it would be the duty of the captain of a British man-of-war to refuse to do so	21

TABLE OF CONTENTS.

No.		Date.	SUBJECT.	Page
10	Mr. Jerningham	Aug. 7, 1856	Has sent copy of No. 9 to Admiral commanding station	22
11	Extract from Instructions for guidance of Naval Officers employed in the suppression of the Slave Trade	1865	Distinction drawn between the Slave Trade and the system of domestic slavery	22
12	Consul Pakenham.. ..	Apr. 22, 1869	Reporting complaint by Hova authorities against Captain of Her Majesty's ship "Nymph," respecting his forcible seizure on shore of certain Mozambique slaves	22
13	To Admiralty	June 12,	Transmitting copy of Consul Pakenham's despatch, and requesting to be furnished with report from Captain of Her Majesty's ship "Nymph" on the subject	24
14	To Consul Pakenham	14,	Approving his proceedings in case of difficulty between captain of Her Majesty's ship "Nymph" and Hova Government	24
15	Consul Pakenham.. ..	May 6,	Transmitting translation of note of Hova Government alluded to in No. 12	24
16	To Admiralty	July 7,	Transmitting translation of note of Hova Government	25
17	Admiralty	Oct. 12,	Transmitting report of Commodore Heath relative to misunderstanding between Hova Government and Captain of Her Majesty's ship "Nymph"	26
18	Instructions for guidance of Naval Officers employed in suppression of Slave Trade	Nov. 6,	Rules to be observed in distinguishing between vessels engaged in the Slave Trade and those merely with slaves on board.. ..	26
19	Admiralty	23,	Forwarding copies of correspondence with Governor of Mozambique relative to some negroes who came off to Her Majesty's ship "Daphne" at Mozambique	27
20	"	Dec. 7,	Forwarding explanation by Captain of Her Majesty's ship "Nymph" of proceedings alluded to in No. 12, and account by Captain of Her Majesty's ship "Dryad" of proceedings at Majunga	30
21	To Admiralty	Jan. 6, 1870	Acknowledging receipt of No. 20. Lord Clarendon considers captains of Her Majesty's ships "Nymph" and "Dryad" were not justified in sailing away with slaves in question.. ..	35
22	Admiralty to Commodore Sir L. Heath	Jan. 13,	Forwarding opinion of Lord Clarendon (No. 21),	35
23	Admiralty	Feb. 19,	Forwarding letter from Captain Colomb relative to his proceedings at Tamatave. Lords of Admiralty concur in Sir L. Heath's remarks on subject	35
24	To Consul Pakenham	Feb. 25,	To urge upon Hova Government observance of Treaty stipulations respecting Slave Trade, which Her Majesty's Government are aware are at present being violated by them	38
25	Viscount de Seisal.. ..	Mar. 7,	Complaining of conduct of Commander Sullivan of Her Majesty's ship "Daphne" in detaining certain negroes on board at Mozambique	38
26	To Admiralty	16,	Forwarding copy of letter of Viscount Seisal, and requesting that full inquiry may be made into conduct of Commander Sullivan as reported therein	39
27	Admiralty	31,	Transmitting copy of communication from Commander Sullivan respecting his conduct at Mozambique. If not considered satisfactory, Court of Inquiry shall be held	39
28	To Admiralty	Apr. 7,	Lord Clarendon thinks it advisable that Court of Inquiry should be held into conduct of Commander Sullivan	40
29	Admiralty	12,	Court-martial will be held on Commander Sullivan. Requesting certain information respecting law of Mozambique	41
30	To Admiralty	18,	Concurring in expediency of Court-martial on Commander Sullivan. Cannot furnish information respecting Mozambique law (No. 31)	41
31	Admiralty	19,	Requesting that application be made to Portuguese Minister for information respecting law of Mozambique	41
32	Consul Pakenham.. ..	Oct. 18, 1869	His proceedings and decision in case of five negroes who took refuge on board Her Majesty's ship "Dryad" at Majunga	42
33	Admiralty	May 10, 1870	Arrival of Her Majesty's ship "Daphne;" requesting information applied for in No. 31	43

TABLE OF CONTENTS.

v

No.		Date.	SUBJECT.	Page
34	To Admiralty	May 12, 1870	Information applied for in No. 31 shortly expected by Portuguese Minister from his Government ..	44
35	Admiralty	12,	Court of Inquiry has been substituted for court-martial on Commander Sullivan ..	44
36	To Consul Pakenham	16,	Approving his proceedings as reported in No. 32. Commanders of Her Majesty's ships are not justified, where slavery is legal, in receiving domestic slaves on board ..	44
37	To Admiralty	16,	Transmitting copy of despatch to Consul Pakenham (No. 36)	44
38	Admiralty to Commodore Sir L. Heath	19,	Transmitting copy of despatch to Her Majesty's Consul in Madagascar in reference to naval officers receiving and carrying away domestic slaves on board Her Majesty's ships ..	45
39	Admiralty	23,	Transmitting, for Lord Clarendon's approval, copy of proposed Minute by Lords of Admiralty on Court of Inquiry held on Captain Sullivan ..	45
40	To Admiralty	31,	Transmitting copy of letter to Portuguese Minister in terms of Admiralty Minute (No. 39), in which Lord Clarendon concurs	45
41	Admiralty to Commodore Sir L. Heath	June 7,	Court of Inquiry has been held on Captain Sullivan. His conduct relating to carrying away certain negroes from Mozambique disapproved ..	46
42	To Sir C. Murray	Oct. 1,	Transmitting copies of correspondence respecting result of inquiry into conduct of Captain Sullivan.	46
43	Extract from East India Station Orders, 1871	..	As to reception of slaves on board ships of war within the territorial jurisdiction of the country from which they escape	47

Correspondence respecting the Reception of Fugitive Slaves on
board Her Majesty's Ships.

No. 1.

Sir L. Mallet to Lord Tenterden.—(Received March 10.)

My Lord,

India Office, March 9, 1874.

I AM directed by the Marquis of Salisbury to transmit to you, for the information the Earl of Derby, the accompanying letter and inclosures recently received from the Government of India, relative to the reception, on board Her Majesty's ships of war, and, incidentally, on British vessels generally, of fugitive slaves; and I am to request that, in laying this correspondence before his Lordship, you will invite his attention to the desire expressed by the Government of India to be furnished with the instructions of Her Majesty's Government on the important questions of international law which it involves, and suggest to him whether it might not be expedient to obtain the opinion of the Law Officers of the Crown as to the reply to be given to the reference of the Viceroy in Council.

I am, &c.
(Signed) LOUIS MALLET.

Inclosure 1 in No. 1.

The Governor-General of India in Council to the Duke of Argyll.

My Lord Duke,

Fort William, January 9, 1874.

WE have the honour to inclose, for the consideration of Her Majesty's Government, correspondence relative to the reception of runaway slaves on board of British vessels.

2. Our letter dated 7th January, 1874, to the Resident in the Persian Gulf, contains the provisional instructions which we have issued on the subject, together with the reasons on which they are based; but as the question involves important considerations of international law, we refer the correspondence for the final orders of Her Majesty's Government.

We have, &c.
(Signed) NORTHBROOK.
R. TEMPLE.
B. H. ELLIS.
H. W. NORMAN.
A. HOBHOUSE.
E. C. BAYLEY.

Inclosure 2 in No. 1.

The Acting Political Resident in the Persian Gulf to Mr. Aitchison.

Bushire, September 19, 1873.

I HAVE the honour to transmit herewith copies of letters from Major Grant, 1st Assistant Resident, and Captain Guthrie, commanding Her Majesty's despatch

vessel "May Frere," B. M., on the subject of a runaway slave who took refuge on board the "May Frere."

2. It has appeared to me that Major Grant was right not to surrender the slave who had gained the "May Frere's" deck. I have informed him accordingly, adding that Commanders of Government vessels should be as far as possible dissuaded from receiving domestic slaves on board their vessels.

3. In a letter, dated 17th July, 1871, Colonel Pelly sought instructions from the Government of Bombay for his guidance in such cases. In their reply, dated 29th November, 1871, the Government of Bombay quoted the opinion of the Honourable the Advocate-General to the following effect:—"The commander of a British ship of war is not bound to receive fugitive slaves on board his vessel; yet if he does receive them they become free. And the commander of a British man-of-war would not only be authorized in refusing to surrender a slave who had found refuge on board his vessel, but would incur very serious legal responsibilities if he in any way attempted to coerce that slave to return to his master." Copies of this correspondence are annexed to facilitate reference.*

4. So far all seems clear. It is, however, necessary to consider the consequences which would ensue on an excessive exercise, in the Persian Gulf, of the powers vested in Commanders of vessels-of-war. Nowhere would these be more serious than on the Pearl Banks, where the diving is carried on almost entirely by domestic slaves. An Arab owner may, for example, hire the services of a slave for the season for, say, 100 dollars. If the slave should find an opportunity to run off to a British vessel, one can easily understand the dismay of the master and the general feeling of consternation and disgust that would be caused by a frequent recurrence of such incidents. We should no longer be looked on as the friendly protectors of the maritime Arabs.

5. It seems to me highly advisable that every means should be taken to induce Commanders of vessels, whenever practicable, to refuse to receive runaways on board, but this cannot always be done consistently with humanity.

6. I respectfully solicit the orders of Government on the special case now reported, and should be glad of any general instructions Government may be pleased to issue on the whole question raised.

Inclosure 3 in No. 1.

The First Assistant Political Resident to the Acting Political Resident in the Persian Gulf.

Bahrein, September 3, 1873.

I HAVE the honour to inform you that whilst Her Majesty's despatch-vessel "May Frere" was lying at anchor to the lee of the uninhabited island of Zairkoo, on the night of the 31st August, a slave swam off from one of the pearl fishing-boats lying near and claimed protection. Mr. Guthrie, the officer commanding the "May Frere," referred the question of the propriety of granting the slave the protection he demanded to me; and I gave my opinion that the man, having once been admitted on board, he was entitled to the protection he claimed.

2. In giving this opinion I was guided, not by any definite instructions I had received on these matters, but by the precedent established by Colonel Pelly in the case of three slaves who swam from shore at Bushire to Her Majesty's Marine gun-boat "Hugh Rose" on or about the 15th August, 1872. In this case Colonel Pelly instructed Mr. Campbell, the commanding officer of the "Hugh Rose," not to give the slaves up, though their restoration was demanded by their masters, and the ship was lying at the time in a Persian port: the slaves were brought to me at Bahrein, and I, under instructions from Colonel Pelly, sent them by mail steamer to the Commissioner of Police in Bombay.

3. I have no official documents to refer to in this matter, as I acted on a demi-official note of Colonel Pelly's, but I have no doubt that some correspondence on the subject must have taken place between Colonel Pelly and the Commander of the "Hugh Rose" at the time of the slaves having sought protection on board his ship.

4. I trust that my conduct in this case may meet with your approval; I would respectfully suggest that in the present state of the Slave Trade question it would be satisfactory to have some definite instructions from Government as to what class of slaves are entitled to receive protection on board British ships, as in both the cases mentioned in this letter the slaves who received protection seemed, without doubt, to

* Inclosures 5 and 6 in No. 1.

come under the head of domestic slaves, and if domestic slaves are allowed to receive protection on board every English ship they come across, the owners will be great losers, and the pearl fishing will come to a stand-still, as nearly all the divers belong to that class.

Inclosure 4 in No. 1.

The Officer commanding the "May Frere" to the Acting Political Resident in the Persian Gulf.

Bushire Roads, September 6, 1873.

I HAVE the honour to report the arrival of Her Majesty's despatch vessel "May Frere," B.M., with Major Grant, 1st Assistant Resident, on board, and to report as follows:—

2. Having embarked Major Grant, we left Bahrein on the 27th August last for Shargah; arrived there on the 29th at 5.55 A.M.; left for Debaye at 7.30 A.M., arrived at that place at 8.55 A.M.; left for Aboothabee at 2 P.M., arriving there on the 30th at 10 A.M.; left Aboothabee for Bahrein at 5 A.M.; on the 31st at 6.35 P.M. anchored under the Island of Zukkool on account of bad weather; at 11 P.M. a slave swam on board from one of the seventy-three pearl boats at anchor there on account of bad weather; Major Grant decided we could not give him up, the slave having once got on board.

On learning this all the pearl boats weighed and put to sea in case it might be a second "Thetis" affair, we having discovered there were slaves on board the boats, or else to give the slaves a long swim for it if they were determined to try their luck and get on board of us.

Under the circumstances, as I was better able to keep the sea than the pearl boats, I thought it was not right to deprive them of their anchorage; I therefore weighed, and as soon as the boats saw me clear off the island they all returned to the anchorage.

We arrived at Bahrein at 5 P.M. on the 2nd instant, having on account of the weather taken thirty-four hours to do the distance we do in moderate weather in twenty hours.

The foundation of the maritime truce was peace at sea and protection to pearl boats.

Ships arrived on the banks during the season to prevent fights and quarrels in course of time. Rival tribes quarrelling at sea, instead of fighting, went on with their fishing side by side. One party said, "Ha! you well know we are in the dominions of the lord of the seas, and must keep quiet, or else you would not have so much to say, but wait until we get on shore."

The work was so effectually done that there has been no ship sent specially to the banks for years.

But should the trucial Chiefs fear a breach among themselves, and require the presence of a ship of war, it would be rather awkward if the cruizer found out that one-third of the boat's crews were slaves, and if he seized them on account of the head money he would be entitled to for them, quoting as precedent "May Frere" carried a slave away from the pearl banks, and he was not given up.

One has actually to see to believe that there is such a large number of boats fishing among the shoals and islands betwixt Aboothabee and Ras-Rekkan.

We left Bahrein at 2 P.M. yesterday, with Major Grant on board, and arrived here at 9 P.M. to-day.

Name of slave, Joah, married; his wife and daughter at Debaye.

Name of owner of slave, Safe; inhabitant of and owner of the boat which belongs to Debaye.

Please what am I to do with the slave?

Inclosure 5 in No. 1.

The Political Resident in the Persian Gulf to the Secretary to the Government of Bombay.

Bushire, July 17, 1871.

WHILE Her Majesty's ship "Magpie" was recently lying at anchor in the inner roads of Bushire two slaves introduced themselves on board.

2. Subsequently I received two letters of reclamation concerning these slaves, the

one from the Persian Slave Commissioner, and the other from a British protected subject residing at Bushire.

3. It appeared from the letter of the Persian Slave Commissioner, and from its inclosure, that the slave referred to by him was the property of a Persian subject, and I considered that, under the terms of the documents marginally noted,* we were precluded by positive agreement interfering directly or indirectly with slaves the property of Persians found within the territorial waters of Persia.

4. Accordingly I communicated with Commander Lodder, Senior Naval Officer of Her Majesty's ships present, and the slave reclaimed by the Persian Slave Commissioner was identified, sent on shore to the Residency, and duly transferred to the Slave Commissioner.

5. But I am requesting the slave agent to consider the slave as under his own surveillance and charge pending confirmation of proceedings by higher authority.

6. As regards the slave reclaimed by the British protected subject it appeared, on inquiry, that the slave was the property of the claimant's sister. I declined to interfere on her account, at the request of a British protected subject.

7. The slave not having been reclaimed by the Slave Commissioner, I caused him to be brought to the Residency and there set at liberty.

8. I trust my proceedings may be approved.

9. A few evenings after the above occurrences other slaves came alongside Her Majesty's ship "Bullfinch," whose Commander, as it was quite competent for him to do, declined receiving them on board.

10. But it is likely that cases may hereafter occur of slaves seeking refuge on Her Majesty's vessels of war, and I would, therefore, respectfully solicit instructions providing for this contingency.

1st. I presume that, as a general rule, a slave boarding one of Her Majesty's vessels without the limit of territorial waters (*id est*, beyond a sea league from the shore line, and without the line of the King's Chambers) would come under the law of the ship and be free.

2nd. Would the fact of the Persian Gulf being a narrow sea, almost wholly land-locked, give a riparian power territorial or other jurisdiction thereon beyond the distance of a sea league from the shore line, or should the Gulf beyond the distance of a sea league from the shore line be considered as the high sea?

3rd. Apart from the provisions of any positive law or Treaty engagement in the case, would a British vessel of war be authorized in refusing to surrender a slave who might have found refuge on board such vessel of war, being at the time of the refugee's boarding her, within the territorial waters of the Power reclaiming the slave.

Inclosure 6 in No. 1.

The Acting Secretary to the Government of Bombay to the Political Resident in the Persian Gulf.

Bombay Castle, November 29, 1871.

I AM directed to inform you that his Excellency in Council has consulted the Law Officers with reference to the questions contained in your letter of the 17th July last, paragraph 10, and that in their opinion—

1. The Commander of a British ship-of-war is not bound to receive fugitive slaves on board his vessel, yet if he does receive them they become free.

2. The Honourable the Advocate-General states that he is not aware that the Persian Gulf has ever been diplomatically treated as a narrow sea. He would be sorry, without higher authority, to say anything which could be construed into an admission of the right of the riparian Powers in the Persian Gulf; but if it is to be treated politically as a narrow sea, the legal consequence follows that it belongs to the surrounding territory or territories in as full and complete a manner as a fresh water lake, and that such riparian Power has jurisdiction, *ad medium filium aquæ*, without any limitation as to the distance of a marine league, in regard to merchant and private vessels.

3. The Commanders of British men-of-war would not only be authorized in refusing to surrender a slave who had found refuge on board his vessel, but would incur very serious legal responsibilities if he in any way attempted to coerce that slave to return to his master.

* Hazeer Mirza Aghasee's letter to Her Britannic Majesty's Chargé d'Affaires, dated June 12, 1848.

"The importation of slaves by sea alone is forbidden;" also Slave Convention, dated August 1851, and renewed under Article XIII of Treaty of Paris, signed March 4, 1857.

Inclosure 7 in No. 1.

The Acting Political Resident in the Persian Gulf to Mr. Aitchison.

Bushire, September 19, 1873.

WITH reference to my previous letter of this date, concerning a runaway slave who took refuge on board the "May Frere," I have the honour to report that I have caused the slave to be sent to Bombay by the British India Steam Navigation Company's steamer "Calcutta" to the care of the Commissioner of Police, whom I have requested to solicit the instructions of the Bombay Government as to his disposal.

Inclosure 8 in No. 1.

The Secretary to the Government of Bombay to Mr. Aitchison.

Bombay Castle, October 17, 1873.

I AM directed to submit the request of his Excellency the Governor in Council that this Government may be informed of the instructions which the Government of India may issue on the Report of the Political Resident, Persian Gulf, dated 19th ultimo, regarding a slave who took refuge on board the "May Frere."

Inclosure 9 in No. 1.

Mr. Aitchison to the Acting Political Resident in the Persian Gulf.

Fort William, January 7, 1874.

WITH reference to your letter dated 19th September last, regarding a runaway slave who took refuge on board the "May Frere," I am directed to inform you that as the questions which you have put involve very important considerations of international law, the correspondence will be forwarded for the instructions of Her Majesty's Government. Meanwhile, until the orders of the Secretary of State are received, I am to communicate to you the views of his Excellency in Council, so far as he is in a position to form a judgment on the question, and these views may be considered as provisional instructions for your guidance.

2. As regards British ships on the high seas, there appears to be little difficulty. Whether the vessel is a national ship or a private one it is subject on the high seas to British law. Persons coming on board are subject to British law also, and slaves taking refuge on board therefore become free.

3. In the case of British vessels lying within the territorial waters of a friendly State where slavery still prevails, the question is more complicated.

4. British vessels so situated, which are not national ships but the property of private owners, are subject to the jurisdiction and law of the State within whose confines they are, at least, to take a restricted view, so far as regards acts done by those on board which affect the peace of the State or the persons and property of its subjects. Under these circumstances the master of a private British ship would not, in the opinion of his Excellency in Council, be justified in refusing to deliver up a runaway slave to his lawful owner or to the authorities of the State on proper demand being made.

5. Vessels of war, on the other hand, have certain privileges within the local jurisdiction of a foreign nation, and although the authorities are not very explicit on the subject, his Excellency in Council apprehends that the same principles would apply to national and public vessels of a peaceful character, and that certain privileges (*e.g.*, in regard to claims against the ship itself, to matters affecting its internal discipline and affairs, and possibly also to service of process on board and the like), would extend to such vessels as well as to men-of-war. But his Excellency in Council is of opinion that these privileges do not, even in the case of vessels of war, operate to set aside the law of the country to the injury of the inhabitants thereof. In the opinion of his Excellency in Council, therefore, Commanders of British national vessels ought, like masters of private British vessels, to give up fugitive slaves when duly demanded.

6. His Excellency in Council is disposed to think that, in the absence of any Treaties or understanding with a foreign Power bearing expressly on the subject, the following rules may be provisionally adopted as a safe guide for the treatment of such cases as are likely to occur:—

(a.) Commanders of ships riding in foreign territory should not receive domestic slaves on board except under urgent circumstances, as *e.g.* when a man would be drowned if he was rejected.

(b.) They should return slaves to their lawful owners or to the public authorities of the place on proper demand being made.

(c.) Commanders of ships which may be technically on the high seas, but practically are brought into close contact with the owners of domestic slaves, should do what they can to avoid receiving the slaves on board their vessels.

(d.) If nevertheless such slaves do come on board, the Commander may exercise a discretion whether to return the slave to his master, supposing proper demand to be made, or to retain him and set him at liberty.

(e.) Commanders of vessels which are to all intents and purposes on the high seas, should freely receive fugitive slaves on board and set them at liberty on the first convenient opportunity.

7. Applying these rules to the case of the "May Frere" and the slave Joah, the first important question is, where was the ship when the slave came on board? If the Island called Zairkoo, and said to be uninhabited, is also, as his Excellency in Council supposes it is, in the nature of no-man's-land, the ship was for legal purposes on the high seas. Major Grant, therefore, was within his right when he refused to give up Joah, and Joah is now entitled to be set at liberty.

8. Whether there is anything peculiar in the position of the pearl fisheries so as to give them the character of national property does not appear. The questions arising in such a case as that of the "May Frere" may possibly be affected by the status of the fisheries: though probably they would not be.

9. In paragraph 10 of his letter of 17th July, 1871, Colonel Pelly has raised a question about the legal position of the Persian Gulf which, if the case is not affected by any negotiations or prior proceedings, does not seem to his Excellency in Council very difficult to answer. In the opinion of his Excellency in Council a water so large as the Persian Gulf, the shores of which are owned by different nations, should be treated as a high sea at the usual distance from the shore.

No. 2.

Mr. Bourke to the Secretary to the Admiralty.

Sir,

Foreign Office, April 30, 1875.

A QUESTION has recently been raised by the Government of India as to how far officers in command of Her Majesty's ships are justified in receiving on board fugitive slaves who, escaping from their masters, may claim the protection of the British flag. Such cases, as the Lords of the Admiralty are doubtless aware, are of frequent occurrence on the East Coast of Africa, on the Hadramaut coast, and in the Persian Gulf, and may be divided into three classes:—

First. Where slaves come on board a ship or boat in harbour, or within territorial waters, either to escape from the alleged cruelty of their masters, or to avoid the consequences of their misdeeds.

Secondly. Where the British ship or boat is on the high seas, and the refugee slave, escaping, perhaps, from a dhow also at sea, would be in danger of losing his life were he not received on board.

Thirdly. Where a person has been detained on shore in a state of slavery, and, escaping to a British ship or boat, claims protection on the ground that he has been so detained contrary to Treaties existing between Great Britain and the country from the shores of which he escapes, as in the case of territories which, like Oman, Madagascar, and Johanna, are partially free.

The broad rule to be observed in this question appears to be that a fugitive slave should not be permanently received on board any description of ship under the British flag, unless his life would be endangered if he were not allowed to come on board. The reason for this rule is that, were it otherwise, the practical result would be, in the first instance, to encourage and assist a breach of the law of the country, and next to protect the person breaking that law. And a contrary rule would lead to endless disputes and difficulties with the legal masters of slaves; for it might happen, to take an extreme instance, that the whole slave portion of the crews of vessels engaged in the pearl fishery in the Persian Gulf might take refuge on board British ships; and, if free there, their

masters would be entirely ruined, and the mistrust and hatred caused in their minds would be greatly prejudicial to British interests.

Such, then, being the general and broad rule, it remains to apply it, so far as possible, to the three classes of cases mentioned above.

In the first class, the slave must not be allowed to remain on board after it has been proved to the satisfaction of the officer in command that he is legally a slave.

In the second, the slave should be retained on board on the ground that, on the high seas, the British vessel is a part of the dominions of the Queen; but when the vessel returns within the territorial limits of the country from a vessel of which the slave has escaped, he will be liable to be surrendered, on demand being made, supported by necessary proofs.

In the third class, a negro might claim protection on the ground that being, by the terms of a Treaty, free, he was nevertheless being detained as a slave. It would then become the duty of the commanding officer to satisfy himself as to the truth of this statement, and to be guided in his subsequent proceedings in regard to such person by the result of his inquiries, and the law which would then affect the case. Those interested in maintaining the slavery of the person claiming his freedom should assist at the inquiry; and in the event of his claim being established, the local authorities should be requested to take steps to ensure his not relapsing into slavery.

It will thus be seen that, as a general principle, care should be taken that slaves are not misled into the belief that they will find their liberty by getting under the British flag afloat, or induced by the presence of a British ship to leave their own ships, if at sea, or their employment, if on shore.

The Earl of Derby has arrived at the opinion above expressed, after consulting the Law Officers of the Crown, and I am directed by his Lordship to request that, in communicating his Lordship's views on this question to the Lords Commissioners of the Admiralty, you will suggest to their Lordships that instructions in this sense should be issued to the Naval Officers of the East India Squadron, to whose discretion Lord Derby fully trusts for the execution of what may sometimes prove a difficult duty.

I am, &c.
(Signed) ROBERT BOURKE.

No. 3.

The Secretary to the Admiralty to Mr. Bourke.—(Received May 12.)

Sir,

Admiralty, May 11, 1875.

WITH reference to your letter of 30th ultimo, relative to the reception and retention on board Her Majesty's ships of fugitive slaves claiming the protection of the British flag, I am commanded by my Lords Commissioners of the Admiralty to request that you will inform the Earl of Derby that the instructions based on the above-mentioned letter have been sent to the Commander-in-chief on the East India Station, and that my Lords would be glad to be informed whether the Secretary of State wishes similar instructions to be issued to other foreign naval stations.

I am, &c.
(Signed) ROBERT HALL.

No. 4.

Mr. Bourke to the Secretary to the Admiralty.

Sir,

Foreign Office, May 21, 1875.

IN reply to your letter of the 11th instant, I am directed by the Earl of Derby to request that you will state to the Lords Commissioners of the Admiralty that in his Lordship's opinion it would be as well that the proposed instructions to naval officers respecting the reception on board ship of fugitive slaves should be communicated to all the foreign naval stations for the general information of commanding officers.

I am, &c.
(Signed) ROBERT BOURKE.

The Secretary to the Admiralty to Mr. Bourke.—(Received June 28.)

Sir,

Admiralty, June 25, 1875.

WITH reference to your letters of the 30th April last and 21st ultimo, I am commanded by my Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, a printed draft of a Circular Order which it is proposed to issue to the commanding officers of Her Majesty's ships on the subject of the reception of fugitive slaves on board the vessels under their command.

2. The Earl of Derby will observe that the Circular has been drawn up in accordance with the proposals contained in your letter of the 30th April, but my Lords would propose, for the consideration of his Lordship, that a paragraph should be added to these instructions to the following effect:—

“In surrendering a fugitive slave, the commanding officer is to exercise his discretion in endeavouring, according to the circumstances of the case, to obtain an assurance that the slave will not be treated with undue severity.”

I am, &c.
(Signed) ROBERT HALL.

Inclosure in No. 5.

Draft of Circular.

Admiralty, June , 1875.

(RECEPTION OF FUGITIVE SLAVES.)

MY Lords Commissioners of the Admiralty are pleased to issue the following instructions with reference to the question, how far officers in command of Her Majesty's ships are justified in receiving on board fugitive slaves, who, escaping from their masters, may claim the protection of the British flag.

1. Cases of this kind may be divided into three classes:—

I. Where slaves come on board a ship or boat in harbour, or within territorial waters, either to escape from the alleged cruelty of their masters, or to avoid the consequences of their misdeeds.

II. Where the British ship or boat is on the high seas, and the refugee slave escaping, perhaps, from a vessel also at sea, would be in danger of losing his life were he not received on board.

III. Where a person has been detained on shore in a state of slavery, and escaping to a British ship or boat, claims British protection on the ground that he has been so detained contrary to Treaties existing between Great Britain and the country from the shores of which he escapes, as in the case of territories which, like Oman, Madagascar, and Johanna, are partially free.

2. The broad rule to be observed is, that a fugitive slave should not be permanently received on board any description of ship under the British flag, unless his life would be endangered if he were not allowed to come on board. The reason for this rule is, that, were it otherwise, the practical result would be, in the first instance, to encourage and assist a breach of the law of the country, and, next, to protect the person breaking that law. And a contrary rule would lead to endless disputes and difficulties with the legal masters of slaves; for it might happen, to take an extreme instance, that the whole slave portion of the crews of vessels engaged in the pearl fishery in the Persian Gulf, might take refuge on board British ships, and if free there, their masters would be entirely ruined, and the mistrust and hatred caused in their minds would be greatly prejudicial to British interests.

3. Such being the general and broad rule, it remains to apply it, as far as possible, to the three classes of cases mentioned above.

In the first class, the slave must not be allowed to remain on board after it has been proved to the satisfaction of the officer in command that he is legally a slave.

In the second, the slave should be retained on board on the ground that on the

high seas the British vessel is a part of the dominions of the Queen, but when the vessel returns within the territorial limits of the country from a vessel of which the slave has escaped, he will be liable to be surrendered on demand being made, supported by necessary proofs.

In the third class, a negro might claim protection on the ground that being by the terms of a Treaty free, he was nevertheless being detained as a slave. It would then become the duty of the Commanding Officer to satisfy himself as to the truth of this statement, and to be guided in his subsequent proceedings in regard to such person by the result of his inquiries, and the law which would then affect the case. Those interested in maintaining the slavery of the person claiming his freedom should assist at the inquiry, and in the event of his claim being established, the local authorities should be requested to take steps to ensure his not relapsing into slavery.

4. As a general principle, care should be taken that slaves are not misled into the belief that they will find their liberty by getting under the British flag afloat, or induced by the presence of a British ship to leave their own ships, if at sea, or their employment, if on shore.

5. A special Report is to be made of every case of a fugitive slave seeking refuge on board one of Her Majesty's ships.

6. The above instructions are also to be considered part of the "General Slave Instructions," and to be inserted at page 29 of that volume, with a heading of "Receipt of Fugitive Slaves."

By command of their Lordships.

To all Commanders-in-chief, Captains, Commanders,
and Commanding Officers of Her Majesty's ships
and vessels.

No. 6.

Mr. Bourke to the Secretary to the Admiralty.

Sir,

Foreign Office, July 22, 1875.

WITH reference to your letter of the 25th ultimo, I am directed by the Earl of Derby to request that you will state to the Lords Commissioners of the Admiralty that his Lordship sees no objection to the addition of the paragraph beginning "In surrendering," and ending with "undue severity," to the Circular respecting fugitive slaves which their Lordships propose to issue to the Commanding Officers of Her Majesty's ships.

I am, &c.

(Signed) ROBERT BOURKE.

No. 7.

Circular No. 33.

Admiralty July 31, 1875.

(Reception of Fugitive Slaves.)

MY Lords Commissioners of the Admiralty are pleased to issue the following instructions with reference to the question, how far officers in command of Her Majesty's ships are justified in receiving on board fugitive slaves, who, escaping from their masters, may claim the protection of the British flag.

1. Cases of this kind may be divided into three classes:—

I. Where slaves come on board a ship or boat in harbour, or within territorial waters, either to escape from the alleged cruelty of their masters, or to avoid the consequences of their misdeeds.

II. Where the British ship or boat is on the high seas, and the refugee slave, escaping, perhaps, from a vessel also at sea, would be in danger of losing his life were he not received on board.

III. Where a person has been detained on shore in a state of slavery, and escaping to a British ship or boat, claims British protection on the ground that he has been so detained contrary to treaties existing between Great Britain and the country from the

shores of which he escapes, as in the case of territories which, like Oman, Madagascar, and Johanna, are partially free.

2. The broad rule to be observed is, that a fugitive slave should not be permanently received on board any description of ship under the British flag, unless his life would be endangered if he were not allowed to come on board. The reason for this rule is, that were it otherwise, the practical result would be, in the first instance, to encourage and assist a breach of the law of the country, and next, to protect the person breaking that law. And a contrary rule would lead to endless disputes and difficulties with the legal masters of slaves; for it might happen, to take an extreme instance, that the whole slave portion of the crews of vessels engaged in the pearl fishery in the Persian Gulf, might take refuge on board British ships, and if free there, their masters would be entirely ruined, and the mistrust and hatred caused in their minds would be greatly prejudicial to British interests.

3. Such being the general and broad rule, it remains to apply it, as far as possible, to the three classes of cases mentioned above.

In the first class, the slave must not be allowed to remain on board after it has been proved to the satisfaction of the officer in command that he is legally a slave.

In the second, the slave should be retained on board on the ground that on the high seas the British vessel is a part of the dominions of the Queen, but when the vessel returns within the territorial limits of the country from a vessel of which the slave has escaped, he will be liable to be surrendered on demand being made, supported by necessary proofs.

In the third class, a negro might claim protection on the ground that being by the terms of a treaty free, he was nevertheless being detained as a slave. It would then become the duty of the commanding officer to satisfy himself as to the truth of this statement, and to be guided in his subsequent proceedings in regard to such person by the result of his inquiries, and the law which would then affect the case. Those interested in maintaining the slavery of the person claiming his freedom should assist at the inquiry, and in the event of his claim being established, the local authorities should be requested to take steps to ensure his not relapsing into slavery.

4. As a general principle, care should be taken that slaves are not misled into the belief that they will find their liberty by getting under the British flag afloat, or induced by the presence of a British ship to leave their own ships, if at sea, or their employment if on shore.

5. When surrendering fugitive slaves, commanding officers should exercise their discretion in endeavouring, according to the circumstances of each case, to obtain an assurance that the slaves will not be treated with undue severity.

6. A special report is to be made of every case of a fugitive slave seeking refuge on board one of Her Majesty's ships.

7. The above instructions are also to be part of the General Slave Trade Instructions, and to be inserted at page 29 of that volume, with a heading of "Receipt of Fugitive Slaves."

By command of their Lordships,
(Signed) ROBERT HALL.

To all Commanders-in-chief, Captains, Commanders,
and Commanding Officers of Her Majesty's Ships
and Vessels.

No. 8.

Mr. Bourke to the Secretary to the Admiralty.

Sir,

Foreign Office, October 6, 1875.

WITH reference to the letter addressed to the Admiralty from this Department on the 30th of April last, on the subject of the reception of fugitive slaves on board British ships of war, I am directed by the Earl of Derby to request that you will move their Lordships to give directions that any instructions which their Lordships may have issued on this subject may be suspended until a further communication is addressed to the Admiralty from this Department.

I am, &c.
(Signed) ROBERT BOURKE.

11

No. 9.

The Secretary to the Admiralty to Mr. Bourke.—(Received October 12.)

Sir,

Admiralty, October 8, 1875.

WITH reference to your letter of the 6th instant, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that, in conformity with the Earl of Derby's wishes, the Circular of the 31st July last, relative to fugitive slaves, has been suspended.

I am, &c.

(Signed) ROBERT HALL.

No. 10.

Lord Tenterden to the Secretary to the Admiralty.

Sir,

Foreign Office, November 4, 1875.

WITH reference to your letter of the 8th ultimo stating that, in compliance with the Earl of Derby's wishes, the Circular of the 31st of July last relative to fugitive slaves has been suspended, I am directed by his Lordship to request that you will state to the Lords Commissioners of the Admiralty that it has been decided by the Cabinet that the Circular should be withdrawn.

I am, &c.

(Signed) TENTERDEN.

No. 11.

Mr. Bourke to the Secretary to the Admiralty.

Sir,

Foreign Office, November 23, 1875.

WITH reference to the letters addressed to the Admiralty from this Department on the 6th of October last and the 4th instant, I am directed by the Earl of Derby to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying draft of Amended Instructions to be issued for the guidance of the commanders of Her Majesty's ships of war with reference to the reception of fugitive slaves on board Her Majesty's ships.

I am, &c.

(Signed) ROBERT BOURKE.

Inclosure in No. 11.

Instructions for the guidance of the Commanders of Her Majesty's Ships of War.

By the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland.

THE following Instructions are to be considered part of the General Slave Trade Instructions, and to be inserted at page 29 of that volume, with the heading of "Receipt of Fugitive Slaves," but they are also intended for the guidance of Commanders of Her Majesty's ships generally:—

93 A. When any person professing or appearing to be a fugitive slave seeks admission to your ship on the high seas, beyond the limit of territorial waters, and claims the protection of the British flag, you will bear in mind that, although Her Majesty's Government are desirous by every means in their power to remove or mitigate the evils of slavery, yet Her Majesty's ships are not intended for the reception of persons other than their officers and crew. You will satisfy yourself, therefore, before receiving the fugitive on board, that there is some sufficient reason in the particular case for thus receiving him.

93 B. In any case in which, for reasons which you deem adequate, you have received

[81]

a fugitive slave into your ship, and taken him under the protection of the British flag upon the high seas, beyond the limit of territorial waters, you should retain him in your ship, if he desires to remain, until you have landed him in some country, or transferred him to some other ship, where his liberty will be recognized and respected.

93 c. Within the territorial waters of a foreign State you are bound, by the comity of nations, while maintaining the proper exemption of your ship from local jurisdiction, not to allow her to become a shelter for those who would be chargeable with a violation of the law of the place. If, therefore, while your ship is within the territorial waters of a State where slavery exists, a person professing or appearing to be a fugitive slave seeks admission into your ship, you will not admit him, unless his life would be in manifest danger if he were not received on board. Should you, in order to save him from this danger, receive him, you ought not, after the danger is past, to permit him to continue on board; but you will not entertain any demand for his surrender, or enter into any examination as to his status.

93 d. If, while your ship is in the territorial waters of any Chief or State in Arabia, or on the shores of the Persian Gulf, or on the East Coast of Africa, or in any island lying off Arabia, or off such coasts or shores, including Zanzibar, Madagascar, and the Comoro Islands, any person should claim admission to your ship and protection on the ground that he has been kept in a state of slavery contrary to Treaties existing between Great Britain and the territory, you may receive him until the truth of his statement is examined into. In making this examination it is desirable that you should communicate with the nearest British Consular authority, and you should be guided in your subsequent proceedings by the result of the examination. In any case of doubt or difficulty you should apply for further instructions either to the senior officer of your division, or the Commander-in-chief, who will, if necessary, refer to the Admiralty.

93 e. A special report is to be made of every case of a fugitive slave seeking refuge on board your ship.

No. 12.

The Secretary to the Admiralty to Mr. Bourke.—(Received December 23.)

Sir,

Admiralty, December 23, 1875.

IN reply to your letter of the 23rd ultimo, transmitting the draft of amended Instructions for the guidance of Commanders of Her Majesty's ships with reference to the reception of fugitive slaves, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for Foreign Affairs, that these Instructions have now been issued in the form of a Circular (copies inclosed) to all Commanders-in-chief, Captains, Commanders, and commanding officers of Her Majesty's ships and vessels.

I am, &c.
(Signed) ROBERT HALL.

Inclosure in No. 12.

Circular No. 51.

Admiralty, December 5, 1875.

(RECEIPT OF FUGITIVE SLAVES.)

MY Lords Commissioners of the Admiralty are pleased to issue the following Instructions for the guidance of the Commanders of Her Majesty's ships in reference to the receipt of fugitive slaves.

These Instructions are to be considered part of the General Slave Trade Instructions, and to be inserted at page 29 of that volume, with the heading of "Receipt of Fugitive Slaves," but they are also intended for the guidance of Commanders of Her Majesty's ships generally.

93 a. When any person professing or appearing to be a fugitive slave seeks admission to your ship on the high seas, beyond the limit of territorial waters, and claims the protection of the British flag, you will bear in mind that, although Her Majesty's Government are desirous by every means in their power to remove or mitigate the evils of

slavery, yet Her Majesty's ships are not intended for the reception of persons other than their officers and crew. You will satisfy yourself, therefore, before receiving the fugitive on board, that there is some sufficient reason in the particular case for thus receiving him.

93 B. In any case in which, for reasons which you deem adequate, you have received a fugitive slave into your ship, and taken him under the protection of the British flag upon the high seas, beyond the limit of territorial waters, you should retain him in your ship, if he desires to remain, until you have landed him in some country, or transferred him to some other ship, where his liberty will be recognized and respected.

93 C. Within the territorial waters of a foreign State, you are bound, by the comity of nations, while maintaining the proper exemption of your ship from local jurisdiction, not to allow her to become a shelter for those who would be chargeable with a violation of the law of the place. If, therefore, while your ship is within the territorial waters of a State where slavery exists, a person professing or appearing to be a fugitive slave seeks admission into your ship, you will not admit him, unless his life would be in manifest danger if he were not received on board. Should you, in order to save him from this danger, receive him, you ought not, after the danger is past, to permit him to continue on board; but you will not entertain any demand for his surrender, or enter into any examination as to his status.

93 D. If, while your ship is in the territorial waters of any Chief or State in Arabia, or on the shores of the Persian Gulf, or on the East Coast of Africa, or in any island lying off Arabia, or off such coasts /or shores, including Zanzibar, Madagascar, and the Comoro Islands, any person should claim admission to your ship and protection on the ground that he has been kept in a state of slavery contrary to Treaties existing between Great Britain and the territory, you may receive him until the truth of his statement is examined into. In making this examination, it is desirable that you should communicate with the nearest British Consular authority, and you should be guided in your subsequent proceedings by the result of the examination. In any case of doubt or difficulty, you should apply for further instructions either to the Senior Officer of your Division, or the Commander-in-chief, who will, if necessary, refer to the Admiralty.

93 E. A special report is to be made of every case of a fugitive slave seeking refuge on board your ship.

By command of their Lordships,
(Signed) VERNON LUSHINGTON.

To all Commanders-in-chief, Captains, Commanders,
and Commanding Officers of Her Majesty's
Ships and Vessels.

APPENDIX.

No. 1.

Her Majesty's Commissioners to Viscount Palmerston.—(Received December 15.)

My Lord,

Havana, October 10, 1837.

WE have the honour to inclose copies of a correspondence which has passed between us and Lieutenant Jenkin, commanding Her Majesty's ship "Romney," stationed at this place, relative to a negro who had secreted himself on board that vessel, and whom Lieutenant Jenkin had given up to the local authorities.

We have, &c.
(Signed) J. KENNEDY.
EDWARD W. H. SCHENLEY.

Inclosure 1 in No. 1.

Lieutenant Jenkin to Her Majesty's Commissioners.

Gentlemen,

"Romney," Havana, October 5, 1837.

I HAVE the honour to acquaint you with the following occurrence which took place on board Her Majesty's ship "Romney," under my command, on Tuesday, the 3rd of October, in the afternoon:—

A boat, with the parties who had been appointed by the Commission to break up the condemned schooner "Antonica," came on board the "Romney," and, it appears, brought with them a negro, who did not return with the boat, but secreted himself on board this ship. About half-an-hour after the boat had left the ship, it was reported to me that a person was on board who objected to quit the ship.

On my making the necessary inquiry into his situation and condition, I learnt from himself that he was a slave belonging to the Havana, who had escaped from his mistress to avoid punishment, and that he sought protection on board Her Britannic Majesty's ship.

My instructions strictly inculcating that I should cultivate a good understanding with the authorities, and in no way authorizing me to afford the sought-for protection, I immediately placed the slave under the charge of an officer, to deliver him over to the authorities of the Havana, from whom I have received a paper acknowledging the receipt of the slave in question.

I have, &c.
(Signed) CHARLES JENKIN.

Inclosure 2 in No. 1.

Her Majesty's Commissioners to Lieutenant Jenkin.

Sir,

Havana, October 9, 1837.

WE have the honour to acknowledge having received your note dated the 5th instant, informing us of a slave belonging to the Havana having secreted himself on board Her Majesty's ship "Romney," stationed at this port, under your command; and we have no hesitation in expressing our opinion that Her Majesty's Government will approve of your conduct in immediately giving him up to the local authorities, as being at the same time fully in accordance with your instructions, and also as avoiding a dangerous subject of dispute, to entrap you into which it is not improbable that the man was sent by certain persons in this place.

We have, &c.
(Signed) J. KENNEDY.
EDWARD W. H. SCHENLEY.

16

No. 2.

Viscount Palmerston to Her Majesty's Commissioners.

Gentlemen,

Foreign Office, January 5, 1838.

I HAVE received your despatches to that of the 27th of November last, inclusive.

With reference to your despatch of the 10th October, containing your correspondence with Lieutenant Jenkin, commanding the "Romney" hulk, relative to a negro who had secreted himself on board that vessel, and whom Lieutenant Jenkin had given up to the local authorities, I have to acquaint you that the course pursued by Lieutenant Jenkin in this case appears to me to have been right and proper.

I am, &c.
(Signed) PALMERSTON.

No. 3.

Viscount Palmerston to Sir G. Villiers.

Sir,

Foreign Office, January 6, 1838.

I HEREWITH transmit, for your information, the copy of a despatch and its inclosures, from Her Majesty's Commissioners at the Havana,* containing their correspondence with Lieutenant Jenkin, in command of Her Majesty's hulk "Romney," upon the subject of a negro, who had secreted himself on board that vessel, and whom Lieutenant Jenkin had given up to the proper authorities at the Havana.

I also inclose a copy of the despatch which I have addressed to Her Majesty's Commissioners upon the subject,† by which you will learn that I approve of the course pursued by Lieutenant Jenkin in this case; and I have to instruct you to communicate these papers to the Spanish Government.

I am, &c.
(Signed) PALMERSTON.

No. 4.

Sir G. Villiers to Viscount Palmerston.—(Received February 6.)

My Lord,

Madrid, January 27, 1838.

I HAVE had the honour to receive your Lordship's despatch of the 6th January of the present year.

I inclose a copy of the note which, in obedience to the instructions contained in that despatch, I have addressed to Count Ofaia respecting the negro slave who had secreted himself on board Her Majesty's ship "Romney," at the Havana.

I have, &c.
(Signed) GEORGE VILLIERS.

Inclosure in No. 4.

Sir G. Villiers to Count Ofaia.

Sir,

Madrid, January 25, 1838.

I HAVE the honour to inform your Excellency that I have received the instructions of my Government to communicate to the Government of Her Catholic Majesty the inclosed papers, forming the correspondence which has taken place respecting a slave who took refuge on board the "Romney," Her Britannic Majesty's receiving ship lying at the Havana.

Your Excellency will find that Lieutenant Jenkin, commanding the "Romney," immediately on learning the fact, sent the slave on shore in charge of an officer, with instructions to deliver him up to the authorities, and that he is in possession of a written document from them, proving that his orders were obeyed.

Your Excellency will also perceive that the conduct of Lieutenant Jenkin has been formally approved by Her Britannic Majesty's Minister for Foreign Affairs, Viscount Palmerston, who characterises it as right and proper.

I have, &c.
(Signed) GEORGE VILLIERS.

No. 5.

Mr. Hudson to Viscount Palmerston.—(Received August 13.)

My Lord,

Rio de Janeiro, July 14, 1851.

I HAVE the honour to transmit to your Lordship the copy of a letter which has been addressed to me by Rear-Admiral Reynolds, Commander-in-chief of Her Majesty's naval forces on this station,

* No. 1.

† No. 2.

relative to a negro who made his way on board Her Majesty's ship "Conflict" near Bahia, and was subsequently discharged into Her Majesty's receiving ship "Crescent" in this harbour.

Admiral Reynolds having asked my opinion respecting the disposal of this negro, I desired Her Majesty's Consul for this port to determine whether this negro is, or not, an African born. I have the honour to inclose a copy of Mr. Consul Hesketh's opinion upon this point, from which your Lordship will perceive that this negro is an African of the tribe of Mina.

I have therefore the honour to request your Lordship's instructions as to the disposal of this African.

I have, &c.
(Signed) JAMES HUDSON.

Inclosure 1 in No. 5.

Rear-Admiral Reynolds to Mr. Hudson.

Sir, "Southampton," at Rio de Janeiro, May 8, 1851.
I HAVE the honour to transmit to your Excellency a letter from Commander Drake, relative to a negro (whose name is given as Tom Pepper) having found his way on board the "Conflict" at Bahia.

By the "Sharpshooter" I have received a second letter from Commander Drake, stating that no claimant having appeared for the negro, he had sent him to be discharged to the "Crescent" as a liberated African.

I disapproved of the reception of this person on board of the "Conflict," but under the circumstances, I shall feel obliged by your Excellency's opinion as to what should be done with him.

I have, &c.
(Signed) B. REYNOLDS.

Inclosure 2 in No. 5.

Commander Drake to Rear-Admiral Reynolds.

Sir, "Conflict," Bahia, March 31, 1851.
I HAVE the honour to inform you that at midnight, on the 13th instant, when Her Majesty's ship under my command was at anchor at Morro de St. Paulo, a negro made his way on board the ship and begged for protection; he states, as far as I can understand, that he has only been seven months in the country.

Having got on board the ship, and the canoe he came in having gone adrift, I did not know what to do with him, and have therefore retained him on board, and await your instructions with regard to his disposal.

I have, &c.
(Signed) F. G. DRAKE.

Inclosure 3 in No. 5.

Consul Hesketh to Mr. Hudson.

Sir, Rio de Janeiro, July 2, 1851.
IN compliance with your directions, I have been on board Her Majesty's ship "Crescent" and seen the negro there under the name of "Tom Pepper."

He is an African, and understands more of English than of the Portuguese language, but in truth very little of either; with the assistance of another negro I ascertained that he had been landed at Bahia from the vessel which brought him from Africa, about seven months before he escaped from an estate near Cachoeira called Valencixo, belonging to a man he called "Senhor Chico," and that he is a "Mina" negro.

His looks confirm this statement; he appears about twenty years of age, and is strong and healthy.

I have, &c.
(Signed) ROBERT HESKETH.

No. 6.

Viscount Palmerston to Mr. Hudson.

Sir, Foreign Office, August 20, 1851.
I HAVE received and laid before the Queen your despatch of the 14th ultimo, in which you request instructions respecting the disposal of a recently imported negro, by name Tom Pepper, who

contrived to get on board Her Majesty's ship "Conflict," at Bahia, on the 13th of March last, and who was subsequently placed on board Her Majesty's ship "Crescent."

I have, in reply, to desire that you will instruct Her Majesty's Consul to send this man by the first opportunity to some British Settlement.

I am, &c.
(Signed) PALMERSTON.

No. 7.

Mr. Jerningham to the Earl of Clarendon.—(Received April 12.)

My Lord,

Rio de Janeiro, March 7, 1856.

I BEG to forward to your Lordship copies of two notes which I addressed, in the month of January last, to Senhor Paranhos, respecting the case of a British subject, Captain Sandys, of an English vessel called the "Danube," who was accused of having enticed away and harboured two slaves, the property of persons residing in Rio de Janeiro.

I made this representation to the Imperial Government in consequence of the application of Mr. Rowland Cox, the consignee of the vessel, who, being under the impression that Captain Sandys had been arrested, was exceedingly anxious to curtail the delay that the imprisonment of this person would occasion in the voyage of the "Danube" to her ulterior destination.

I therefore begged the Imperial Government to hasten the judicial investigation.

However, it appears, after all, that the owners of the slaves having recovered their property through the medium of the police, all further judicial proceedings were dropped; and the "Danube" proceeded on her voyage.

I will not make any remark on the innocence or culpability of the captain in question. He affirmed that these slaves came on board his vessel and that they would not leave it; and he appears also to have acquainted the "Capitania" of this Port with something of the matter, inquiring at that office, whether any impediment would be put in the way of his leaving Rio, since a police boat had put off to look for a slave who had proceeded on board his vessel and hidden himself unknown to any one, which his Excellency Senhor Paranhos himself states in his note, copy of which I now beg to forward to your Lordship.

Annexed to Senhor Paranhos' note is copy of a representation of thirty-two slave-owners to the Chief of Police of Rio de Janeiro, complaining against the proceedings of certain English captains (Captain Sandys amongst the rest), who, they state, had attempted to entice away and have even carried off three slaves, the property of persons in this city.

As his Excellency invites Her Majesty's Legation to co-operate with the Imperial Government, as far as it is in its power, to prevent a recurrence of such a violation of the law, I have answered his Excellency in a note, copy of which is herein inclosed, that I would write to Her Majesty's Consuls at the different stations in Brazil, which I have accordingly done, begging of them to warn all captains of British merchantmen against a practice which submits them, if discovered, to very severe legal penalties; and that it would be well, before they received any blacks or mulattoes on board their vessels, to make them produce legal certificates of freedom.

I have, &c.
(Signed) WM. STAFFORD JERNINGHAM.

Inclosure 1 in No. 7.

Mr. Jerningham to Senhor Paranhos.

Excellent Sir,

Rio de Janeiro, January 19, 1856.

I WAS applied to this day by Mr. Rowland Cox, consignee of an English vessel called the "Danube," which brought hither from England materials for the railroad of Pedro II, in consequence of her Captain, named Robert Sandys, being arrested and put into prison just as the ship was proceeding hence on her voyage to her ultimate destination.

It appears that two slaves belonging to some one here went on board the "Danube," by some means or other, and the Captain, wanting to put them away from his ship, the poor creatures refused to leave the vessel.

It seems afterwards that the vessel was searched by the police, and that these slaves were found somewhere hidden up, most likely concealing themselves, from the terror of falling again into the hands of their masters.

The Captain states he reported the fact of slaves being on board his vessel to the "Capitania," and if such be the case, it would seem that the charge of having seduced these slaves away from their masters cannot be brought against him.

In consequence, however, of the arrest of Captain Sandys, the "Danube," which has other engagements to fulfil, has been detained here, and prevented proceeding on her voyage; and I must therefore beg of your Excellency to have the goodness to cause the utmost despatch to be used in the investigation of this case and, if Captain Sandys be found innocent, as he most likely is, to have him immediately set at liberty to resume the command of his ship.

I avail, &c.
(Signed) W. S. JERNINGHAM.

Inclosure 2 in No. 7.

Mr. Jerningham to Senhor Paranhos.

Excellent Sir,

Rio de Janeiro, January 23, 1856.

WITH reference to the note which I had the honour to address to your Excellency on the 19th instant, respecting the arrest of a British subject, Captain Sandys, of the "Danube," merchant vessel, for the alleged imputation of having seduced two slaves on board his ship, with the supposed intent of carrying them away, I beg to state that the consignee of the "Danube" in Rio de Janeiro has informed me that the "Danube" left this port with her master, Captain Sandys, on board, and that he has been unable, upon inquiry, to find any trace of his being detained a prisoner.

At the same time I beg to forward to your Excellency copy of a letter which I have received from Mr. Rowland Cox, the gentleman who applied for the assistance of Her Majesty's Legation in this affair. It seems that the order to arrest Captain Sandys was issued by the Chief of Police, but before it could be put into execution the "Danube" had sailed from Rio de Janeiro for her destination.

I avail, &c.

(Signed) W. S. JERNINGHAM.

Inclosure 3 in No. 7.

Senhor Paranhos to Mr. Jerningham.

(Translation.)

Ministry of Foreign Affairs, Rio de Janeiro, February 12, 1856.

THE Undersigned, &c., had the honour to receive the notes which Mr. William Stafford Jerningham, &c., addressed to him, and dated the 19th and 23rd of last month.

In the former, Mr. Jerningham communicated that the Captain of the English vessel "Danube," which had brought materials from England for the railroad "Pedro II," had been detained and sent to prison when that vessel was about to proceed on her ulterior destination.

Mr. Jerningham mentions the circumstances which could have given rise to that proceeding against the Captain in the following manner:—

Two slaves belonging to some one in this city succeeded in introducing themselves on board the "Danube," and the Captain, wishing to turn them out, they refused to go.

It appears that after that the police searched the vessel, and those two slaves were found on board in some place where they had hidden themselves, doubtless through the fear of falling again into the hands of their owners.

The Captain asserted that he had informed the Captain of the Port of the fact of those slaves being on board his vessel, and, if this were true, he could not be accused of having seduced them from their owners.

In consequence, however, of the imprisonment of the Captain, the "Danube," which had duties to perform, was detained, and prevented from proceeding on her voyage.

Mr. Jerningham concluded this note in requesting the Undersigned to hasten the necessary investigations, in order that, if Captain Sandys should be innocent, as was thought probable, he might be immediately set at liberty, and be enabled to resume the command of his vessel.

Being better informed by the consignee who had furnished the first information, Mr. Jerningham hastened, in his note of the 23rd January, to acquaint the Undersigned that Captain Sandys had not been imprisoned, and that he had gone to sea in his vessel unmolested.

Mr. Jerningham explained this fact, which removed the cause of his application under the supposition that a warrant of imprisonment had been issued, and before it could have been carried into effect the "Danube" had left the port of Rio de Janeiro for her destination.

The Undersigned, as soon as he received Mr. Jerningham's first communication, brought it to the knowledge of the Minister of Justice, and the answer which he received from his Excellency on the 30th ultimo confirms, in fact, that the supposed imprisonment of the Captain of the "Danube" had not taken place; it being therefore believable that the representation of the consignee, to which Mr. Jerningham refers, was chiefly suggested by the apprehension or foreknowledge of the legal proceedings which the Captain had subjected himself to.

The following is an abridged narrative of that occurrence, according to the official documents of the Ministry of Justice:—

José Antonio de Oliviera, and Thomas Rodriguez, complained to the Chief of Police of this capital that two slaves of theirs, named Bento and José, had been seduced by the Captain of the English barque "Danube," and were clandestinely sheltered under the promise of being conveyed in her out of the Empire.

However, the Chief of Police, having ordered the Sub-Delegate of the Parish of Santa Rita to proceed upon this complaint according to law, the complainants at once desisted from judicial proceedings, contenting themselves with obtaining possession of their slaves, who were taken out of the said barque.

Consequently, Captain Sandys, who, according to the confession of the two slaves, was the person who seduced them and afforded them an asylum on board the "Danube," was not prosecuted, and no impediment was placed to his departure. He sailed on the 21st for Acayab, his destined port.

It is not true that Captain Sandys apprized the Captain of the Port that two slaves had taken refuge on board the "Danube." He went to that station to inquire whether any impediment would be placed to his sailing, and gave as his reason for that apprehension the fact of a boat having gone to his

vessel by order of the police to fetch away a slave who had hidden himself on board unknown to any one. The sheltering of the slaves was, therefore, already known when Captain Sandys went to the Captaincy of the Port.

The Undersigned cannot but call the serious attention of Mr. Jerningham to the annexed extract of a representation which, under date of the 18th instant, several owners of slaves who are employed in the trade of the port of Rio de Janeiro, addressed to the Chief of the Police of this city.

The representers, as Mr. Jerningham will see, complained, and requested that measures might be taken, against the proceedings of some of the captains of foreign merchant vessels, who have attempted and succeeded in inveigling slaves, and taking them clandestinely out of the country.

They make mention, besides the late occurrence with the Captain of the "Danube," of other facts of a similar nature—that is, of the disappearance, in December last, of three slaves belonging to José Luiz da Silva, established on the Island of Cobras, one of whom, it appears, was taken to Jamaica on board a British brig, and the other two to the Cape of Good Hope on board the English schooner "Kate."

The undersigned trusts that Mr. Jerningham will have no objection, in as far as it may be in the power of Her Britannic Majesty's Legation, to aid the Imperial Government in the investigation and repression of such facts, which, independent of being highly criminal, alarm not only the owners of slaves, but likewise the whole population of this city.

The Imperial Government, who have so much at heart the repression of the Slave Trade, and do not cease instructing their authorities to grant full protection to the free blacks, cannot but protect also the property of Brazilian subjects, in rigorously preventing the seduction in question, the serious consequences of which must be evident to Mr. Jerningham's enlightened judgment.

The Undersigned, &c.

(Signed) JOSE MARIA DA SILVA PARANHOS.

Inclosure 4 in No. 7.

Senhor do Amaral and others to the Chief of the Police.

(Translation.)

Rio de Janeiro, January 18, 1856.

THE Undersigned come before your Excellency to entreat that measures may be taken to prevent the continuance of attacks which have been made upon property, and which are imminent on private fortunes, from the occurrences which they submit to your Excellency's consideration.

There are persons who inveigle slaves, enticing them from the dominions of their owners, and doubtless with promises of liberty, for the purpose of subjecting them to the harshest slavery, thus offending the rights of property and public conveniency.

Even yesterday, Excellent Sir, two slaves belonging to José da Silva Oliveira, a merchant established on the Island of Cobras, and to Thomas Rodriguez, were found hidden under the fore-castle of the English barque "Danube," their owners having been apprized of their being on board that vessel, went for and withdrew them from the hands of their seducer.

Before Christmas, three slaves were missing belonging to José Luiz da Silva, established on the Island of Cobras, one of whom, it appears, went to Jamaica in an English brig, and the two others in the English schooner "Kate" to the Cape of Good Hope, which acts, from the fact of two slaves being found yesterday hidden on board the "Danube," are confirmed.

Besides these facts, many others have lately happened, so that all the proprietors of slaves, and particularly those who reside in the neighbourhood of the sea, have constantly the threat hanging over their fortunes of seduction and robbery; and thus they can only confide in the vigilance of the constituted powers of the country, and especially upon the activity and energy with which your Excellency so worthily directs the police of this city.

Wherefore, Excellent Sir, the Undersigned bring these facts to your knowledge, in order that you may use every effort in order to prevent their continuance, and to discover the thread of this series of acts, which manifest a fatal tendency against the proprietorship of slaves which, notwithstanding, form a part of the fortunes of the public, and of private individuals.

Your Petitioners will not further occupy your Excellency's attention, their only aim being to bring to your knowledge facts which ought to be examined into for the common welfare of all.

They, therefore, beg your Excellency to take the necessary steps, and, trusting to your customary sense of justice, your Petitioners will ever pray.

(Signed) J. C. DO AMARAL
(Here follow 32 signatures.)

Inclosure 5 in No. 7.

Mr. Jerningham to Senhor Paranhos.

Excellent Sir,

Rio de Janeiro, March 4, 1856.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 12th of February, in answer to the two notes which I had addressed to your Excellency in the month of January upon the subject of the supposed arrest of the Captain of the British vessel "Danube," accused of seducing two slaves away from their owners.

As the slaves were seized by the police and conveyed back to their masters, who, according to the report of his Excellency the Minister of Justice, contenting themselves with recovering their property, had desisted from judicial proceedings, Captain Sandys found himself at liberty to proceed on his voyage, which he did, and of course the whole business was terminated; but your Excellency at the end of your note calls my serious attention to an annexed extract of a representation which several slave owners employed in the trade of this city has addressed to the Chief of Police.

This representation complains and requests that measures might be taken against the proceedings of some captains of foreign merchant-vessels, who had attempted and succeeded in inveigling slaves, and taking them clandestinely out of this country; and mention is made, besides the alleged case of the "Danube," of that of three slaves being carried off, one in the English brig "Jamaica" and two others by the British schooner "Kate" to the Cape of Good Hope.

I need not go to any length, in answer to your Excellency's observations and to the above representation, to assure your Excellency that such conduct, if duly proved, cannot but appear highly reprehensible in the eyes of Her Majesty's Legation; for although every free-born Briton ought to abhor and detest Slave Trade and slavery in this enlightened age of progress and civilization, yet, in countries like Brazil, where unfortunately slaves have been imported before the abolition of the Slave Trade still continue to be legal property, we must, in spite of our feelings on the subject of these same laws and regulations, take an especial care not to offend against them; and with a view of endeavouring to prevent a recurrence of complaints, such as have been forwarded in your Excellency's note, I shall communicate an extract of it to Her Majesty's Consul at Rio de Janeiro and to the other British Consuls in Brazil, instructing them to warn the masters of British merchant-vessels against taking away and harbouring slaves who are legally the property of Brazilian subjects or of persons residing in this Empire.

His Excellency the Chief of Police concludes his note by observing that the Imperial Government, who have at heart so much the repression of the Slave Trade, and do not cease instructing their authorities to grant full protection to free Blacks, cannot but protect also the property of Brazilian subjects in rigorously preventing their being seduced away.

Her Majesty's Legation hails with pleasure this avowal of the Imperial Government with respect to the Slave Trade, and cannot but agree that it is the duty of Government to protect Brazilian property, but I cannot possibly discover that very great protection is afforded to free Blacks in Brazil, if those who are entitled "emancipados" are included in that category; for your Excellency well knows what extreme difficulty Her Majesty's Legation has at times encountered in endeavouring to effect the real manumission of some of this unfortunate class in certain cases; and even now, I am not as yet informed if the British subject, Mr. Craven's, freed slaves are in the enjoyment of their liberty or not, or whether they are at the disposal of that authority, which even persons in this country consider to be an anomaly, the Judge of Orphans.

I avail, &c.
(Signed) W. S. JERNINGHAM.

No. 8.

The Earl of Clarendon to Mr. Jerningham.

Sir,

Foreign Office, April 30, 1856.

I HAVE received your despatch of the 7th ultimo, respecting the alleged proceedings of certain captains of British merchant-vessels in the Brazils, who are stated to have received on board their ships, with a view of carrying them out of the country, some negro slaves, the property of Brazilian subjects; and I have to state to you that I approve the course pursued by you in addressing a despatch to Her Majesty's Consuls in Brazil, instructing them to warn the captains of British vessels of the serious liabilities to which they render themselves subject by such proceedings.

I am, &c.
(Signed) CLARENDON.

No. 9.

The Earl of Clarendon to Mr. Jerningham.

Sir,

Foreign Office, June 19, 1856.

WITH reference to my despatch of the 30th of April last, approving the Circular despatch addressed by you to Her Majesty's Consuls in Brazil, instructing them to warn the masters of British merchant-vessels of the liabilities to which they subjected themselves by harbouring slaves on board their ships, with the view to carry them away, I have to state that, as merchant-vessels are subject to the law and jurisdiction of the country in whose ports they may be, it was right that warning should be given to the masters of British vessels with regard to this matter; but it should be borne in mind that if a slave were to take refuge on board a British ship of war, it will still, as heretofore, be the duty of the captain to refuse to surrender such slave.

I have, &c.
(Signed) CLARENDON.

Mr. Jerningham to the Earl of Clarendon.—(Received September 8.)

My Lord,

Rio de Janeiro, August 7, 1856.

WITH reference to your Lordship's despatch of June 19, in which your Lordship states, when alluding to a Circular which I had addressed to Her Majesty's Consuls in Brazil, instructing them to warn the masters of British merchant-vessels of the liabilities to which they subjected themselves by harbouring slaves on board their ships with the view to carry them away, that although it was right such a warning should be given to the masters of British merchant-men in this matter, if, however, a slave were to take refuge on board a British ship of war, it will still, as heretofore, be the duty of the captain to refuse to surrender such slave, I beg to have the honour to announce to your Lordship that I have sent a copy of your Lordship's despatch to the British Admiral, Commander-in-chief of Her Majesty's naval forces on this station, in order that he may be perfectly informed of the views of Her Majesty's Government upon the point in question.

I have, &c.
(Signed) WM. STAFFORD JERNINGHAM.

Extract from General Instructions issued in 1865 for guidance of Naval Officers employed in the Suppression of the Slave Trade.

IN your intercourse with the natives you will endeavour to conciliate their good-will by kindness and forbearance, and will take care that the officers and men under your command shall do the same.

You will take special care not to offend the prejudices of the natives, and you will make allowance for any jealousy or distrust with which you may be met.

You will impress upon the natives the earnest desire of Great Britain for the improvement of their condition, and will clearly point out to them the distinction between the export of slaves which Great Britain is determined to put down, and the system of domestic slavery with which she does not claim to interfere.

Consul Pakenham to the Earl of Clarendon.—(Received June 5.)

My Lord,

Tamatave, April 22, 1869.

I HAVE the honour to transmit herewith, for your Lordship's information, the copy of a letter which I have addressed to Commodore Sir Leopold Heath, on the subject of a serious misunderstanding which appears to have occurred between Commander Meara, of Her Majesty's ship "Nymph," and the Hova Commandant of Majunga, on the west coast of Madagascar, respecting the forcible seizure on shore, by an armed party from the "Nymph," of certain Mozambique slaves belonging to Malagasy subjects.

The note which I have received on the subject from the Hova Chief Secretary of State is extremely lengthy and difficult of translation, but the substance of it will be found embodied in my letter to Commodore Heath, and by the next mail I trust to be able to send your Lordship a translation of the Chief Secretary's communication.

It would of course be unfair for me to form or express any opinion as regards Commander Meara's proceedings on *ex parte* statements, the more so as I know from experience that the Hova authorities invariably seek to give the most favourable colouring to their own acts, and quite the contrary to those of parties with whom they may disagree. Under any circumstances, however, any appearance of the substitution of might for right by British officers in their dealings with the Malagasy could not but prove prejudicial to British interests in Madagascar by raising distrust in the minds of the Hovas.

I venture, therefore, to hope that your Lordship will be pleased to cause instructions to issue, to the effect that differences on land between the commanders of British cruisers and Hova officials be in future referred to me.

As your Lordship will have observed from my despatch of the 10th instant, the Mozambiques detained at Majunga were given up to me by the Queen of Madagascar without any difficulty, and, therefore, a simple reference to me by Commander Meara would have prevented any misunderstanding in the matter.

I beg to inclose the copy of my note in reply to the Chief Secretary's, and shall be glad to receive your Lordship's instructions as soon as convenient relative to my further action in this matter.

I have, &c.
(Signed) T. C. PAKENHAM.

Inclosure 1 in No. 12.

Consul Pakenham to Commodore Sir L. Heath.

Sir,

Tamatave, April 9, 1869.

I HAVE the honour to state that I have received a communication from the Hova Government at Antananarivo, dated the 22nd (4th April) ultimo, reporting a serious misunderstanding which appears to have occurred between Commander Meara, of Her Majesty's sloop "Nymph," and the Hova Commandant of Majunga on the West Coast of Madagascar.

The following are briefly the facts of the case as submitted to me by the Hova Chief Secretary of State:—

In March last the "Nymph" anchored before Majunga, where Commander Meare and his officers were hospitably received and entertained by the Hova Commandant and officers. Shortly afterwards two Arab dhows were burnt by order of Commander Meara, who at the same time formally demanded the surrender of certain Mozambique slaves lately seized by the local authorities at Majunga and detained pending a reference to the Hova Government. The Commandant of Majunga stated his inability to deliver up these slaves until he had received the necessary authority from his Government; whereupon a shot was fired from the "Nymph" between the fort and village of Majunga, and an armed party landed who forcibly seized on shore and carried off to the "Nymph" certain Mozambique slaves belonging to subjects of the Queen of Madagascar, old residents in the island, introduced prior to the conclusion of the English Treaty, but not forming part of those lately landed. After the seizure had been made, and the slaves carried on board the "Nymph," the Commandant of Majunga sent officers on board to claim their restitution, and, further, to protest against Commander Meara's proceedings as being contrary to the provisions of the English Treaty; but the slaves were not given up, and the "Nymph" sailed with them on board.

This, Sir, is the version of the affair given by the Commandant of Majunga, to the Hova Government, and transmitted to me by the Chief Secretary of State. But I have not as yet received any report on the subject from Commander Meara, although the acts alleged by the Hova Government were committed in Madagascar, on land, and consequently within my Consular jurisdiction, which, in virtue of Her Majesty's Commission, extends over the whole island.

The Hova Government complain of Commander Meara's proceedings, not only as unfriendly but as being in violation of the English Treaty, wherein no right is conceded to the Commanders of British cruisers to land armed parties and seize on shore slaves belonging to Malagasy subjects and lawfully in their possession. On these grounds a formal demand has been made for the immediate restitution of the slaves taken on board the "Nymph."

I shall therefore be glad to receive, as early as convenient, a copy of Commander Meara's account of what really took place at Majunga, in order that I may be in a position definitely to reply to the Hova Government. But, under any circumstances, I beg to submit the desirability, as appears to me, of the Commanders of British cruisers on this station in future addressing me on the subject of any differences they may have with the local authorities at any of the Hova military stations on the coast of Madagascar, before engaging in actual hostilities which might ultimately involve Her Majesty's Government in serious complications. In the case in question a simple reference to me would have removed all difficulties and enabled Commander Meara to obtain possession of the Mozambique slaves detained at Majunga.

In conclusion I venture to submit that the slaves alleged to have been taken on board the "Nymph," at Majunga, be detained, pending the decision of Her Majesty's Government as to their ultimate disposal.

I have, &c.
(Signed) T. C. PAKENHAM.

Inclosure 2 in No. 12.

Consul Pakenham to the Chief Secretary of State.

Sir,

Tamatave, April 20, 1869.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of 22 Adizaoza (4th instant), complaining of certain proceedings of Commander Meara, of Her Britannic Majesty's sloop "Nymph," when at Majunga at the commencement of last month, and also claiming the restitution of a number of Mozambique slaves, alleged to have been seized on shore, and carried on board the "Nymph" by an armed party from that vessel.

It certainly surprises me to hear that the Commander of any of Her Britannic Majesty's ships of war, whose mission is to co-operate with the Hova Authorities in suppressing the Slave Trade, should have committed any unfriendly act towards the Malagasy. But I am, of course, unable to form or express any opinion on the regularity of Commander Meara's proceedings until I am in possession of his account of what occurred at Majunga.

I beg, however, to state that your Excellency's complaint shall be immediately laid before the Earl of Clarendon, and I venture to assure the Hova Government that it will meet with attentive and impartial consideration at his Lordship's hands.

I have, &c.
(Signed) T. C. PAKENHAM.

No. 13.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, June 12, 1869.

I AM directed by the Earl of Clarendon to transmit to you, to be laid before the Lords Commissioners of the Admiralty, the accompanying copies of a despatch and its inclosures from Mr. Pakenham,* Her Majesty's Consul in Madagascar, having reference to the proceedings of Commander Meara, of Her Majesty's sloop "Nymph," who is reported to have landed an armed party from his ship at the village of Majunga, and to have forcibly seized and carried off some slaves belonging to Malagasy subjects.

I am to state that Lord Clarendon would be glad to be furnished with copies of any reports which may have reached the Admiralty respecting the proceedings of the Commander of the "Nymph," whose conduct appears unjustifiable if the Hova version of his proceedings is correct; and in the event of no accounts having been received at the Admiralty, I am to request that Commander Meara may be called upon to explain his conduct in this affair.

I am, &c.
(Signed) E. HAMMOND.

No. 14.

The Earl of Clarendon to Consul Pakenham.

Sir,

Foreign Office, June 14, 1869.

I HAVE received your despatch of the 22nd of April, relative to the proceedings of the Commander of Her Majesty's sloop "Nymph," who is reported to have landed an armed party from his vessel at the village of Majunga, and to have forcibly seized and carried off some slaves belonging to Malagasy subjects; and I have to acquaint you that I approve the letters addressed by you to Commodore Heath, and to the Hova Chief Secretary of State, respecting this affair.

You will inform the Hova Government that a strict inquiry will be immediately instituted into the proceedings which have given rise to their complaint.

I am, &c.
(Signed) CLARENDON.

No. 15.

Consul Pakenham to the Earl of Clarendon.—(Received July 5.)

My Lord,

Tamatave, May 6, 1869.

WITH reference to my despatch of the 22nd ultimo, I have now the honour to transmit, for your Lordship's information, a translation of the Hova Chief Secretary of State's note to me, dated the 4th ultimo, complaining of the proceedings of Commander Meara of Her Majesty's sloop "Nymph," at Majunga, on the West Coast of Madagascar, in March last.

I have, &c.
(Signed) T. C. PAKENHAM.

Inclosure in No. 15.

The Chief Secretary of State to Consul Pakenham.

(Translation.)

Sir,

Antananarivo, 22nd Adizaosa (4th April), 1869.

THIS is what I have to say to you. I have received a letter from the Governor of Majunga, saying that on the 23rd of Adaoro (6th March), 1869, Her Britannic Majesty's vessel "Nymph," commanded by Commander Meara, R.N., arrived at that port. When she was anchored, the Governor sent six officers to visit the Captain, and to ask after the health of Queen Victoria, &c., who, in reply, asked after the health of the Queen of Madagascar, and stated his intention of landing at 4 o'clock P.M. On landing, he was met by officers (with a band, and four palanquins), who were sent by the Governor to receive him and conduct him to the Battery, where he was met by other officers, but the Governor himself, being unwell, was unable to be present. After accepting an invitation to dinner the next day, at 4 P.M., and having visited the Governor, Commander Meara returned to his ship. The following day (Saturday) the Commander came to dinner at the Battery, and was received with the usual honours. After dinner the party went out into the court and danced, the Commander and one of his officers joining cordially with the Malagasy officers and ladies. Before his departure he invited five officers and ladies to dinner on board, at 1 o'clock P.M. the following day.

Accordingly they went to dinner the following day (Sunday), two guns being fired by Her Majesty's ship as a salute, which was returned by the Malagasy authorities at the Battery. After dinner, Commander Meara stated his intention of sailing the next day (Monday).

That after leaving the port he returned in the evening, when the Governor sent officers to ask the reason of his return. But, before they reached the ship, the captain with thirty soldiers had left

* No. 12.

and burned two dhows; after which the Captain said, "You have Mozambiques in your possession who were brought here by those dhows, and I have returned to capture them." To which the Malagasy officers replied, "If you meet with Mozambiques upon the high seas, then you yourselves capture them and report it to your Government; but if we meet with those who bring them across the seas to us, then we report to our Government. Besides, you say that it is fifteen days ago that the dhows brought Mozambique slaves here, whereas it is now twenty days ago." The Commander then returned to the ship, but soon afterwards three British officers and twenty sailors landed and demanded possession of the Mozambiques. The Hova officers replied, "Twenty days ago the dhows arrived with slaves on board, and we have referred the matter to the Government at Antananarivo and are awaiting their reply, as to what we must do. To which the captain replied, "I will not leave this port without those slaves." "Very well," said the Hova officers, "we must wait till we hear from the Government." "But how many were they?" asked the Captain. "We cannot tell," said the Hova officers, "for this is a land full of slaves, and we cannot allow you to count them unless we hear from our Government. We cannot buy slaves coming beyond the seas, and we have already written to Antananarivo to ask what we must do with those who were brought by those dhows." The Captain then said, "If you do not give up those slaves by 5:30 P.M., I will do what I ought to do, even if I have to fight for them." To this the Hova officers replied, that as to his fighting, he himself knew what he should do. But the words of the Treaty said there should be no fighting between the English and Malagasy for ever more. The Captain again asked, "Will you give up those slaves or no?" The Hova officers again repeated that they had referred the matter to their Government. "Then," said the Captain, "I go; but at midnight I will act."

When the captain had returned to his ship he fired one gun with ball between the fort and Majunga.

The following day (Tuesday) the captain landed again and seized the slaves of the "ombalahivelo" (blacks), and had them conveyed on board. The Governor then sent to ask his reason for seizing the subjects of Ranavalona—hereditary property—and ordered their return, lest the Treaty, which says that no subjects of the Queen of Madagascar can be taken across the seas on board English vessels without a passport, should be broken. "I take them," replied the captain, "because they are slaves; they cannot be returned to you. As regards the cannon that was fired from the ship, it was to test the range of my guns. Tell the Governor that I intend leaving to-morrow morning at 6 o'clock, for I am censured by you as injuring the Kingdom (of Madagascar)." He then returned to his ship.

On the following morning (Wednesday), at 5 o'clock, the Governor sent his officers to the ship, who, having arrived on board, said to the captain—"Return those persons you have taken without permission, for this is the word of the Treaty between the two Governments, viz.: 'The subjects of the Queen of Madagascar cannot be taken beyond the seas without receiving a passport from such (Malagasy) as are authorized to grant it. Again, British sailors who escape from their respective ships to Madagascar must be delivered up to the Consul (British) or the captain of the vessel from which they escaped, if found, Hova authorities doing their utmost to find them.' Therefore, do not carry away those persons you have seized, lest you break this Treaty." To this the captain replied: "What you say is perfectly true. But those persons are in trouble; they are slaves; and they are Mozambique slaves; therefore I retain them." "If you are right in seizing them, where is your commission for so doing, that we may have it in our possession?" asked the officers. At this the captain got angry, and said, "I give you my commission?"

This is the difference that took place between the Hova officers of Majunga and Commander Meara, and then he set sail.

This, therefore, is what I have to say to you: We are grieved at what Commander Meara has done, at his firing with ball at our town, and at his seizing by violence the subjects (mainhmolaly—hereditary slaves) of the Queen of Madagascar, and taking them on board his ship, thus breaking the Treaty of Friendship that exists between us, which ought not to be done, for we, wishing this friendship to be firm, have ordered all the Governors to observe well the Treaty. It grieves us very much therefore, that after our Governor had observed the Treaty, and had seized the Mozambiques, our land should still be fired at with ball, without permission, and that Commander Meara was so enraged. The letter that I wrote to you on the 6th of Adizaoza (19th March), 1869, and which has not yet been answered, is proof that the Governor had followed the Treaty. Command, therefore, your officers that they do nothing to break the Treaty, nor do anything that may injure the friendship that has hitherto existed between us; for it is not right that your officers or ours should not observe well the Treaty which we wish to be kept inviolate.

As for those slaves seized by Commander Meara, we trust that you will order them to be returned. We expect you to do this, for it was not according to the Treaty, Article IX.

God bless you. May you live long and be happy, saith your friend.

(Signed)

RAINIMAHARAVO.

No. 16.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, July 7, 1869.

WITH reference to my letter of the 12th ultimo, I am directed by the Earl of Clarendon to transmit to you herewith a copy of a further despatch from Her Majesty's Consul in Madagascar,* inclosing a copy of a note addressed to him by the Hova Chief Secretary of State, complaining of the proceedings of Commander Meara, of Her Majesty's ship "Nymph," in landing a party from his ship

* No. 15.

at Majunga, and carrying off from thence certain slaves stated to have been brought thither from Mozambique.

I am, &c.
(Signed) E. HAMMOND.

No. 17.

The Secretary to the Admiralty to Mr. Hammond.—(Received October 13.)

Sir,

Admiralty, October 12, 1869.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of the Earl of Clarendon, the accompanying copy of a despatch from Commodore Sir L. Heath, relative to the misunderstanding which has arisen between Commander Meara, of Her Majesty's sloop "Nymph," and the Hova Government.

I am, &c.
(Signed) VERNON LUSHINGTON.

Inclosure in No. 17.

Commodore Sir L. Heath to the Secretary to the Admiralty.

Sir,

"Forte," Aden, September 22, 1869.

WITH reference to the papers inclosed in your letter of the 16th June, 1869, on the subject of a misunderstanding between Commander Meara, of Her Majesty's ship "Nymph," and the Hova Authorities at Majunga, in Madagascar, I beg you will inform their Lordships that upon receiving Mr. Pakenham's complaint I immediately called upon Commander Meara for an explanation, and in the meantime I obtained at the Seychelles the sworn deposition of the slaves said to have been forcibly carried off from Majunga.

2. I shall probably not receive Commander Meara's reply before Christmas, and I think it will be more convenient to their Lordships that I should await its receipt, and thus be able to forward the whole case, than that I should now forward what is at present incomplete. I may state, however, that I am satisfied that a very considerable portion of the complaint made is altogether unfounded.

3. Her Majesty's ship "Dryad" is *en route* to Tamatave, and I have inserted the following paragraph in the sailing orders of Commander Colomb, dated 16th July, 1869:

"You are to proceed to Tamatave and place yourself in communication with Mr. Pakenham, Her Majesty's Consul for Madagascar. It appears from a communication from that gentleman that there has been some misunderstanding between Commander Meara of the "Nymph" and the Commandant at Majunga. I have applied to Commander Meara for a report, and you are, if the subject should spring up in any official conversation with the Hova Ministers, to assure them of my wish to carry out strictly the conditions of our Treaty, and not to exceed the powers granted to us under it, but you may mention at the same time that from the number of dhows captured on the Coast within the last year, it is clear that the Madagascar Slave Trade is carried on very largely, and I trust they are doing, and will continue to do, all that in them lies to suppress it.

I have, &c.
(Signed) L. G. HEATH.

No. 18.

Instructions, dated November 6, 1869, issued for the guidance of Naval Officers employed in the Suppression of the Slave Trade.

THE attention of the Lords Commissioners of the Admiralty having been called to serious irregularities and mistakes committed by Officers commanding Her Majesty's ships employed in the suppression of the Slave Trade on the East Coast of Africa, their Lordships are pleased to issue the following Order:—

It is not intended by this Order to alter the Slave Trade Instructions, which are now furnished to Her Majesty's ships, but merely to point out and explain to officers, in the most marked manner certain provisions of the Instructions which on some occasions have been misunderstood or neglected and to bring to the notice of officers the provisions of the recent Statute 32 & 33 Vict. cap. 75:—

1. As to what vessels are liable to capture.

Articles 50, 51 and 388.

The 50th Article of the General Instructions gives the general rule, as follows:—

"If in the course of the search you are satisfied that the vessel is engaged in, or equipped for the Slave Trade, and that she is subject to your authority, you will proceed to detain her."

The 51st Article gives ancillary rules:—"You will be justified in concluding that a vessel is engaged in, or equipped for the Slave Trade:—(1.) If you find any slaves on board. (2.) If you find in her outfit any of the equipments hereinafter mentioned." (Then follows an enumeration of the equipments taken from the Statute 2 and 3 Vict. cap. 73, sect. 4).

In construing the words in this Article, "if you find any slaves on board," reference must be had to the general scope of the instructions, and particularly to the language of the preceding Article, which speaks of the vessel being "engaged in, or equipped for the Slave Trade."

Slave Trade must for this purpose be carefully distinguished from slavery: with which, as existing in foreign States, or on board foreign ships, not being in British territorial waters, Her Majesty's Government does not claim, either by Treaty or otherwise, to interfere.

As a fact, slavery, as a legal institution, exists in several States (amongst them Zanzibar) with which Great Britain has Treaties for the suppression of the Slave Trade. The mere finding, therefore, of slaves on board a vessel will not justify an officer in detaining her, if there are other circumstances which show that these persons are slaves by the law of the country from which the ship has sailed, or to which she belongs, and that they are not being transported for the purpose of being sold as slaves.

Thus, for instance, where the slaves found on board are very few in number, are unconfined, and appear to be on board for the purpose of loading or working the ship, or attending upon the master or the passengers, and there is no other evidence that the vessel is engaged in or equipped for the Slave Trade.

It is quite otherwise where the slaves are found crowded and chained together, and are obviously being carried as cargo to be sold as slaves.

Between these two classes of cases there are intermediate cases, some of a doubtful character.

It must rest with the officer to distinguish to what class any particular case belongs, by a careful consideration of all the circumstances: bearing in mind always this, that it is his duty to detain the vessel, if he is reasonably satisfied that she is engaged in, or equipped for the Slave Trade, but not otherwise.

Officers must further observe, that by the 388th Article of the Instructions, a right is reserved to the subjects of the Sultan of Zanzibar of transporting slaves within certain limits therein specified. That right, however, has, by a special Order of the Sultan, dated 1863, been waived during the months of January, February, March and April.

No. 19.

The Secretary to the Admiralty to Mr. Hammond.

Sir, *Admiralty, November 23, 1869.*

I AM commanded by my Lords Commissioners of the Admiralty to send you, herewith, for the information of the Earl of Clarendon, copy of a letter from Commodore Sir L. Heath, dated 1st November, with copies of its inclosures, being a correspondence with the Governor of Mozambique, relative to some negroes who came off to the "Daphne," at Mozambique.

I am, &c.
(Signed) VERNON LUSHINGTON.

Inclosure 1 in No. 19.

Commodore Sir L. Heath to the Secretary to the Admiralty.

Sir, *"Forte," Suez, November 1, 1869.*

CAPTAIN SULLIVAN having returned to England, I forward the accompanying correspondence between him and the Governor of Mozambique for their Lordship's consideration.

I have, &c.
(Signed) L. G. HEATH.

Inclosure 2 in No. 19.

Commander Sullivan to Commodore Sir L. Heath.

Sir, *"Daphne," Bombay, October 11, 1869.*

I BEG to forward, herewith, a copy of the correspondence between the Governor of the Island of Mozambique and myself, relative to some negroes who came on board this ship at that place, some expressing a wish to be taken from the place, others to escape from a cruel slavery on the coast.

You will observe that he states that the Order abolishing slavery was published only two days before our arrival, though the abolition was decreed by the Portuguese Government in February last, and you will also observe that, while the Governor in his letter calls them "free negroes," in which case they would be perfectly justified in coming on board, yet he adds, that some of them belonged to the inhabitants, and to some Baneans (who are, and who always claim the right to be considered, British subjects), and that these persons request that the negroes should be returned to them.

I preferred, however, instead of taking the ground I might have done, in answering that, if they were free they had a free right to come on board, to consider them what I knew, if not all, most of them really to be, slaves belonging either to Arabs in the Arab town or on the mainland over which Portugal has no authority, and only retains her hold of the Island of Mozambique by its isolated position (being a mile from the mainland) and by the terror they keep the negroes in, on whom, whatever the Governor, who has only recently arrived there (the former one having died), may say

the most atrocious acts of cruelty are practised by their masters and owners, with perhaps a few exceptions.

After remaining on board the ship two months (for we had been to no place where we could land them), some of the negroes who were tired of the confinement, or were afraid by our entering the port again, that they would be apprehended or sent on shore, left the ship of their own accord, going to the mainland, beyond reach, or to other ships in port; and others, who expressed a wish to go on shore, I landed, at their own request, informing the Governor afterwards of the fact. Two only remain on board now to be landed at Seychelles or Aden. Some of these negroes were dreadfully marked in the back (by the lash as they informed us), and one of them had a large iron bar $18\frac{1}{2}$ inches long doubled round his leg, and pressing on the bone of the leg so close that it was with difficulty the blacksmith cut it off; this, he said, his master had hammered on to his leg for punishment.

I have, &c.
(Signed) G. L. SULIVAN.

Inclosure 3 in No. 19.

The Governor of Mozambique to Commander Sullivan.

M. le Commandant,

Mozambique, le 30 Août, 1869.

JE vous remercie votre obligeance de vous prêter à conduire ici la malle venue du Portugal, ce qui a été un bon service que vous avez fait à cette colonie.

Je profite l'occasion de votre arrivée à ce port pour vous dire que quelques moments avant votre sortie précipitée le 17 Juillet dernier, j'ai eu un grand regret pour savoir que vous avez accepté à bord de votre navire, pour les emmener, quelques nègres libérés, qui en ont été séduits je ne sais pas par qui, et qui appartenaient à quelques négociants respectables de cette ville, et à quelques "Bomanes" (*sic*), lesquels m'ont adressé une requête pour que ces nègres leur fussent rendus.

C'était de mon rigoureux devoir d'envoyer à bord immédiatement le Chef de la Police du port pour vérifier le fait, et s'il était véritable pour vous prier de faire débarquer les nègres. Vous avez répondu au Chef de la Police que les nègres étaient libres, et qu'ils s'étaient embarqués librement; et comme le Chef de la Police vous a encore dit que malgré leur état de libres, ils ne pouvaient pas sortir du pays sans ses passeports, parcequ'il était possible que quelqu'un d'entre eux fut criminel, et qu'un navire de guerre d'une nation amie ne devait pas aider à contrevenir les lois du pays où il se trouvait, vous lui avez répondu que les nègres étaient allés vous demander protection, en disant qu'ils étaient des esclaves, et que s'ils retournaient à terre ils seraient châtiés par ses maîtres. Le Chef de la Police du port vous a observé qu'il n'y avait plus d'esclaves dans les colonies Portugaises, et qu'alors vous deviez faire débarquer les nègres, et vous, au lieu de faire cela, vous vous en êtes allé en les emportant.

J'avais l'intention de me diriger directement à vous après que le Chef de la Police m'a fait son rapport, mais votre sortie précipitée ne m'a pas laissé le temps.

Je profite alors de cette occasion pour vous demander où vous avez conduit ces nègres, et j'espère que vous me donnerez toutes les explications nécessaires pour éclaircir ce fait; et même que vous ne continuerez jamais à procéder de cette manière.

Agréé, &c.
Le Gouverneur-Général,
(Signé) FERNANDO DALUTALEAD.

Inclosure 4 in No. 19.

Commander Sullivan to the Governor of Mozambique.

Your Excellency,

"Daphne," Mozambique, August 31, 1869.

IN reply to your courteous letter I beg to inform you that you appear to be labouring under a mistake as to what took place between a person who came on board when we were on the point of leaving the port in July last, and myself. He stated to me that, in a newspaper which he produced it was stated that some free negroes were on board the "Daphne" trying to leave the island, and that he requested to know if it was true. I told him there were none, when he added that if they were free or not they would require a passport.

I do not know if the person who thus, at the last moment, produced a newspaper as his official document was an official or not, as he was by himself in plain clothes.

The real facts of the circumstances are as follows:—

On arrival here we heard that a panic existed among the slaves on shore, of which Mozambique is full, a slave having been flogged to death in Mozambique town, and that the most frightful tortures were being practised on them, and on enquiring on shore it appeared true, and the accounts not at all exaggerated.

Some negroes came on board this ship, the bodies of whom proved evidently the treatment they had been subjected to. Their statement went to prove that they were slaves stolen from the interior of the country, bought and sold; and their condition, that of nudity and stripes, confirmed their statement, which led me to conclude that some of them might have escaped from the various Arab towns on the mainland.

I beg to assure your Excellency that I have no intention of aiding criminals or committing any breach of the laws of Portugal in this Colony.

I have the honour to inform you that I leave the port this day, and expect to be at Zanzibar on the 20th September, and at Bombay in October, and shall be happy to convey your mails, or anything you may wish to send, to either of those places.

I have, &c.
(Signed) G. L. SULIVAN.

Inclosure 5 in No. 19.

The Governor of Mozambique to Commander Sullivan.

M. le Commandant,

Mozambique, le 31 Août, 1869.

J'AI l'honneur d'accuser votre obligeante lettre datée d'aujourd'hui, en réponse à la mienne d'hier, et en appréciant dûment votre réponse c'est de mon devoir de vous dire que les faits que vous relatez concernant les atroces châtements que quelques nègres ont soufferts dans cette ville de la part de ses maîtres, je ne prétends pas les affirmer ni les contrarier; mais quand même les faits ci-dessus mentionnées eussent été vrais (ce que non obstant je me permets de douter, parceque le seul châtement qu'on inflige à présent c'est la ferule, et aussi parcequ'il n'y a plus d'esclaves dans nos Colonies, comme il a été décrété par le Gouvernement de Sa Majesté Très Fidèle dans le Décret du 25 Février dernier et publié dans le Bulletin Officiel de la Colonie du 14 Juillet, c'est-à-dire, en avant de votre arrivée), et qu'une plainte vous eusse été adressée vous devez savoir très bien que ce n'était pas à vous à prendre une délibération quelconque, et encore moins à emporter dans votre navire ces nègres; mais vous devriez les faire envoyer à moi pour que je prisse connaissance du fait, et pour adopter les mesures nécessaires selon la loi et l'humanité.

Je vous remercie beaucoup votre offre obligeante de prendre la malle pour l'Europe, mais je ne peux pas me profiter à cause de votre rapide départ. De toute cette affaire je ferai mon rapport, comme je le dois, à son Excellence le Ministre de la Marine et des Colonies du Portugal.

Agréez, &c.
Le Gouverneur-Général,
(Signé) FERNANDO DALUTALEAD.

Inclosure 6 in No. 19.

Commander Sullivan to the Governor of Mozambique.

Your Excellency,

"Daphne," Mozambique, August 31, 1869.

I AM in receipt of your reply to my former letter of this day's date, and am glad to hear from you that it was not with your knowledge or acquiescence that such cruelties have been perpetrated on the negroes in Mozambique.

I beg to remind you that along this coast of Africa even in the very vicinity of the forts under the Portuguese flag, the English boats, while engaged in the suppression of the Slave Trade, have often been fired on by the Arabs. I allude more particularly to Angoxa River and the neighbourhood where the Portuguese flag flies, and where a Lieutenant and boat's crew were a few years ago taken prisoners and murdered, and subsequently not far from the same place, a Lieutenant and some men of Her Majesty's ship "Lyra" were taken prisoners and only released by the assistance of a native Chief in the Interior.

This conduct of the Arabs, however, the Portuguese I have no doubt have been unable to prevent or redress, and your Excellency must, therefore be aware how difficult it is to discover if a slave has escaped from an Arab town, many of which are in the Province of Mozambique, or from the Island of Mozambique.

I, however, have issued orders that in Mozambique Bay and harbour no negroes are to be allowed to come on board in that way, and since our second arrival those orders have been carried out.

I shall, however, forward the correspondence on this subject to the Commander-in-chief for the information of the English Government. I have also to add that as we are about to leave too soon for your mail, Her Majesty's ship "Star," which also proceeds to Zanzibar and Bombay, will be leaving a day or two later.

I have, &c.
(Signed) G. L. SULIVAN.

Inclosure 7 in No. 19.

Commander Sullivan to the Governor of Mozambique.

Your Excellency,

Mozambique, September 12, 1869.

IN further reference to the subject of the slaves coming off to the ship on the 17th July last, I have to inform you that there are some on board now who desire to go on shore again, and as I have no object in retaining them I shall allow them to go.

Some have already left the ship, and probably landed on the mainland, imagining, I believe, that we had returned here for the purpose of giving them up to the authorities.

I have, &c.
(Signed) G. L. SULIVAN.

Inclosure 8 in No. 19.

The Governor of Mozambique to Commander Sullivan.

M. le Commandant,

J'AI reçu votre lettre officielle d'aujourd'hui dans laquelle vous me disez que les noirs que vous avez reçu à votre bord le 17 Juillet dernier, une part avait déjà débarqué et était allé pour le continent, et qu'une autre part désirait aussi venir à terre, et que vous n'aviez aucune objection à faire à son débarquement.

Par conséquent j'ai envoyé à bord de votre navire un de mes aides-de-camp pour recevoir ces noirs, et vous lui avez répondu qu'ils étaient déjà à terre.

Je suis bien aise de savoir que cette affaire ait fini d'une manière si convenable pour vous, et je préviendrais le Gouvernement de Sa Majesté Très Fidèle de cette bonne solution.

Je vous souhaite une bonne voyage dans le retour à votre patrie.

Agréez, &c.
Le Gouverneur-Général,
(Signé) FERNANDO DALUTALEAD.

No. 20.

The Secretary to the Admiralty to Mr. Hammond.—(Received December 10.)

Sir,

Admiralty, Decembér 7, 1869.

I AM commanded by my Lords Commissioners of the Admiralty to transmit, for the information of the Earl of Clarendon, and for any observations which his Lordship may wish to make thereon, a copy of a letter and of its inclosures from Commodore Sir Leopold Heath, dated 24th November, with an explanation from Commander Meara, of Her Majesty's ship "Nymph," in regard to the alleged seizure of slaves at Majunga in March last, which had formed the subject of complaint on the part of the Hova Government.

I am, &c.
(Signed) VERNON LUSHINGTON.

Inclosure 1 in No. 20.

Commodore Sir L. Heath to the Secretary to the Admiralty.

Sir,

"Forte," Suez, November 24, 1869.

IN my letter of 22nd September, 1869, replying to the subject of the supposed misconduct of Commander Meara, of Her Majesty's ship "Nymph," at Majunga in March last, I gave certain reasons for thinking that the complaint was probably exaggerated, and I stated that I would reserve a full report on the subject until I had received Commander Meara's explanation. That explanation has now reached me, and I forward it, together with other correspondence bearing on the subject, for their Lordship's information. I trust their Lordships and Lord Clarendon will agree with me in thinking that Commander Meara's conduct was not blameable.

2. The complaints made by the Hova Government, as reported by Mr. Pakenham, are:—

- (1.) That, upon the Governor refusing to give up the captured negroes, a shot was fired from the "Nymph" between the fort and village, by way of intimidation.
- (2.) That an armed party from the "Nymph" landed, and forcibly carried off certain Mozambique slaves.

Commander Meara specifically denies both these allegations. That part of his report which states that the two slaves carried off by him were part of the cargo recently landed is clearly erroneous, but it does not affect the question.

3. The attached copies of Reports from Commanders Meara and Colomb show that there is evidently no bad feeling towards us at Majunga, and I cannot help thinking that the suggestion in my letter of 16th July to Mr. Pakenham, to the effect that this cargo of slaves would never have been given up by the Hova Government but for the information obtained by the "Nymph," and her return to Majunga on 9th March is correct, and that the complaints made by the Local Governor were made by way of turning the tables, and warding off accusations against himself.

4. Their Lordships will observe that the two Commanders take opposite views as to the sincerity of the Hova Government. The view taken by Commander Meara is supported by the reports made to him of cargoes recently landed, and by the known fact that a large trade was carried on last year, and, so far as I can form a judgment, I am inclined to agree with him.

5. I trust their Lordships will allow me to convey to Commander Meara an intimation that his explanation is entirely satisfactory, and to Commander Colomb their approval of the judicious

manner in which he has acted as to the negroes who swam off on board his ship. I trust also that the two men carried off by the "Nymph" may be left at the Seychelles, according to their wish, expressed to me personally when at that port, and that compensation may be made to their late owner.

I have, &c.
(Signed) L. G. HEATH, *Commodore.*

Inclosure 2 in No. 20.

Commodore Sir L. Heath to Consul Pakenham.

Sir, "Forte," *Trincomalee, July 16, 1869.*

IN reply to your letter No. 7 of 1869, I have the honour to inform you that the only official information I have on the subject of the complaint made by the Hova Government, as detailed in your letter, is the annexed extract from Commander Meara's "report of proceedings between 4th January and 27th May, 1869."

In his tabular returns the dhows destroyed at Majunga are mentioned, but there is no notice of any slaves having been brought off from the shore, and I am, therefore, at present of opinion that the accusation of the Hova Government must, at least upon that point, be unfounded, but I will now call upon Commander Meara for a more detailed account of what took place.

It will be well known, however, to bring to your notice the following dates:—

On 17th February, the Commandant of Majunga reported to his Government the detention of the 196 slaves.

On 2nd March, the boats of the "Nymph" examined Majunga Bay, but the Commandant made no communication on the subject to her Commander.

On 9th March, Majunga was revisited at the instance of an informer, and the dhows, after communication with the Commandant, were destroyed.

On the 19th March, the Hova Government made a merit of giving the slaves up to the British Government.

On the 21st March, they complained of Commander Meara's conduct.

Comparing those dates with one another, and knowing from the large number of dhows captured during the past year, that there is a very considerable importation of slaves to Madagascar, I cannot but think that it was the interview between Commander Meara and the Commandant on the 9th March, and not the conscience of the Hova Government which has been the cause of these slaves being given up.

With respect to the latter part of your letter you will observe that there does not appear, from what has as yet reached me on the subject, to have been any cause for communication with you by Commander Meara.

I have, &c.
(Signed) L. G. HEATH, *Commodore.*

Inclosure 3 in No. 20.

Commander Meara to Commodore Sir L. Heath.

(Extract.)

I THEN proceeded to Nos Sancasse, off which island I captured an Arab slave-dhow on 1st March. After examining Mojamba Bay with boats, I proceeded to Bembatooka Bay, where I remained a few days, but, on leaving on the 8th March, an informer came alongside in a canoe, and stated that there were two slave dhows at Majunga that had landed slaves at that place, so I returned to that anchorage, and informed the Governor that I should be obliged to destroy the slave dhows, which I accordingly did, having found four.

Inclosure 4 in No. 20.

Commodore Sir L. Heath to Consul Pakenham.

Sir, "Forte," *Mahé, Seychelles, August 14, 1869.*

I HAVE the honour to forward, for your information, copies of depositions made before the District Magistrate at this port by two negroes, who swam on board the "Nymph" whilst at anchor at Majunga, on the occasion referred to in your letter of the 7th April, 1869.

These depositions entirely dispose of that portion of the complaint made by the Government of Madagascar which relates to the landing of armed parties and the carrying off by force of domestic slaves; and it seems to me desirable that the conduct of the Commandant at Majunga, who made a Report so contrary to the truth, should not be allowed to pass unnoticed.

With respect to the demand made by the Government of Madagascar for the restoration of the slaves untruly said to have been carried off by force, and which, I presume, will stand good as to the two men in question, I suggest that you should point out to that Government that every man putting his foot upon English soil becomes *ipso facto* free, and that the deck of a British man-of-war is held constructively to be British territory, and, therefore, these men cannot be restored to their masters, but that, nevertheless, as England wages war against the Slave Trade only, and does not as yet pretend to

interfere with the status of domestic slavery, it is possible that the English Government may, upon your application, grant compensation to the former owners of these two men.

I cannot hope to receive Commander Meara's account of what took place for some time, and I therefore refrain for the present from touching upon the remaining point, namely, the amount of show of force exhibited in the endeavour to persuade the Commandant at Majunga to give up the two cargoes of slaves. I cannot, however, understand why he detained the slaves for orders, but yet made no remonstrance against the destruction of the dhow which had brought them.

I have, &c.

(Signed) L. G. HEATH, *Commodore*.

Inclosure 5 in No. 20.

Inquiry held before Louis Gustave Trouchet, Esq., Acting District Magistrate of Seychelles, on the 11th day of August, 1869, in pursuance with a request to that effect from Commodore Sir L. Heath, of Her Majesty's ship "Forte."

FEREJD, now residing at Mahé, principal of the Seychelles Islands, on his oath as a Pagan, saith as follows, through the interpretation of Amice Spiro, sworn to interpret the Arab language into French and *vice versa* :—

I was born at Macao, from Macao I was carried off to Madagascar, having been sold at Soombejee by my own nation to a Malgachi. I have been three years in Madagascar, and my master's name there was Majoowan. I was employed by him as a sawyer, he himself was a dhow-builder. He sold the dhows he built; had not many slaves, but his father had. From Madagascar I came here in an English steamer, a man-of-war. I do not know her name. I swam on board of the man-of-war in question before daybreak, and whilst she was at anchor at Majunga, because I was made to work by my master who never paid me and ill-treated me besides. A man of the name of Malbrook, in the service of the same man as myself, swam on board together with me. We were not induced by anybody to act as we did. We acted of our own free will. We knew that once on board of an English man-of-war we should be slaves no longer. The man of war was not very far from the shore. The hut in which I lived was close to the sea shore. I never saw any armed party carrying off by force anybody from Madagascar. Malbrook and myself were the only two Africans who came here from Majunga. I have been here four moons.

(Deposed is unable to sign.)

(Interpreter is unable to sign.)

Taken and sworn before me, the undersigned Magistrate, this 11th day of August, 1869. After having been duly interpreted to the deponent by the aforesaid Interpreter.

(Signed) G. TROUCHET, *Acting District Magistrate*.

Malbrook, residing at Mahé, principal of the Seychelles Islands, on his oath as a Pagan saith as follows, through the interpretation of Joseph, sworn to interpret the Mozambique language into French and *vice versa* :—

I was born in Macao, I was made a slave in my own country, and sold afterwards by an Arab to a man residing at Majunga, whose name is Majoowan. I arrived at Majunga after Ferejd. I cannot say how long I was there. I was employed as a labourer, and my master was trading with Nossi Bé. From Madagascar I came here in an English man-of-war, having been ill-treated by my master.

I swam on board one night with Ferejd, as we knew that English had "good hearts." We were the only two slaves who swam on board of a man-of-war at Majunga. The crew of the man-of-war never carried away anybody from Majunga. To my personal knowledge, two dhows were destroyed in the harbour of Majunga; the slaves on board of them had all been landed before the man-of-war arrived, we were on board the English vessel when these two dhows were burnt.

(Deponent cannot sign; Interpreter cannot sign.)

Taken and sworn before me the undersigned Magistrate this 11th day of August, 1869, after having been duly interpreted to the deponent by the aforesaid interpreter.

(Signed) G. TROUCHET, *Acting District Magistrate*.

Inclosure 6 in No. 20.

Commander Meara to Commodore Sir L. G. Heath.

Sir,

"Nymph," Bombay, October 29, 1869.

I BEG to report to you that, during my cruize along the West Coast of Madagascar for the suppression of the Slave Trade, I visited Majunga, Bembatooka Bay, on the 30th of August, 1869.

The authorities visited me, and requested me to see the Governor, which I did the following day.

During my conversation with the Governor, I asked him if he had received an answer to the letter which he had forwarded to the Queen of Madagascar, relative to the slaves landed in March last.

He told me that the answer he received was that he was to keep the slaves until he had received

further instructions from the capital, and that there were 179 slaves landed, 15 of whom had died very shortly after they were landed, and 26 had died since.

The slaves were distributed about the various houses in Majunga.

The Hova Commandant and his officers were most civil, and presented the ship with a bullock and some poultry.

On arriving in Boyanna Bay, I was informed by two Africans left behind by a dhow, that a dhow had landed slaves at Boyanna Bay ten days before I arrived, and also that another dhow had gone to Majunga with about 120 slaves.

I am under the impression that the Hova authorities connive at the Slave Trade, and are very much annoyed if anybody gives the English cruisers any information.

During my cruize along the West Coast of Madagascar in the months of August and September, I have met very few dhows, and mostly under French colours.

I have, &c.

(Signed) EDWARD S. MEARA, *Commander*.

Inclosure 7 in No. 20.

Commander Colomb to Commodore Sir L. Heath.

Sir,

"Dryad," Mauritius, October 1, 1869.

I HAVE the honour to report that I left Trincomalee in Her Majesty's sloop, under my command, on the 9th of August, and I steamed to the southward of the Basses, in the hope of economising time and fuel. A current sweeping us 170 miles to the eastward in four days only enabled me to cross the line in 86° 30', and perhaps rendered my expenditure of fuel useless.

2. In view of the later part of my sailing orders, I dropped two boats in Passandava Bay on the 8th September, and two more near Boyanna Bay on the 10th, with directions to cruise for the suppression of the Slave Trade, and to gather information which might guide my future proceedings. I may state here that all information so collected leads to the inference that the Slave Trade is at least greatly diminished on the Coast in consequence of the action of the Hova Government.

3. I arrived at Majunga on the 11th of September, 1869, visited and delivered my letter to the Governor, and was at once informed that the slaves mentioned should be duly given up to me as soon as they could be collected.

4. I had some conversation relative to the proceedings of the "Nymph" mentioned by you; but there did not seem any ill-feeling connected therewith, either on the part of the Governor or population of Majunga.

5. Hospitalities were exchanged between the Governor and myself and officers. The Hovas appeared sincerely desirous of maintaining kindly relations with the English, and honest in their endeavours to carry out treaty engagements.

6. On the 15th we received the first instalment of the slaves, and the remainder on the 18th. I was officially informed that they had been landed from the two dhows afterwards destroyed by Her Majesty's ship "Nymph," but which (as I understood) had been previously captured by the Hova authorities, in accordance with their treaty engagements.

7. Several runaway slaves having escaped to the ship from the town of Majunga and claimed my protection, I temporarily granted it, and the Governor then remonstrating in very proper terms, referring me to a stipulation of the Treaty of 1865, whereby no "subject of the Queen of Madagascar was to be permitted to come on board a British ship without a passport," I said I could not consider a slave to be a "subject" in the terms of the Treaty, and that a British man-of-war was so far English soil that a slave reaching that asylum should be freed. The Governor replied that perhaps I was right, but requested an acknowledgment from me, which I gave him, observing that I should not finally deal with the escaped slaves until I had the opinion of the British Consul at Tamatave.

8. A party of Sacklavar embarked in a dhow which was passing the ship, having drawn their weapons upon an unarmed boat sent to board her. I sent an armed boat to detain her, and the vessel having been stranded and evacuated was brought alongside. The Governor, who was on board at the time, immediately offered to imprison the parties concerned, and sent the master and owner of the vessel to apologise for their proceedings. I thought the dignity of our flag and our right to search were sufficiently indicated by the latter proceedings, so left the question of imprisonment in the Governor's hands, and released the dhow.

9. I sailed from Majunga on the 19th, picked up the boats at Port Dalrymple, and steaming round Cape Ambre, reached this place on the 29th, where the slaves were at once landed.

10. I am of opinion that our time would be wasted in again searching the north-west coast of Madagascar at this season, and I therefore intend to proceed for Tamatave, about the 3rd of October, thence direct to the Jaba Islands, where I hope the suddenness of my descent may enable me to interrupt the traffic between Lamoo and Brava, which I believe to be brisk towards the close of the monsoon; I shall then fall back on Zanzibar for coals and provisions, and carry out the remainder of my orders.

11. The health of the ship's company has been very good since quitting Trincomalee. Mauritius is now fairly healthy, but as there are still fever cases, I do not intend to give general leave. I had intelligence of the "Nymph" having visited Majunga ten days before I did; and of the "Daphne" and "Star" being at Mozambique early in September.

12. As, in my opinion, the surrender of these slaves by the authorities at Majunga, however brought about, will have a very important effect in destroying the Trade, and as the Governor seems really desirous to meet our views, I have ordered a small expenditure of public money in the purchase

of some things of which I know him to be in want, and which I shall transmit to him through the Consul at Tamatave.

I have, &c.
(Signed) P. H. COLOMB, *Commander.*

Inclosure 8 in No. 20.

Commander Meara to Commodore Sir Leopold G. Heath.

Sir,

"Nymph," Bombay, October 29, 1869.

WITH reference to your Memorandum of the 30th August last, calling upon me to give you a full report of my proceedings at Majunga on the occasion referred to in the letter addressed to you from Mr. Pakenham, Her Britannic Majesty's Consul for Madagascar,

I have to report to you that when I arrived at Majunga, in Bembatooka Bay, on 5th March, 1869, I was visited by the authorities of the place, who requested me to see the Governor, which I did, and called on him the same day.

In my conversation with him, I asked him if any Slave Trade was carried on here, he told me none. I remained at anchor off Majunga until the morning of the 8th March, during which time the officers and myself were hospitably entertained by the Hova Commandant and his officers, which hospitality was also returned by the officers of the ship.

On the evening of the 7th March, when I was about to return from the shore to the ship, a slave was in my gig and begged to be taken off, as he was ill-used by his master. I said I was sorry I could not, and landed him.

At 1 A.M. on the 8th March, two slaves came on board, one swam off, and the other came in a canoe by himself; the one who swam off was the one I turned out of my gig; they stated that they were beaten by their masters and ill-fed, and could not remain with them any longer and claimed my protection, which I gave them.

That morning, at 7 A.M., I proceeded to sea, no one from the shore having come on board to demand these two slaves.

Having proceeded about five miles out of Bembatooka Bay, the two slaves informed me through the interpreter that they had been landed about twelve days ago at Majunga with about 180 more, in two dhows, and volunteered to show me the dhows.

On this information I returned to Majunga and wrote a letter to the Governor, stating that I should be under the painful necessity of burning two dhows that had landed 200 slaves twelve days ago.

I landed with the boats manned and armed, and burnt the dhows pointed out to me by the two slaves, and also by an informer, an Arab, who came forward voluntarily and gave me the same information as the two slaves.

I received no resistance whilst burning the dhows, although the inhabitants were armed with spears and matchlocks.

After having destroyed the dhows I proceeded to the Governor and demanded the slaves according to the Treaty between Great Britain and Madagascar, signed at Tamatave, the 31st May, Articles I and II. He refused to give them up.

I explained to him the Treaty there was between England and Madagascar; he told me he would write to the Queen of Madagascar upon the subject, and asked me to wait until he received an answer.

I asked him how long it would take; he told me two months. I told him my orders prevented me remaining there so long.

Having waited until the 10th March, I proceeded to sea, during which time the authorities came on board and demanded the two slaves that had run away, and also the informer, which I refused. In my opinion they would have put the informer to death if I had given him up, as they speared his clothes while I was on shore with him; he was then under the charge of two of my boat's crew, who got him into the boat as quickly as possible.

With reference to the shot fired from one of the guns of Her Majesty's ship "Nymph," under my command, I beg to state I exercised at general quarters the same evening the dhows were burnt, and one shot was fired at a barren rock to ascertain the distance for practice, the rock being fully one mile to the left of the fort clear of the land, and not anywhere near the village. I had already asked and received permission from the Governor to exercise firing shot and shell, but it coming on dark only one shot was fired.

No armed party was landed after the dhows were burnt, and scarcely any communication was had with the shore, as I was the only person who landed afterwards.

The only slaves taken away in Her Majesty's ship "Nymph" were the two who came on board the first time, and the only other person was the informer, an Arab.

I therefore beg to state that the report of my having fired a shot between the fort and the village is not the case, and also that my having landed an armed party to seize the slaves is also not the case.

Hoping this report will be satisfactory, I have, &c.

(Signed)

EDWARD S. MEARA, *Commander.*

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, January 6, 1870.

I AM directed by the Earl of Clarendon to acknowledge the receipt of your letter of the 7th ultimo, inclosing a letter from the Commander of Her Majesty's naval forces on the East Coast of Africa, relative to the complaints preferred against the Commanders of Her Majesty's ships "Nymph" and "Dryad," by the Hova authorities, with regard to their proceedings in carrying off and then liberating certain domestic slaves at Majunga, who swam off to those vessels to escape from their masters, and in destroying certain slave dhows at the same port, and I am to state to you in reply, for the information of the Lords Commissioners of the Admiralty, that Lord Clarendon conceives that the Commanders of Her Majesty's ships "Nymph" and "Dryad" were not justified in sailing away with the slaves in question in the manner above set forth.

The status of slavery being acknowledged and lawful in Madagascar, the Commander of a British ship-of-war is not borne out in depriving the inhabitants of slaves who are rightfully their property, and the owners of such slaves are plainly entitled to compensation from us for the losses incurred at our hands by their abduction.

If a British cruizer were at sea beyond the territorial jurisdiction of Madagascar, and slaves on shore were to seize a boat to escape to the British ship, the case would be different, and we might then fairly decline to surrender persons received on board under such circumstances; it is, however, impossible to approve the conduct of Her Majesty's officers in cases like the present, the facts of which simply amount to the entry into the waters of a friendly Power of a British ship, and to her depriving the subjects of that Power of their lawful property.

Such a course can, moreover, have no other effect than to indispose the natives and authorities towards us, and would in all probability tend to prevent their carrying out their engagements for the suppression of the Slave Trade.

The circumstances under which the "Nymph" destroyed the dhows are not stated, but if they were clearly ascertained to be slavers she would be justified in destroying them, if she could not send them to a Port of Adjudication, and the Commander of the "Nymph" would also be borne out in requiring the slaves to be handed over to him, if, after communication with Her Majesty's Consul at Tamatave, it should appear that the Hova Government and authorities could not ensure the slaves their freedom. No British authority, however, naval or other, would be justified in demanding the surrender of the slaves if they were seized by the Hova authorities, and if the Hova Government undertook to see that they are properly cared for and not again reduced to slavery.

I am, &c.
(Signed) E. HAMMOND.

The Secretary to the Admiralty to Commodore Sir L. Heath.

Sir,

Admiralty, January 13, 1870.

IN reply to your letter of 24th November, forwarding a letter from Commander Colomb, of the "Dryad," and Commander Meara, of the "Nymph," explanatory of their proceedings at Majunga, in Madagascar, and the alleged improper seizure of slaves and destruction of slave dhows, I am commanded by my Lords Commissioners of the Admiralty to transmit, for your information, a copy of a letter from the Secretary of State for Foreign Affairs, dated 6th January,* expressing the views of Lord Clarendon as to the irregularity of these proceedings.

I am, &c.
(Signed) VERNON LUSHINGTON.

The Secretary to the Admiralty to Mr. Hammond.

Sir,

Admiralty, February 19, 1870.

WITH reference to my letter of the 7th December last, and its inclosures from Commander Colomb, of Her Majesty's ship "Dryad," I am commanded by my Lords Commissioners of the Admiralty to transmit to you the inclosed copy of a communication from Commodore Sir L. Heath, dated 15th ultimo, forwarding a further letter from Commander Colomb, relative to his proceedings on the Coast of Madagascar, and I am to request that, in laying the same before the Earl of Clarendon, you will inform his Lordship that my Lords concur in the remarks made by Sir L. Heath with regard to Commander Colomb's proceedings at Tamatave.

I am, &c.
(Signed) VERNON LUSHINGTON.

Inclosure 1 in No. 23.

Commodore Sir L. Heath to the Secretary to the Admiralty.

"Forte," Bombay, January 15, 1870.

FORWARDED for the information of the Lords Commissioners of the Admiralty with reference to my letter of the 24th November, 1869.

I have approved of the return of the one man to Majunga on the ground that, having (although unwittingly) broken the IXth Article of the Treaty of 1865 by embarking him without a passport, it was right that Commander Colomb should make amends for the act as far as possible.

I have disapproved of Commander Colomb's further proceedings, because I conceive that agents having been mutually appointed under the IVth Article of the Treaty of 1865, a question such as that raised by him should have been dealt with by those agents at head-quarters.

I have, however, no doubt but that good will come from these proceedings, although they may have been irregular.

(Signed) L. G. HEATH.

Inclosure 2 in No. 23.

Commander Colomb to Commodore Sir L. Heath.

Sir,

"Dryad," Bombay, December 31, 1869.

IN continuation of my letter of proceedings dated 1st October, 1869, left at Mauritius for transmission, I have the honour to report that I left Port Louis in Her Majesty's ship under my command on the 5th October, and arrived at Tamatave on the 8th.

2. I delivered to the Consul there the letter with which you entrusted me, and communicated to him what had passed between me and the authorities at Majunga, requesting him to exercise his powers as a Vice-Admiralty Court for Malagasy Waters, in the matter of the runaways I had then on board.

3. A day being appointed, these men were examined on oath by the Consul in my presence and that of several Hova officers. It turned out that one of five men was a free Malagasy subject, having been born at Maramitz, near Macumba Bay. The remaining four were Mozambique slaves, none of whom had been more than four months in Madagascar, and therefore illegally detained. The fact being proved, the Hova officers admitted the justice of their manumission, and the men were sent to Mauritius in a merchant-ship. As regarded the fifth man, the Consul suggested his return to Majunga, and as I considered it of the greatest importance in respect especially to the previous complaint of the Governor of Majunga to give proof of our respect to the Treaty, as well as of our determination to enforce its provisions, I agreed to return to Majunga and give up the Malagasy subject.

4. I visited the Hova Governor of Tamatave, and was visited by him in return—an unusual courtesy, I understand; but nothing passed between us of a political nature. I left Tamatave on the 15th October, and rounding Cape Ambre on the night of the 19th, reached Majunga on the forenoon of the 21st.

5. In determining to restore the Malagasy subject myself to Majunga, I was guided by a wish that nothing on my side should be wanting to show respect for the Treaty; I was also anxious to make an attempt to put the Governor of Majunga in the wrong, and thereby enable you to make a counter-charge, if necessary, to the settlement of the complaint against the "Nymph," or to obtain either the freedom of illegally-held slaves at Majunga, or to depreciate such property in value by making its security doubtful. The Consul's Decree and the deposition of the escaped slaves were the instruments I proposed to employ.

6. With these objects in view, I visited the Governor on my arrival, in company with some of the officers, and informed him in public that four out of five persons who had escaped to me had been freed and sent to Mauritius, and that the fifth, being proved a Malagasy subject, would now be given up to any officer he might depute, on receipt of a written guarantee that he would not be ill-treated. I pointed out I did this in accordance with the Treaty obligations, which I was ordered to carry out most strictly, as well as to report any breaches of it by others. I then handed to him the written opinion of the Consul at Tamatave, telling him that he might read it at his leisure, and would then find the reasons why the four persons had been manumitted. I then said I wished a private interview with him, to which he might bring one of his officers, while I would be supported by the 1st Lieutenant, Mr. Walker.

7. Somewhat surprised, he called the Second Governor, and led the way into another room. I at once opened upon him, charging him and the Hova officers with the knowledge that the poor Mozambiques I took away had been illegally detained at Majunga, and that the town of Majunga abounded in Mozambiques who had been landed and sold in breach of the XVIIth Article of the Treaty of 1865.

8. He made no attempt to deny my first charge; indeed, it was impossible, for I had permitted his officers to examine these five men on board before I took them away. As to my second charge, he said he had been two years Governor of Majunga, and that in his time only two slave dhows had appeared, and those he had captured, as I knew. I replied, acquitting the Hovas of openly permitting the landing of slaves, but pointed out that it was no use attempting to deny that slaves were secretly introduced into the town, as I held in my hands the sworn depositions of four such slaves. He then admitted that before his time slaves might have been introduced, and stated that if it was as I said with reference to very recent introductions, he could only reply he knew nothing of it.

On this admission, I said that, giving him credit for his open suppression of the trade, I required

some further proof of his zeal, my faith in which was shaken by the recent events. I then called upon him to notify publicly in the town of Majunga that he would not prevent the escape of illegally-detained slaves to my boats. At first he contested my right to make such a demand, saying that he was present himself at the signing of the Treaty of 1865, and that it was not intended to bear the construction I put upon it; that he was answerable with his head to the Queen of Madagascar, should he in any way contravene the provisions of the Treaty, and that his wish was to carry them out thoroughly. I showed him that he was bound not to let slaves from beyond sea be even "landed," and therefore every such landing was a clear breach of the Treaty: that the Queen had already admitted this reading in ordering him to deliver his captured slaves up to me. After some further arguments and replies, he said he would do what I wished, and would besides call on the slave owners in the town to give all Mozambiques who had been less than three years in Majunga up to me. Further, he promised that if I was not then satisfied, he himself would go round the town with me, or such officers as I might depute, and make a capture of every Mozambique who could not be proved to have more than three years' residence in Madagascar. The wide nature of these promises, and some small objections raised to our boats coming on shore to receive runaways as early as daylight in the morning, led me to suppose that there must be some means of evading them. I therefore directed the interpreter to remain on shore for the night and to carefully watch all that took place.

9. The result furnishes another instance of the childish cunning usually attending the dealings of the semi-barbarous races with ourselves. The beach was lined with Hova troops all night. At midnight word came down from the fort that all Mozambiques found in the town who had been less than three years in the country should be surrendered to the English in the morning, and recommending those who had such to drive them out into the beach. The town was immediately in an uproar, and in a few hours hardly a Mozambique was to be seen where they had previously numbered thousands. When day broke our boats found, wherever they neared the shore, guards of Hova soldiers in attendance, who in some cases were seen to prevent the approach of Mozambiques.

10. At 4 p.m. I visited the Governor, and publicly, in the strongest terms, upbraided him for his duplicity, and told him he had now given me distinct proof of connivance at breaches of our Treaty. My information was so full regarding what had happened that the Governor and his officers made little or no defence against my charges, and seemed less and less capable of meeting them as the interview proceeded. So soon as I observed them to be thoroughly awake to the position they had placed themselves in, and, I may add, thoroughly frightened, I terminated the meeting, expressing my sorrow that the Hovas should prove themselves so untrustworthy, and my determination to make known their conduct. Declining their customary hospitalities, I then informed them I should sail the next morning. The Governor begged me to stay, begged that I would even stay a day or two longer; but I thought my instant departure would, more than anything else, deepen the impression I intended to produce, and I therefore left at daylight on the 23rd.

11. I trust it will appear to you that although my proceedings in this matter have not produced any immediately tangible results, yet their effects will be as lasting in suppressing the slave trade as though I had made many captures. I have, I think, established the right of Her Majesty's ships to receive and harbour all Mozambique slaves who cannot be proved to be legally held by their masters. I have forced from the Governor of Majunga a sufficiently public admission of the right of illegally imported slaves to escape to us, and have exhibited the Hova authorities in the position of fostering the illegal detention of slaves. Our proceedings immediately created the greatest consternation among the slave-holders of Majunga, who now look upon their property as very insecure. At the same time it will be extremely difficult for the Hova authorities to object to a single act of any one belonging to Her Majesty's ship "Dryad."

12. Being fully persuaded that no Slave Traffic in the Mozambique Channel would take place until December at the earliest, and it being certain that I could not pass up the Coast of Africa from Zanzibar so early as you supposed I should, I considered I best fulfilled your instructions to me in at once proceeding to the Juba Islands on the chance of falling in with some of that Traffic which took place there at the same time last year. I arrived off Kuyhoo on the 30th of October. Here I left two boats under Lieutenant Henn, and proceeded up the coast. Ten miles south of Brava I left two more boats under Lieutenant Walker, and anchored off the town myself on the 1st of November.

13. Here I met Her Majesty's ship "Bullfinch," whose Commander informed me there were orders for me at Zanzibar, and also that there was no Slave Traffic supposed to be going on in the locality this year.

14. I consequently proceeded south at once, picked up the boats, and arrived at Zanzibar on the 6th November.

15. I found here your orders to await "Cossack's" arrival, which I accordingly obeyed; that ship arrived on the 26th, thus enabling me to sail for Bombay on the 30th, where I arrived on the 31st December, 1869

I have, &c.
(Signed) P. H. COLOMB.

The Earl of Clarendon to Consul Pakenham.

Sir,

Foreign Office, February 25, 1870.

I INCLOSE a copy of a Report from Commander Colomb, of Her Majesty's ship "Dryad,"* of his proceedings during his recent visit to Majunga for the purpose of surrendering to the authorities a fugitive slave who had escaped to the "Dryad" on the occasion of her previous visit to that port.

The facts reported by Commander Colomb show that the local authorities have connived at the introduction of slaves on the coast of Madagascar in violation of the stipulations of the Treaty of 1865, and that the Governor, while professing his ignorance of this fact, and his desire to observe in good faith the Treaty stipulations, took every precaution to defeat the inquiry which he had agreed should be made as regards the origin of the slaves in the possession of the natives.

In communicating these facts to the Hova Government, you will state that Her Majesty's Government are well aware that the Treaty is being violated, and that slaves are constantly imported in small numbers at a time along the coast of Madagascar. The only proof that the Hova Government can give of their sincere desire to observe the Treaty is to make a strict inquiry into cases like the present, and to cause the offenders, especially when they are Government officers, to be severely punished.

It should also be publicly notified that the importation of slaves into Madagascar on any pretence is forbidden, and that the Hova Government are determined to punish any person engaged in it, and that they will render no support or assistance to a master in recovering a fugitive slave imported under such circumstances.

I am, &c.
(Signed) CLARENDON.

The Viscount de Seisal to the Earl of Clarendon.—(Received March 8.)

(Translation.)

My Lord,

Portuguese Legation, March 7, 1870.

I HAVE the honour of addressing your Excellency, to acquaint you, by order of His Majesty's Government, with the facts which I am going to state:—

In the middle of July last the English armour-plated sloop "Daphne," Commander G. L. Sullivan, belonging to the naval division of the Eastern Coast of Africa, being in the Port of Mozambique, some freed negroes, to the number of thirteen or fifteen, were taken on board that man-of-war by the crew belonging to it. Notwithstanding the reclamations of the Portuguese Authorities, to whom the masters of those freedmen had complained, Commander Sullivan refused to give any satisfaction, going so far as to say, on the first visit of the Port Captain, that he had no negroes on board. The sloop "Daphne" left Mozambique twice with the said freedmen on board; and it was not until the 11th of September last, the sloop having returned to Mozambique for the second time on the 29th of August, that Commander Sullivan, in consequence of the proceedings taken by the Authorities, ordered eight of the blacks to be sent ashore, as five others, eluding the vigilance of the sailors belonging to the sloop "Daphne," had jumped into the sea in the night of the 10th and swam to His Majesty's sloop "Infante Dom João," where they were taken in.

From the depositions made by the blacks on the 13th and 14th of September last, it appears that they were enticed on board by the promise of being paid for certain services rendered ashore to the crews of the boats belonging to the sloop "Daphne," and that when they got on board they were ordered to go to work. They complain that this was excessive, and that they sometimes received corporal chastisement. They have further deposed, that besides the five who escaped from on board, and the eight who were sent ashore in the barge, there were two more blacks left on board the sloop "Daphne."

At all events, what is shown by evidence is that the negroes were retained on board the sloop against their will, and this fact is proved by some of them having seized the first opportunity of escaping by throwing themselves into the sea by night, at the risk of being devoured by the sharks.

Even if it should be proved, as Commander Sullivan alleges in his despatches to the Authorities, that those blacks had taken refuge on board the sloop "Daphne"—an allegation which is not proved—yet, for all that, the Commander ought not to have refused to deliver them up on being required to do so by the Authorities; instead of which he took them away on board his vessel, contrary to the laws in force in that Province, when he weighed anchor and left the port of Mozambique.

I very much regret having to protest to your Excellency against such a proceeding on the part of a superior officer of the British Navy; but it even appears that on another occasion, about a year ago, the same Commander Sullivan committed a similar act of abduction in the said port of Mozambique.

I flatter myself that, in consideration of what I have just had the honour of stating to your Excellency, and of the provisions of Article VIII of the Treaty of 3rd July, 1842, between Portugal and Great Britain, for the complete abolition of the Slave Trade, Her Britannic Majesty's Government will be pleased to issue orders so that a case of such seriousness may be duly cleared up.

I avail, &c.
(Signed) VCT. DE SEISAL

* Inclosure 2 in No. 23.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, March 16, 1870.

WITH reference to your letter of the 23rd November of last year, inclosing a correspondence which had passed between the Commander of Her Majesty's ship "Daphne" and the Governor of Mozambique, relative to the abduction on board that ship of several negroes from the Colony, I am directed by the Earl of Clarendon to transmit to you herewith a translation of a note from the Portuguese Minister at this Court,* complaining of the conduct pursued by Commander Sullivan on the occasion, and requesting that an investigation may be made into the matter.

You will perceive that in several important particulars the account furnished of these transactions by Viscount de Seisal differs from that given by Commander Sullivan; that in the inclosed note, it is stated, for instance, that the blacks deported were really freed men, and that they were carried to sea against their will, having been enticed on board on false pretences.

The Lords of the Admiralty are aware that, according to the VIIIth Article of the Treaty of 1842, between this country and Portugal, any deviation from the stipulations of the Treaty on the part of a naval officer in itself entitles the Government wronged by such deviation to demand reparation, and that the Government in whose service the officer may be is bound to make a full inquiry into the matter, and I am therefore to request that, in laying these papers before the Lords Commissioners of the Admiralty, you will move them to give effect to the above stipulation by causing the matter to be thoroughly sifted.

It is important that the charges brought against Commander Sullivan of enticing free negroes on board his ship and detaining them against their will should be refuted, and if any depositions were made by the negroes at the time of their reception on board the "Daphne" as to their previous history and their reasons for escaping to the ship, Lord Clarendon would be glad to be furnished with them, or with some corroborative evidence of the correctness of Commander Sullivan's statement that the negroes were slaves, bearing marks of ill-usage, who had escaped to a British ship for protection from the tyranny of their masters.

I am, &c.
(Signed) E. HAMMOND.

The Secretary to the Admiralty to Mr. Hammond.

Sir,

Admiralty, March 31, 1870.

WITH reference to your letter of the 16th instant, relative to the complaint of the Portuguese Minister of the conduct of Commander Sullivan, Her Majesty's ship "Daphne," in taking away negroes in July 1869, at Mozambique, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of the Earl of Clarendon, copy of a communication from this officer, dated 24th instant, further explaining the circumstances under which some slaves were received on board Her Majesty's ship under his command.

2. Their Lordship's desire me to state that, if Lord Clarendon considers confirmation of this statement necessary, a Court of Inquiry can be assembled on arrival of the "Daphne."

I have, &c.
(Signed) VERNON LUSHINGTON.

Inclosure in No. 27.

Commander Sullivan to the Secretary to the Admiralty.

Sir,

Flushing, Falmouth, March 24, 1870.

IN reply to your letter of the 22nd instant forwarding copies of letters from the Secretary of the Foreign Office and from the Portuguese Minister respecting negroes who took refuge on board Her Majesty's ship "Daphne," I beg to state that there were sixteen, not thirteen slaves on board. I am not aware that in my letter I stated, that in reply to the persons who came on board to inquire, I said there were "no negroes" (nor does it appear so in the copy I have), but that there were no "free" negroes on board; and to show that he understood me, he said, that if they were not free negroes, but slaves, they would require passports, though he had just before stated that slavery in the Colony was illegal. I differed with him about the passports being required, and made some remark to the effect that if they were free they would have a right to come on board (but I knew them to be slaves from their own statement); and on subsequently relating the circumstance to Dr. Kirk at Zanzibar, he seemed to think with me, that had they been free they had a right to remain on board.

My inquirer never stated that he was a captain, and being dressed in plain clothes, might, for all I knew at the time, have been the owner of the slaves.

The negroes all positively stated through the interpreters, not only to me but to others on board, that they were slaves, and anxious to escape from the tyranny of their owners, exhibiting the lacerations

on their backs, which they declared were inflicted by the lash, and, in one case, an iron bar was coiled round the leg and cut off by the blacksmith. It was not in consequence of proceedings on the part of the Authorities that any were sent away from the ship; but owing to some of them having left the ship in the same way many of them came on board (by swimming). I then inquired of the remainder if they wished to go, when some of them said "yes"; others, with more hesitation, said "yes"; but two of them entreated not to be sent on shore, as they feared the consequences, and were retained on board; this was the first time that any had expressed a wish to go on shore, although we had returned to the port once previously. They were never invited or enticed on board; they came of their own accord. Neither were they ever promised payment or retained on board against their will, and the difficulty was to keep them out of the ship after the order was given to allow no more on board; and after trying every means to get on board they would swim off; others pulled alongside in canoes (probably from the Arab towns on the mainland, about two miles' distance, and forming the other side of the harbour) and let the canoes go. There was never any work given them that I am aware of, excepting to help in getting the ashes up, or cleaning their own deck, which negroes (liberated) always did while on board. They were allowed to go on the first intimation to me that they wished to, which was only when, from the time they had been on board (two months), they became tired and appeared to entertain a fear that they were not to be landed anywhere but kept at sea, but the four or five that left the ship (as most of them came) by swimming had never made any complaint nor expressed a wish previously to leave that I could discover.

There was never any corporal punishment inflicted on them, neither have I any reason to think they were treated roughly by the ship's company, who were invariably excessively kind to all slaves on board, but of course they had to make up their story when they got on shore to escape the consequences of deserting from their owners. It was a constant habit all along the coast for slaves to escape to the ship or boats. One man at Brava swam off against a current when we lay nearly a mile from the shore, and although the Arab Chief wished me to give him up, I refused, and it is more than probable that some escaped to the ship on a former occasion of our being in the vicinity, as they endeavoured to escape to other ships also, and, I believe, to every ship that has been there, but there was no question raised about them at the time; and when, on my return to the Mozambiques, after this last occasion of their coming on board, I gave orders that no more were to be received, they endeavoured to get on board the "Star," but Commander de Kantzow, knowing the correspondence that had taken place and my orders on the subject, would not receive them. They subsequently, I believe, tried to get on board the "Bullfinch."

I must own I felt the difficulty of my position under the circumstances after hearing the statements of the negroes, that they were slaves escaping from the tyranny of their master, which I am still certain was true, and having given them that protection which they asked, I felt bound to continue it to them; but, on the other hand, as the authorities assured me that a Proclamation had just then been issued making slavery illegal in the Colony, I was justified in prohibiting any more negroes from coming on board at that port.

I cannot, however, refrain from adding that whatever the Portuguese authorities may say, slavery exists in the very worst form in that Colony, and that the slavery that exists among the Arabs is as nothing compared with that which exists among them.

The Arabs treat them as one of their family often, but with the Portuguese their lives are practically at the disposal of their owner, who in most cases is a half-caste himself; several instances of cruelty were reported to me by our interpreter, who had been nearly twenty years in our service on that coast, and in confirmation of this statement I would refer you to the narrative of Mr. Young, who was sent in search of Dr. Livingstone. Mozambique is a huge slave market, as Dr. Kirk and others can prove; we always found it filled with negro slaves, and if we had wished it, or given any further encouragement, we might have filled the ship with fugitives, for they might have been seen in crowds on the beach watching their opportunity to escape the vigilance of the police or soldiers; and at this time, as I stated in a former letter, there was a panic amongst them, in consequence, it was said, of a slave having been flogged to death by his master. For further particulars of the Slave Trade in this part of the coast, I would refer you to my Report on the Slave Trade forwarded to the Commodore, dated October 11, 1869, and, in conclusion, would add that the "Daphne" being on her way home through the Suez Canal, Lieutenant Acklom and others on board can verify these statements on her arrival.

I have, &c.
(Signed) GEORGE S. SULIVAN.

No. 28.

Mr. Otway to the Secretary to the Admiralty.

Sir,

Foreign Office, April 7, 1870.

I AM directed by the Earl of Clarendon to acknowledge the receipt of your letter of the 31st ultimo, and its inclosure, relative to the complaint preferred by the Portuguese Government of the conduct of Commander Sullivan, of Her Majesty's ship "Daphne," in carrying away some negroes from Mozambique on board his vessel; and I am to state that Lord Clarendon thinks it advisable under the circumstances that a Court of Inquiry should be held for the purpose of instituting a strict investigation into the case, in accordance with the provisions of the VIIIth Article of the Treaty with Portugal of 1842.

I am, &c.
(Signed) ARTHUR OTWAY.

The Secretary to the Admiralty to Mr. Hammond.—(Received April 13.)

Sir,

Admiralty, April 12, 1870.

IN reply to your letter of the 7th instant, in which you inform me that the Earl of Clarendon thinks it advisable that a Court of Inquiry should be held to investigate the complaint preferred by the Portuguese Government of the conduct of Commander Sullivan, of Her Majesty's ship "Daphne," in carrying away some negroes from Mozambique on board that ship, I am commanded by my Lords Commissioners of the Admiralty to request that you will inform the Secretary of State that their Lordships, having carefully examined the Treaty with Portugal, mentioned in their letter, are unable to find that Captain Sullivan's conduct was a breach of any stipulation in the Treaty, or of the Slave Trade Instructions.

My Lords, however, propose to try Captain Sullivan by a court-martial for carrying off Portuguese subjects from Mozambique without passports, contrary to the law of the place, and in defiance of the requisition made upon him by the Governor (such conduct being contrary to the Queen's Regulations), and to add charges for detaining the negroes against their will, and permitting them to be ill-treated.

On these two charges my Lords will have no evidence to offer, except evidence in disproof; but with respect to the first charge, the evidence appears to be complete, except as to the material fact of the law of Mozambique. But before ordering the court-martial, my Lords would be glad to know if evidence can be obtained by your Department and laid before the Court, to show that, by the law of Mozambique, no person, or no such negro as those in question, could leave the Colony without a passport.

I have, &c.

(Signed) VERNON LUSHINGTON.

No. 30.

Mr. Hammond to the Secretary to the Admiralty.

Sir,

Foreign Office, April 18, 1870.

I HAVE laid before the Earl of Clarendon your letter of the 12th instant, upon the subject of the court-martial proposed to be held upon Commander Sullivan, of Her Majesty's ship "Daphne," and stating the charges upon which he will be arraigned, in which his Lordship concurs; and with reference to your request to be supplied with evidence as to the Law of Mozambique which is said to prohibit any person, free negro or other, from leaving the Colony without a passport, I am to request that you will inform the Lords of the Admiralty that no evidence upon this point is in the possession of this Department.

Lord Clarendon, however, does not doubt that the law in question has been correctly stated by the Mozambique authorities, and he thinks it unlikely that this point will be disputed by Commander Sullivan.

I am, &c.

(Signed) E. HAMMOND.

No. 31.

The Secretary to the Admiralty to Mr. Hammond.—(Received April 20.)

Sir,

Admiralty, April 19, 1870.

IN reference to my letter of the 12th instant, relative to the court-martial proposed to be held on Commander Sullivan, of the "Daphne," on the charge of carrying off slaves from Mozambique, and to your reply of the 18th instant, in which you inform me that there is no evidence in your Department as to whether the law of the country prohibits any person, free negro or other, leaving a Colony without a passport, I am commanded by my Lords Commissioners of the Admiralty to request that you will state to the Earl of Clarendon that, although their Lordships have no reason to doubt that the law in question has been correctly stated by the Mozambique authorities, and although the point may not, as suggested by the Secretary of State, be disputed by Commander Sullivan, it appears to my Lords, on the other hand, desirable in a criminal procedure, as trial by court-martial, to admit no "evidence by consent."

2. My Lords would, therefore, suggest that application should be made to the Portuguese Minister to furnish, as he may perhaps be able, the necessary evidence as to the law of Mozambique on the point in question.

3. My Lords request that they may be furnished with an early answer, as the "Daphne" is shortly expected to arrive in England.

I have, &c.

(Signed) VERNON LUSHINGTON.

Consul Pakenham to the Earl of Clarendon.—(Received May 10, 1870.)

My Lord,

Tamatave, October 18, 1869.

I HAVE the honour to submit herewith, for your Lordship's information, copies of the proceedings and my decision in a case of five negroes who took refuge on board Her Majesty's sloop "Dryad" at Majunga last month, referred to me by Commander Colomb on the 13th instant, and which is the first tried before me as Judge in Vice-Admiralty, under the provisions of Her Majesty's Order in Council of the 4th February, 1869.

I beg also to transmit the copy of a letter on the same subject, addressed by me to his Excellency the Prime Minister of Madagascar.

The point which I have had to decide involves a very important question of right, viz. :—Whether the Commanders of British cruisers are justified in receiving on board their vessels, in Malagasy waters, slaves escaped from the shore, and in granting to such slaves the protection of the British flag; and I shall, therefore, be glad to learn that my opinion that such right extends only to slaves introduced to Madagascar from beyond the sea since the conclusion of the English Treaty, and not to domestic slaves, is approved by your Lordship and held to be sound in a legal point of view.

Your Lordship will observe that the Acting Lieutenant-Governor of Tamatave, as well as a large staff of Hova officers, were present, at my solicitation, during the investigation, and were thus furnished with an opportunity of objecting, not only to the validity of the proceedings, but also to the value of the depositions taken. They, however, confined themselves to admitting that four of the slaves were, what they represented themselves to be, Mozambiques lately introduced into Madagascar.

I do not, therefore, apprehend that any question can be raised by the Hova Government as to the perfect fairness with which the case has been conducted.

I have, &c.
(Signed) T. C. PAKENHAM.

Inclosure 1 in No. 32.

Proceedings and Decision in the case of Five Negroes who took refuge on board Her Majesty's sloop "Dryad."

(Extract.)

In Her Britannic Majesty's Court of Vice-Admiralty, Madagascar.

IN the matter of five escaped slaves received on board Her Britannic Majesty's sloop "Dryad," Commander Colomb, at Majunga.

Commander Colomb's Report.

Sir,

"Dryad," Tamatave, October 9, 1869.

I have the honour to inform you that, during my recent stay at Majunga, five Mozambiques, representing themselves to be escaped slaves, found their way on board Her Majesty's ship under my command, and claimed protection, which I granted. The Governor remonstrating in very proper terms, referring me to a stipulation of the Treaty of 1865, whereby no subject of the Queen of Madagascar was to be permitted to come on board a British ship without a passport, I said I could not consider a slave to be a subject in the terms of the Treaty, and that a British man-of-war was so far English soil that a slave reaching that asylum was henceforth free. The Governor replied that perhaps I was right, but requested an acknowledgment from me, which I gave him in these terms:—

"During the stay of Her Majesty's ship 'Dryad' up to date hereof, five (5) slaves escaped from the shore to the ship, and are now detained by me, pending the decision of the Consul at Tamatave.

(Signed) "P. H. COLOMB, Commander.

" 'Dryad,' Majunga, September 18, 1869."

2. These slaves being still on board, I have the honour to request you will, in your capacity, as Judge of the Vice-Admiralty Court for Madagascar waters, proceed with the investigation of the case.

(Signed) P. H. COLOMB, Commander.

On the 13th day of October, 1869, Commander Colomb was duly sworn to the truth of this report.

Before me,
(Signed) T. C. PAKENHAM,
Her Britannic Majesty's Consul for Madagascar.

This case, referred to me for my decision by Commander Colomb, R.N., has been inquired into by me this day, Wednesday, the 13th October, 1869, in his presence and that of the Acting Lieutenant-Governor of Tamatave and several Hova officers.

The following facts are established by the Report of Commander Colomb and the depositions of the men who took refuge on board the "Dryad."

During the recent stay of that vessel at Majunga, on the West Coast of Madagascar, last month, five men, representing themselves to be escaped Mozambique slaves, found their way on board and claimed British protection, and shortly afterwards the Hova Commandant of Majunga requested their surrender, on the plea of their being subjects of the Queen of Madagascar, and their not having been furnished with passports in accordance with terms of the Treaty between Great Britain and Madagascar (Art. IX); Commander Colomb declining to admit this plea, the matter was referred by him to me for my opinion, which I now give.

Considering that it has been proved by the depositions of Morjakibo, Sabouri, Semaquail, and Majan, that the said parties are Mozambiques and consequently not Malagasy subjects, and further that they are slaves illegally introduced into Madagascar from beyond sea, within the last four months, in direct violation of the stipulations of the Treaty concluded with Madagascar on the 27th June, 1865 (Art. XVII), I am of opinion that the said Morjakibo, Sabouri, Semaquail, and Majan were entitled to British protection, and that, under the circumstances, Commander Colomb was fully justified in receiving them on board the "Dryad" and refusing to surrender them. I therefore order the manumission of the said parties and their embarkation on board the British barque "Perseverance," about sailing for the Mauritius.

As regards the case of Mahomed, who himself admits that he is a Malagasy subject, I have no alternative but to direct his return to Majunga.

(Signed) T. C. PAKENHAM,
Her Britannic Majesty's Consul for Madagascar.

Inclosure 2 in No. 32.

Consul Pakenham to the Prime Minister of Madagascar.

My dear Sir,

Tamatave, October 18, 1869.

WHILST Her Britannic Majesty's sloop "Dryad" was at Majunga last month, five negroes, representing themselves to be escaped Mozambique slaves, found their way on board and claimed British protection, which was granted them by Commander Colomb, pending a reference to me.

The case of these men, which was referred to me by Commander Colomb on the recent arrival of the "Dryad" at Tamatave, was investigated by me on the 13th instant in his presence, and that of the Acting Lieutenant-Governor and several other Hova officers, when it was proved that four of the men who took refuge on board the "Dryad" were Mozambiques introduced into Majunga within the last five months in open violation of the stipulations of the English Treaty (Article XVII), but that one of them was a Malagasy subject. The latter I directed to be returned to Majunga, and the four Mozambiques I manumitted.

It certainly surprises me to find at the very time that flagrant infractions were being committed, the Hova Government, on the information lately furnished by the Commandant of Majunga, should have taken credit to itself for the strict fulfilment of its Treaty engagements in regard to the suppression of the Slave Trade; and I much fear that the inquiry which is being instituted into the circumstances which gave rise to your Excellency's complaint against the proceedings of Commander Meara, of Her Majesty's sloop "Nymph," will disclose facts tending to give a very different character to those proceedings to that colouring which it has been sought to impart to them.

As a friend, I must advise your Excellency to give your most serious consideration to the infractions of the English Treaty lately committed at Majunga, and to take immediate steps to prevent their recurrence; for your Excellency cannot fail to observe the spirit of good faith in which Her Britannic Majesty's officers carry out the conditions of the Treaty, as evidenced by the return to Majunga of the Malagasy subject who lately took refuge on board the "Dryad."

I remain, &c.
(Signed) T. C. PAKENHAM.

No. 33.

The Secretary to the Admiralty to Mr. Hammond.

Sir,

Admiralty, May 10, 1870.

WITH reference to former correspondence on the subject of a complaint preferred against Commander Sullivan, of Her Majesty's ship "Daphne," of having improperly received on board and detained certain negroes belonging to Mozambique, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that the "Daphne" has arrived in England, and is about to be put out of commission; and my Lords are therefore desirous of receiving a reply to their letter of 19th April, requesting that application should be made to the Portuguese Administration for proof of the law of Mozambique on the subject of passports.

I am, &c.
(Signed) VERNON LUSHINGTON.

No. 34.

Mr. Otway to the Secretary to the Admiralty.

Sir,

Foreign Office, May 12, 1870.

IN reply to your letter of the 10th instant, relative to the proposed Court-Martial upon the Captain of the "Daphne," I am directed by the Earl of Clarendon to state to you, for the information of the Lords Commissioners of the Admiralty, that, on receipt of your letter of the 19th ultimo, his Lordship immediately addressed a note to Viscount de Seisal, requesting him to furnish any evidence in his possession bearing on the Law of Mozambique, which is stated to forbid any inhabitant of that Colony to leave it without a passport.

No reply having been received from the Portuguese Legation on the subject, it has been ascertained on inquiry that Viscount de Seisal, being in possession of no information upon the subject, has applied to his Government for it, and that he expects shortly to receive an answer, which shall be communicated to you immediately.

I am, &c.
(Signed) ARTHUR OTWAY.

No. 35.

The Secretary to the Admiralty to Mr. Otway.

Sir,

Admiralty, May 12, 1870.

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for Foreign Affairs, that a Court of Inquiry has been ordered to assemble at Devonport for the purpose of investigating the facts connected with the proceedings of Captain George L. Sullivan, late of Her Majesty's ship "Daphne," in receiving certain negroes on board that ship at Mozambique last year.

2. My Lords have adopted this course instead of ordering a Court-Martial at once to try Captain Sullivan on distinct charges, in consequence of the absence of any definite information as to the charges preferred by the Portuguese Government; but charges have been prepared on which Captain Sullivan can afterwards be tried should the evidence obtained at the Court of Inquiry appear to render such a course desirable.

I am, &c.
(Signed) VERNON LUSHINGTON.

No. 36.

The Earl of Clarendon to Consul Pakenham.

Sir,

Foreign Office, May 16, 1870.

I HAVE received your despatch of the 18th of October last, reporting your decision in the matter of some slaves who had escaped from Madagascar and were carried away by Her Majesty's ship "Dryad," and we approve your proceedings in this case. I inclose, for your information and guidance, a copy of a letter addressed to the Lords of the Admiralty by my direction on the 6th of January last,* containing my views upon the points which you have raised.

I was not aware that it could be proved that any of the escaped slaves had been imported into Madagascar in violation of the Treaty, which would doubtless give them a claim to British protection; but I am of opinion that the commanders of Her Majesty's cruisers are not justified, where slavery is legal, in receiving fugitive domestic slaves on board their vessels, or in carrying them away in spite of the local authorities; and in cases where naval officers are made aware that an escaped slave has been imported in violation of the Treaty, it would be better that they should communicate the facts to you, with a view to a proper inquiry being made into the case, than that they should carry off the slave on their own responsibility.

I am, &c.
(Signed) CLARENDON.

No. 37.

Mr. Otway to the Secretary to the Admiralty.

Sir,

Foreign Office, May 16, 1870.

I AM directed by the Earl of Clarendon to transmit to you, to be laid before the Lords of the Admiralty, a copy of a despatch which his Lordship has addressed to Her Majesty's Consul in Madagascar,† relative to the question of naval officers receiving and carrying away escaped domestic slaves on board Her Majesty's ships.

I am, &c.
(Signed) ARTHUR OTWAY.

* No. 21.

† No. 36.

45

No. 38.

The Secretary to the Admiralty to Commodore Sir L. G. Heath.

Sir,

Admiralty, May 19, 1870.

I AM requested by the Lords Commissioners of the Admiralty to transmit for your information and guidance a copy of a despatch addressed by direction of the Earl of Clarendon to Her Majesty's Consul in Madagascar,* in reference to the question of naval officers receiving and carrying away domestic slaves on board Her Majesty's ships.

2. Lord Clarendon informs Her Majesty's Consul that the commanding officers of Her Majesty's cruisers are not justified where slavery is legal, in receiving domestic slaves on board their vessels, or in carrying them away in spite of the local authorities, and that in cases where naval officers are made aware that an escaped slave has been imported, in violation of the Treaty, it would be better that they should communicate the facts to the Consul with a view to proper inquiry being made, rather than they should carry off slaves on their own responsibility.

3. My Lords desire that you will give the necessary instructions to the commanding officers of the ships under your orders, for carrying out the views of the Secretary of State.

I am, &c.
(Signed) VERNON LUSHINGTON.

No. 39.

The Secretary to the Admiralty to Mr. Otway.—(Received May 25.)

Sir,

Admiralty, May 23, 1870.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for the information of the Earl of Clarendon, copy of their Lordships' proposed Minute on the report of the inquiry lately held to investigate the charges preferred by the Portuguese Government against Captain George L. Sullivan, R.N., late of Her Majesty's ship "Daphne;" and I am to request to be informed whether his Lordship concurs therein,

I am, &c.
(Signed) VERNON LUSHINGTON.

Inclosure in No. 39.

Minute.

CAPTAIN SULLIVAN to be informed that their Lordships disapprove of his conduct inⁿ not having communicated with the nearest British Consular Agent with regard to the negroes who came on board the "Daphne," more particularly when their surrender was demanded by a person who visited the ship for that purpose.

Also that my Lords do not consider as satisfactory the answer he gave to the question put to him by that person, whether he had any negroes on board.

Acquaint Foreign Office, sending copies of Admiralty letter of 12th instant (ordering the inquiry), and of the Minutes and Report of the Court, and stating to my Lords that no further steps can be taken in this case, but that they trust that the instructions which have been recently issued with regard to receiving Africans on board Her Majesty's ships on the East Coast of Africa will prevent any proceedings tending to give any cause for complaint on the part of the Portuguese Government.

No. 40.

Mr. Otway to the Secretary to the Admiralty.

Sir,

Foreign Office, May 31, 1870.

WITH reference to your letter of the 23rd instant, stating the result of the inquiry into the conduct of Captain Sullivan, of Her Majesty's ship "Daphne," with respect to some negroes whom he carried off from Mozambique, I am directed by the Earl of Clarendon to transmit to you, for the information of the Lords of the Admiralty, a copy of the letter† which he has addressed to the Portuguese Minister in the terms of their Lordships' Minute, in which he concurs.

I am, &c.
(Signed) ARTHUR OTWAY.

* No. 36.

† Inclosure 1 in No. 42.

No. 41.

The Secretary to the Admiralty to Commodore Sir L. G. Heath.

Sir,

Admiralty, June 7, 1870.

COMPLAINTS having been made by the Portuguese Government relative to the proceedings of Captain G. L. Sullivan, late of Her Majesty's ship "Daphne," with regard to the carrying away of the carrying away of certain negroes from Mozambique. I am commanded by my Lords Commissioners of the Admiralty to acquaint you that a Court of Inquiry has been held and that their Lordships have informed Captain Sullivan that they disapprove of his conduct in not having communicated with the nearest British Consular Agent with regard to those negroes who came on board the "Daphne," more particularly as their surrender was demanded by a person who visited the ship for that purpose. Captain Sullivan has also been informed that their Lordships do not consider as satisfactory the answer he gave to the question put to him by the person who demanded the surrender of the negroes, as to whether any such negroes were on board.

2. Inclosed is a copy of the letter addressed by Her Majesty's Government to the Portuguese Government on the subject.*

I am, &c.
(Signed) THOMAS WOLLEY.

No. 42.

Earl Granville to Sir C. Murray.

Sir,

Foreign Office, October 1, 1870.

I TRANSMIT to you for your information copies of a correspondence, respecting the result of an inquiry into certain proceedings complained of by the Portuguese Government, of Captain Sullivan, of Her Majesty's ship "Daphne," off the coast of Mozambique.

The particulars of this case will be found at pages 98 to 101 of Class B of the Slave Trade Papers laid before Parliament last Session.

I am, &c.
(Signed) GRANVILLE.

Inclosure 1 in No. 42.

*The Earl of Clarendon to Viscount de Seisal.*M^{le} Ministre,*Foreign Office, May 31, 1870.*

WITH reference to the letters which I had the honour to address to you on the 17th of March and 21st ultimo, respecting the proposed Court of Inquiry into the conduct of Captain Sullivan, of Her Majesty's ship "Daphne," in regard to some negroes whom he carried off from Mozambique, I now beg leave to request that you will be good enough to acquaint your Government with the result of that inquiry as communicated to me by the Lords of the Admiralty.

1st. Their Lordships have disapproved of Captain Sullivan's conduct in not having communicated with the nearest British Consular authority regarding the negroes who came on board his vessel, more particularly when their surrender was demanded by a person who visited the ship for that purpose.

2nd. Their Lordships have informed Captain Sullivan that they do not consider as satisfactory the answer he gave to the question put to him by the person who visited his vessel whether he had any negroes on board.

I trust that His Most Faithful Majesty's Government will agree with that of Her Majesty that the circumstances of the case are sufficiently met by the disapproval of Captain Sullivan's conduct, which has been made known to that officer; and I beg leave to add that instructions have recently been issued to the Commanders of Her Majesty's cruisers on the East Coast of Africa regarding the reception of negroes on board their ships which will, it is hoped, prevent the recurrence of the proceedings of which your Government have complained.

I am, &c.
(Signed) CLARENDON.

Inclosure 2 in No. 42.

Viscount de Seisal to the Earl of Clarendon.

My Lord,

Portuguese Legation, London, June 3, 1870.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 31st ultimo, requesting me to inform the Government of Her Most Faithful Majesty that a Court of Inquiry having been instituted to judge into the conduct of Captain Sullivan, of Her Majesty's ship "Daphne," in

* Inclosure 1 in No. 42.

regard to some negroes whom he carried off to Mozambique, the Lords of the Admiralty have disapproved of Captain Sullivan's conduct, and that this has been made known to the said officer. Your Excellency further states that instructions have recently been issued to the Commanders of Her Majesty's cruizers on the East Coast of Africa regarding the reception of negroes on board their ships, which will, it is hoped, prevent the recurrence of the proceedings of which His Most Faithful Majesty has complained.

In compliance with your Excellency's request I shall not fail to make known to my Government the contents of your Excellency's letter, and I have no doubt they will be considered as a new proof of the friendly feelings towards Portugal of Her Britannic Majesty's Government.

I have, &c.
(Signed) SEISAL.

No. 43.

Extract from East Indies Station Orders, 1871.

Art. 147. HER Majesty's Minister for Foreign Affairs has decided that slaves coming on board ships-of-war within the territorial jurisdiction of the country from which they escape, that is to say, within three miles of the shore, should be returned to the owners; but when it appears that slaves coming on board Her Majesty's ships have been recently imported in violation of Treaties, the Commanders of Her Majesty's ships should communicate the facts to the Consul, with a view to proper inquiry being made, rather than carry off the slaves on their own responsibility.

Art. 148. With reference to the course to be pursued in the case of slaves captured by Her Majesty's cruizers who may prove to have been kidnapped within the territories of the Sultan of Zanzibar, Her Majesty's Government is of opinion that slaves in the above category captured within the Sultan's territories or waters should for the future be restored to the proper authorities at Zanzibar; but that slaves captured on the high seas, or without the jurisdiction of the Sultan, ought not to be given up to the Zanzibar authorities.

CORRESPONDENCE respecting the Reception of
Fugitive Slaves on board Her Majesty's
Ships.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1876.*

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