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SLAVE TRADE. No. 2 (1876).

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CIRCULARS

RESPECTING

SLAVES IN FOREIGN COUNTRIES

ADDRESSED TO

BRITISH MILITARY OR NAVAL OFFICERS.

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*Presented to the House of Lords by Command of Her Majesty, in pursuance of their  
Address dated March 13, 1876.*

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LONDON:

PRINTED BY HARRISON AND SONS.

[C.—1480.] Price 1½d.

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RETURN to an Address of the House of Lords, dated March 13, 1876;

for—

“All Circulars respecting Slaves in Foreign Countries which give Orders or Directions to the Queen’s Officers of the Army or Navy.”

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No Circulars to Naval or Military Officers have been issued by the Foreign Office. Copies of such Instructions as have been issued to Diplomatic and Consular Officers were laid before Parliament with the Correspondence respecting the reception of Fugitive Slaves on board Her Majesty’s Ships in February last.— [C.—1413.]

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No. 1.

*Mr. Bourke to the Secretary to the Admiralty.\**

Sir,

*Foreign Office, March 17, 1876.*

I AM directed by the Earl of Derby to transmit to you, to be laid before the Lords Commissioners of the Admiralty, with a view to the return being prepared so far as it relates to their Lordships’ Department, a copy of an Order of the House of Lords, which has been delivered at this Office, for a return of “all Circulars respecting slaves in foreign countries, which give orders or directions to the Queen’s officers of the army or navy.”

Their Lordships are probably aware that no instructions are issued from this Department to naval officers, and that therefore no return can be made to the address by this Office.

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

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No. 2.

*The Hon. J. C. Vivian to Mr. Bourke.—(Received March 26.)*

Sir,

*War Office, March 22, 1876.*

IN reply to your letter of the 17th instant, received yesterday, inclosing copy of an Address of the House of Lords, dated the 13th March, for copies of any Circulars respecting slaves in foreign countries, which give directions to officers of the army or navy, I am directed by Mr. Secretary Hardy to acquaint you, for the information of the Earl of Derby, that no such circulars have been issued from this Office.

I am, &c.  
(Signed) J. C. VIVIAN.

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No. 3.

*The Secretary to the Admiralty to Mr. Bourke.—(Received April 18.)*

Sir,

*Admiralty, April 17, 1876.*

WITH reference to your letter of the 17th ultimo, relative to the Order of the House of Lords for “all Circulars respecting slaves in foreign countries, which give orders or directions to the Queen’s officers of the army or navy,” to be laid before their Lordships’ House, I am commanded by my Lords Commissioners of the Admiralty to transmit to you herewith, for presentation by the Earl of Derby, the only Admiralty orders on this subject (besides the volume of “Slave Trade Instructions”) which are

\* A similar letter was addressed to the War Office.

now in force, viz., Circulars 5th December, 1875,\* relative to the reception of fugitive slaves, and the additional Instructions 1st January, 1876, A, B, and C, for naval officers engaged in the suppression of Slave Trade.

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

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Inclosure 1 in No. 3.

*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 coast 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.

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\* Laid before Parliament in Slave Trade Correspondence, No. 1 (1876), page 12.—[C.—1413.]

## Inclosure 2 in No. 3.

(A.)

*Admiralty, January 1, 1876.*

MY Lords Commissioners of the Admiralty call the attention of the officers of Her Majesty's Navy who are engaged in the suppression of the Slave Trade to the East African Courts Act, 36 and 37 Vict. c. 59, which repeals the 32 and 33 Vict. c. 75, and makes further provision for the exercise of jurisdiction by Her Majesty's Consuls within the Dominions of the Sovereigns of Zanzibar, Muscat, and Madagascar, and for the exercise of jurisdiction in matters relating to the Slave Trade by the Vice-Admiralty Court at Aden.

II. The third Section of the Act, interpreted by the second, requires special attention. These Sections are as follow :—

“2. In this Act—

Definition of ter

“The term ‘Vessel’ means any vessel used in navigation :

“The term ‘Treaty’ includes any convention, agreement, engagement, or arrangement :

“The term ‘Foreign State’ includes any foreign nation, people, tribe, sovereign, prince, chief, or head man :

“The term ‘existing East African Slave Trade Treaty’ means a Treaty made by or on behalf of Her Majesty with any Foreign State in Arabia, or on the East Coast of Africa, or the shores of the Persian Gulf, or in any Island lying off Arabia, or off such coast or shores, including the Islands of Zanzibar and Madagascar, and the Comoro Islands, for the more effectual suppression of the Slave Trade, and in force at the passing of this Act :

“The term ‘East African Courts’ means the Vice-Admiralty Court at Aden, and any of Her Majesty's Consuls within the Dominions of the Sovereigns of Zanzibar, Muscat, and Madagascar, when exercising jurisdiction in pursuance of the recited Orders in Council.

“3. All jurisdiction which is by any Act conferred on the Vice-Admiralty Courts in Her Majesty's possessions abroad, in regard to British vessels seized by the Commander or Officer of any of Her Majesty's ships on suspicion of being engaged in, or fitted out for, the Slave Trade, and in regard to the persons, slaves, goods, and effects on board thereof, is hereby conferred on the East African Courts, in regard to vessels seized by the Commander or Officer of any of Her Majesty's ships on suspicion of being engaged in or fitted out for the Slave Trade, and to the persons, slaves, goods, and effects on board thereof, in the following cases, viz. :—

Jurisdiction of Courts in regard to slave vessels, slaves, goods, and effects.

“(1.) Where the vessel seized is a British vessel ;

“(2.) Where the vessel seized has been seized in pursuance of any existing East African Slave Trade Treaty ; and

“(3.) Where the vessel seized is not shown to the Court to be entitled to claim the protection of the flag of any Foreign State.

“Each of the East African Courts shall have the same jurisdiction in regard to any person who has been seized either at sea or land, on the ground that he has or is suspected to have been detained as a slave, for the purpose of the Slave Trade, as the Court would have under this Section, if he had been so detained on board a vessel that was seized and brought in for adjudication.

“All jurisdiction exercised under this Section shall for the purposes of any such Act as above-mentioned be deemed to be exercised in pursuance of that Act.”

III. My Lords also desire to call attention to the following documents :—

*Letter of the Sultan of Johanna to Sir Bartle Frere, Johanna, March 8, 1873.\**

\* Laid before Parliament, July 7, 1873, in Correspondence respecting Sir Bartle Frere's Mission to the East Coast of Africa, p. 44.—[C.—820.]

*Engagement of the Nukeeb of Maculla for the Abolition of the Slave Trade in his Dominions.—Signed at Maculla, April 7, 1873.\**

*Agreement alluded to above:—Treaty with the Nukeeb of Maculla, May 14, 1863.†*

*Treaty between Her Majesty and the Sultan of Muscat, signed April 14, 1873.‡*

*Treaty between Her Majesty and the Sultan of Zanzibar, dated June 5, 1873.§*

*Treaty between Her Majesty and the Sultan of Zanzibar, supplementary to the Treaty for the Suppression of the Slave Trade of June 5, 1873.—Signed at London, July 14, 1875.||*

*Engagement of the Jemadar of Shuhr.—Signed at Shuhr, November 17, 1873.¶*

IV. Her Majesty's Secretary of State having approved of an arrangement recently made between His Highness the Sultan of Zanzibar and Her Majesty's Agent at that Court, to the effect that, when occasion requires, dhows, cargoes, and slaves taken by Her Majesty's ships engaged in the suppression of the Slave Trade, may be delivered over to the Arab Governors and Custom-house masters of certain coast ports for custody, &c., my Lords are pleased to issue the following Regulations:—

1. In cases when it is inconvenient to take at once to the port of adjudication any captured dhows, or any cargo or slaves found thereon, the officer who shall have made the capture may, if he so think fit, leave them or either of them at Lamoo, Melinda, or Mombasa, or, in case of emergency, at Tanga or Kismayo.
2. It is not desirable that more than fifty slaves should be left at one port, and in no instance should any slaves be so left until the officer in charge of them has, after personal inquiry, satisfied himself that due attention will be paid to their maintenance and safe custody.
3. In each case a receipt, in Form A, attached hereto, is to be obtained from the Governor in whose custody the dhow is left, and a receipt in Form B is to be obtained from the Customs Master for the slaves and for the cargo, if any. Such printed forms of receipt may be obtained on application at Her Majesty's Consulate-General at Zanzibar.

FORM A.

*Governor's Receipt.*

I hereby acknowledge to have received from  
commanding (*ship or boats, as case may be*), the under-mentioned vessel (*here state whether dhow, bateel, &c.*), measuring \_\_\_\_\_ English tons, or thereabouts, and I engage to retain the said vessel safely in my possession, and to deliver her up when called upon to do so by Her Majesty's Political Agent and Consul-General, or any one deputed by him to receive her.

Witness my hand this \_\_\_\_\_

day of \_\_\_\_\_

, 18 \_\_\_\_\_

(Signature of Governor.)

(Signature of Officer.)

\* Laid before Parliament, July 7, 1873, in Correspondence respecting Sir Bartle Frere's Mission to the East Coast of Africa, p. 89.—[C.—820.]; and in Slave Trade, No. 4 (1874).—[C.—904.]

† Laid before Parliament in Slave Trade, No. 4 (1874).—[C.—904.]

‡ Laid before Parliament, July 7, 1873, in Correspondence respecting Sir Bartle Frere's Mission to the East Coast of Africa, p. 91.—[C.—820.]

§ Laid before Parliament, July 7, 1873, in Correspondence respecting Sir Bartle Frere's Mission to the East Coast of Africa, p. 154.—[C.—820.]

¶ Laid before Parliament, February 8, 1876. Zanzibar, No. 1.—[C.—1387.]

¶ Laid before Parliament, May 15, 1874. Slave Trade, No. 6.—[C.—985.]

## FORM B.

*Customs' Master's Receipt.*

I hereby acknowledge to have received from  
commanding \_\_\_\_\_, the undermentioned slaves :—

Males (adults over 15)  
Females (adults over 15)  
Males (children under 15)  
Females (children under 15);

Also the under-mentioned cargo. And I engage to retain the said slaves and cargo safely in my possession, and to account for such of the slaves as may die, and to deliver over the survivors when called upon to do so by Her Majesty's Political Agent and Consul-General, or any one deputed by him to receive them.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18  
(Signature of Customs' Master).

(Signature of Officer).

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4. Her Majesty's ships or their boats, before returning to Zanzibar, should call at any port at which slaves have been left by them, and, if possible, convey such slaves and all other slaves awaiting shipment, and any cargoes or dhows that may have been there left, to the port of adjudication.
  5. Officers are to use their discretion in dealing with the crews and passengers of captured vessels. In cases where it is possible to do so, it is desirable that passengers, who are in many instances the owners of slaves found on board, should be sent with the vessel to the port of adjudication, with a view to their punishment if the circumstances of the case require it; and the same course should be followed in regard to the crew of the slave vessel, but the services of a cruiser or of her boats should not be diverted merely with the view to provide for the detention of the passengers and crew of a captured slave vessel. Where it is not possible to send these people to the port of adjudication, naval officers may deliver them over to the Sultan's authorities on the Coast, if they are willing to receive them. As regards the masters of slave vessels, an effort should, in all cases, be made to send them to the port of adjudication.

V. My Lords are pleased to cancel the Slave Trade Instructions, dated 6th November, 1869.

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

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Inclosure 3 in No. 3.

(B.)

*Admiralty, January 1, 1876.*

THE Slave Trade Act, 1873 (36 and 37 Vict., cap. 88), which consolidated the previous Statutes on the subject, having introduced certain changes in the law, my Lords Commissioners of the Admiralty call the attention of officers engaged in the suppression of the Slave Trade, to the above-named Statute, especially to the following points :—

1. That by the 3rd Section of the Statute, if a vessel is on reasonable grounds suspected of being engaged in or fitted out for the Slave Trade,—then, if she is either a British vessel, or is a vessel which is not a vessel of a foreign State, any commander or officer of any of Her Majesty's ships may, without any special authority from their Lordships, such as was formerly required, visit, search, and detain such vessel, and carry her away for adjudication: If the vessel is the vessel of a foreign State, any commander or officer of any of Her Majesty's ships may exercise the like powers, when duly authorized in that behalf, in pursuance of any Treaty with that State.

2. That by the 11th Section, if the vessel taken is abandoned or destroyed before



adjudication, the tonnage bounty of 30s. a-ton will only be payable where the Slave Court by the decree of condemnation declares that after full consideration by the Court of the circumstances of the case, the seizors have satisfied the Court that such abandonment or destruction was inevitable, or was otherwise under the circumstances proper and justifiable.

3. That the 14th Section provides that "for the purpose of bounty the tonnage of a vessel shall be calculated and ascertained in the like manner in which for the time being, the tonnage of a vessel is calculated and ascertained for the purpose of registering the same as a British vessel; or, if the same cannot be satisfactorily ascertained in that manner, shall be ascertained in such manner as the Treasury may consider satisfactory.

Officers will accordingly take care that where it is practicable the measurements shall be taken, and the calculations made as prescribed by Rule I, Section 21, of the Merchant Shipping Act, 1854. Where that cannot be done, the measurements are to be taken and the calculations made under Rule II, Section 22, of the said Act, amended by the Minute of the Board of Customs, 9th October, 1858, in which "in pursuance of the powers granted by the 29th Section of the Act 17 and 18 Vict., cap. 104, the Commissioners of Customs, with the approval of the Board of Trade, direct that, with a view to the more accurate admeasurement of the tonnage of vessels under Rule II, prescribed by Section 22 of the said Act, the decimal factor .0017 for ships built of wood, and .0018 for those built of iron, be substituted for factors .0018 and .0021 directed by the said Section."

My Lords are further pleased to direct, that where the vessel detained is a dhow, the certificate of admeasurement prescribed by Article 62 of the General Slave Trade Instructions shall, in addition to the other particulars required, state the class of dhow, and also her greatest depth, which is also to be ascertained by placing a batten across the roughtree rails, immediately over the well, and measuring the distance perpendicularly from the batten to the bottom of the well.

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

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Inclosure 4 in No. 3.

(C.)

*Admiralty, January 1, 1876.*

THE Lords Commissioners of the Admiralty direct that the following corrections, rendered necessary by their Lordships' Orders, bearing the above date, A and B, shall be made in the volume of Slave Trade Instructions:—\*

*Page 25, Article 62.*—Strike out "in the mode prescribed by Rule II, Section 22, of the Merchant Shipping Act, 1854."

After the word "duty"—add

"Where it is practicable, the measurements are to be taken, and the calculations made as prescribed by Rule I, Section 21, of the Merchant Shipping Act, 1854. Where that cannot be done, the measurements are to be taken and the calculations made under Rule II, Section 22, of the said Act, amended by the Minute of the Board of Customs, 9th October, 1858."

*Page 45, Article 153.*—After "6 and 7 Vic., c. 98," add "36 and 37 Vic. c. 88."

*Page 45.*—Strike out Article 155.

*Page 45, Article 157.*—For marginal note, "5 Geo. IV, c. 113, s. 12," substitute "36 and 37 Vic., c. 88, s. 5."

After "Vice Admiralty Court," insert "or British Consular Court having Slave Trade jurisdiction."

*Page 48, Article 171.*—Insert marginal note, "36 and 37 Vic., c. 88, s. 5."

After "Vice Admiralty Court," insert "or British Consular Court having Slave Trade jurisdiction."

*Page 64, Article 244.*—Add, "see also the Engagement of the Sultan of Johanna, 8th March, 1873, set out in their Lordships' Order of 1st January, 1876, A."

*Article 248.*—After "Vice-Admiralty Court," add "or British Consular Court having Slave Trade jurisdiction."

\* This is a printed 8vo volume, and a copy of it is to be found in the Libraries of both Houses of Parliament.

Page 66, Article 259.—After “Vice-Admiralty Court,” add “or British Consular Court having Slave Trade jurisdiction.”

Page 70, Article 273.—After “Vice-Admiralty Court,” add “or British Consular Court having Slave Trade jurisdiction.”

Page 71, Article 275.—After “1845,” add “and the Treaty between Great Britain and the Sultan of Muscat, dated the 14th April, 1873.” For “They,” substitute “The Agreement.” After “233,” add “the Treaty is set out in their Lordships’ Order of 1st January, 1876, A.”

Page 71, Article 278.—After “the Vice-Admiralty Court,” add “or British Consular Court having Slave Trade jurisdiction.”

Page 77, Article 296.—For “Act” read “Acts.” For “is” read “are.” For “2 and 3 Vict., c. 73,” read “36 and 37 Vict., c. 88, 36 and 37 Vict., c. 59,” and strike out last sentence of the Article

Page 77, Article 297.—For marginal reference, “2 and 3 Vict., c. 73, s. 1,” substitute “36 and 37 Vict., c. 88, s. 3.”

Page 77.—Strike out Article 298.

Article 299. After “Vice-Admiralty Court,” add “or British Consular Court having Slave Trade jurisdiction.”

For marginal reference, “2 and 3 Vict., c. 73, s. 1,” substitute “36 and 37 Vict., c. 88, s. 5.”

After Article 299, insert an Article 299*a*, setting out Regulations contained in Part IV of their Lordships’ Order of 1st January, 1876, A.

Page 97, Article 384.—After “May, 1850,” add “and the Treaty between Her Majesty and the Sultan of Zanzibar, dated 5th June, 1873.”

For “They” substitute “The Agreements.” After “392,” add “the Treaty is set out in their Lordships’ Order of 1st January, 1876, A.”

Page 97, Article 385.—Strike out “such of” and “as lie between Songa Manara and Tonghe.”

Article 386, line 6, 7, 12, 13.—Strike out “such of” and “as lie between Songa Manara and Tonghe.”

Article 388.—To be struck out.

Article 389.—After “Vice Admiralty Court” add “or British Consulate Court having Slave Trade jurisdiction.”

After Article 389, insert an Article 389*a*, setting out Regulations contained in Part IV of their Lordships’ Order of 1st January, 1876.

Page 100, Article 405.—Make same alteration as in page 25, Article 62, above-mentioned.

Page 100, Article 406.—After “Vice Admiralty Court” read “or British Consular Court having Slave Trade jurisdiction.”

Page 101, Article 407.—After “Vice Admiralty” read “or Consular”

Page 117, line 3.—For “vessel,” read “vessel, where the admeasurement cannot be made as prescribed in Form 12.”

Page 117, line 8.—After “The Merchant Shipping Act, 1854,” add “as amended by the Minute of the Board of Customs, 9th October, 1858.”

Page 117, add as note.—

“If the vessel is a dhow the Certificate is further to state the class of dhow, and also the greatest depth, which is to be ascertained by placing a batten across the roughtree rails, immediately over the well, and measuring the distance perpendicularly from the bottom of the well.”

Page 123.—After “Certificate of Measurement to be made” add “if practicable on the detention and”

Page 83 (*Supplement*).—Cancel the whole page.

Page 84 to 120 (*Supplement*).—The Act 5. Geo. IV, c. 113, to be marked as repealed, except Sections 2 to 11, Section 12 down to “taken to be in full force,” Sections, 39, 40, and 47.

Page 123 (*Supplement*).—The 3rd Section of the Act 6 and 7 Vic., c. 98, to be marked as repealed.

Page 124 (*Supplement*).—The whole of the Act 36 and 37 Vic., c. 88, to be inserted.

Pages 262 to 266 (*Supplement*).—The Special Order to be cancelled, and the Act 2 and 3 Vic., c. 73, to be marked as repealed. Reference to be made to 36 and 37 Vic., c. 88

Insert the following Treaties and Engagements at the pages indicated, viz. :—

		To be inserted at	
		PAGE	PART
Treaty with Zanzibar ..	Dated 5th June, 1873 ..	392 ..	1
” ” ..	” 14th July, 1875 ..	392 ..	1
Engagement with Johanna ..	” 8th March, 1873 ..	203 ..	1
Treaty with Muscat ..	” 14th April, 1873 ..	233 ..	1
Engagement with Macullah ..	” 7th April, 1873 ..	206 ..	1
Engagement with Shuhr ..	” 17th Nov. 1873 ..	302 ..	1

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

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[See also Correspondence respecting the Reception of Fugitive Slaves on board Her Majesty's Ships. Laid before Parliament, February 1876.—C.—1413.]

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Circulars respecting Slaves in Foreign Countries  
addressed to British Military or Naval Officers.

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*Presented to the House of Lords by Command  
of Her Majesty, in pursuance of their Address  
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LONDON :

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