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SLAVE TRADE. No. 4 (1884).

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CORRESPONDENCE

RESPECTING THE

EXECUTION OF THE PROVISIONS

OF THE

CONVENTION WITH EGYPT

OF

AUGUST 4, 1877.

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*Presented to both Houses of Parliament by Command of Her Majesty.*  
1884.

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Correspondence respecting the Execution of the Provisions of  
the Convention with Egypt of August 4, 1877.

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No. 1.

*Earl Granville to Sir E. Baring.*

Sir, *Foreign Office, September 19, 1884.*  
YOU are aware that on the 4th ultimo the provisions of the Annex to the Convention of the 4th August, 1877, prohibiting the sale of negro or Abyssinian slaves between families throughout the territory between Alexandria and Assouan, came into force.

Earl Granville would be glad of a Report from Mr. Consul Borg on the application of this provision, and of any remarks and suggestions which he may have to offer on the subject.

I am, &c.  
(Signed) GRANVILLE.

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No. 2.

*Sir E. Baring to Earl Granville.—(Received October 21.)*

My Lord, *Cairo, October 13, 1884.*

I HAVE the honour to inclose a copy of Mr. Borg's reply to Mr. Lister's despatch of the 19th September, 1884.

Your Lordship will observe that Mr. Borg dwells specially on two points. The first of these is the desirability of drawing the attention of the public to the fact that, under the Convention of 1877, the sale of slaves from family to family is now an offence punishable at law.

I had already made a similar suggestion to Nubar Pasha before the receipt of Mr. Borg's despatch, and I have now the honour to inclose a copy of a Notification on the subject which has been published in the "Moniteur Égyptien."

The second point to which Mr. Borg draws attention is the desirability of defining the words "Tribunal compétent" in Article 2 of the Decree of the 4th August, 1877, which forms an Annex to the Convention of 1877.

On this subject I addressed the Egyptian Government, and I have now the honour to inclose a copy of my letter to Nubar Pasha and of his Excellency's reply.

Your Lordship will observe that Nubar Pasha states that the words "Tribunal compétent" are to be interpreted as meaning the ordinary Tribunals of the country.

An alternative procedure would have been to bring offences under the Decree within the jurisdiction of courts-martial. Your Lordship will remember that under Article II of the Convention slave-dealers are tried by court-martial. I think, however, the Egyptian Government has decided rightly in bringing offences under the Decree within the jurisdiction of the ordinary Tribunals. In connection with this branch of the subject, I beg to refer your Lordship to the remarks contained in my despatch of the 25th February, 1884.\* Anything which tends to bring matters connected with slavery within the cognizance of the new Courts may be considered a step in the right direction.

I have, &c.  
(Signed) E. BARING.

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\* See "Slave Trade No. 2 (1884)."

## Inclosure 1 in No. 2.

*Consul Borg to Sir E. Baring.*

Cairo, October 7, 1884.

Sir,

I HAVE the honour to acknowledge your despatch calling for a Report on the application of the provision prohibiting the sale of negro and Abyssinian slaves between families, and for any remarks and suggestions I may have to offer on the subject.

I have made repeated and careful inquiries with a view of ascertaining whether the prohibition may not have been infringed, but thus far no case has come to my knowledge; and Major Schäffer, with whom I have had a conversation on the subject shortly before his departure for the upper country, has assured me that no case of infringement of that provision had come under his notice.

Direct sales of slaves between families have not been, in my experience, frequently resorted to, the slaves being usually sold to, and subsequently by, slave-dealers. The latter practice, however, has received some check—perhaps slight—through the convictions that have been obtained of slave-dealers, and direct sales may have been substituted to some extent. My negative evidence, therefore, of such direct sales should not be taken as a proof that no such sales have been made, but as demonstrating that no such cases have come to my knowledge or to the notice of the Slave Trade authorities. Such sales, effected, perhaps, between seller and purchaser without intervention of third parties, could not, indeed, ooze out, unless the slave, from dissatisfaction with the old or new master, would have recourse to me or to the Slave Trade authorities.

That prohibition takes effect under a Khedivial Decree annexed to the Convention of the 4th August, 1877, and its execution is intrusted to the Egyptian Minister of Justice (“*Notre Ministre de la Justice reste chargé de pourvoir en temps utile à l'exécution des présentes*”). Since the promulgation of that Decree, however, important events have taken place in Egypt, which may reasonably be supposed to have withdrawn attention from provisions in themselves unpalatable to the majority of the population; and a timely reminder, in my opinion, would have been very appropriate. I am not aware that such a reminder has been published, and I would suggest that it should be delayed no longer, and that it should take the form of a notice, posted all over the country, and inserted in the Arabic papers—such posting and insertions being continued for some time—to the effect that sales of slaves (negroes, Abyssinians, or white) carried on between families, whether direct or through the agency or with the co-operation or assistance of dealers or friends, are strictly forbidden under the provisions of Articles 1 and 3 of the Decree of the 4th August, 1877, and that all and any party or parties infringing such prohibition on conviction thereof shall be liable to be kept in penal servitude for a period not exceeding five years.

A point to which I would draw attention before concluding this despatch is the definition of the Tribunal that would be competent to deal with cases occurring under the Decree in question. That Decree, which forms part of the Convention (Article V), enacts that punishment shall be awarded by the “*Tribunal compétent*.” The Convention has created one Tribunal only—a court-martial—to which Egyptian subjects are amenable for Slave Trade offences; but owing to the peculiar wording of the Decree the question may naturally and properly arise whether courts-martial, in the absence of a provision *tantis verbis*, would be competent to deal with parties infringing Articles 1 and 3 of the Decree. And it might be contended that the general criminal jurisdiction over local subjects being invested in the new native Tribunals, these cases would be of their resort. It is not clear, however, whether, in the absence of provisions in the Criminal Code, and on the question of competency being raised, they might not retain their incompetency to deal with such offences, in which case we might find ourselves unable to secure the enforcement of the Decree.

I have, &amp;c.

(Signed) R. BORG.

## Inclosure 2 in No. 2.

*Extract from the “Moniteur Égyptien” of October 10, 1884.*

AUX termes d'une Ordonnance de Son Altesse Ismaïl Pacha, en date du 4 Août, 1877, faisant partie de la Convention intervenue entre le Gouvernement Égyptien et le Gouvernement Britannique, la vente des esclaves, nègres ou Abyssins, de famille à

famille, demeure prohibée, d'une manière absolue, sur tout le territoire compris entre Alexandrie et Assouan, après un délai de sept années à partir de la date précitée.

La même prohibition, et après un même laps de temps, s'étend au trafic des esclaves blancs ou blanches pour toute l'étendue du territoire Égyptien et ses dépendances.

C'est donc depuis le 4 Août de la présente année que l'Ordonnance de 1877 sort son plein et entier effet, et il convient d'en rappeler l'échéance ainsi que les pénalités qu'elle prévoit et auxquelles s'exposeraient les contrevenants.

*Le Caire, le 10 Octobre, 1884.*

(Translation.)

ACCORDING to the terms of an Ordinance of His Highness Ismaïl Pasha, dated the 4th August, 1877, forming part of the Convention concluded between the Egyptian and British Governments, the sale of slaves, negroes, or Abyssinians, from family to family, was to be absolutely prohibited within all the territory between Alexandria and Assouan, after the expiration of seven years from the date above specified.

The same prohibition, and after the same lapse of time, applies to the traffic of white slaves, both male and female, through the whole extent of Egyptian territory and its dependencies.

Consequently, from the 4th August in this year, the Ordinance of 1877 comes into full and complete effect, and it is proper to draw attention to this fact, as well as to the penalties fixed by it and to which any persons disregarding the Ordinance will be liable.

*Cairo, October 10, 1884.*

Inclosure 3 in No. 2.

*Sir E. Baring to Nubar Pasha.*

M. le Président,

*Cairo, October 9, 1884.*

MR. BORG has drawn my attention to the fact that under Article 2 of the Decree of the 4th August, 1877, which forms part of the Slave Trade Convention, it is provided that offences against the Decree are to be dealt with by the "Tribunal compétent," but that in the absence of any specific provision fixing the nature of the Tribunal some doubt may exist as to how such offences are to be tried.

I should feel much obliged to your Excellency if you would inform me what view is entertained by the Egyptian Government as to the construction to be placed on the words "Tribunal compétent."

I have, &c.  
(Signed) E. BARING.

Inclosure 4 in No. 2.

*Nubar Pasha to Sir E. Baring.*

M. le Ministre,

*Le Caire, le 12 Octobre, 1884.*

VOUS avez bien voulu, dans votre dépêche du 9 de ce mois, attirer mon attention sur l'Article 2 de l'Ordonnance de Son Altesse le Khédive, en date du 4 Août, 1877, et me demander quel est le Tribunal compétent, prévu par l'Article précité, pour connaître des infractions commises à cette Ordonnance qui forme partie de la Convention intervenue en 1877 entre nos deux Gouvernements, au sujet de la suppression de la Traite.

Pour répondre à cette question je m'empresse, M. le Ministre, de vous annoncer que les Tribunaux compétents pour appliquer les peines prévues par cette Ordonnance sont les Tribunaux ordinaires.

Veillez, &c.  
(Signé) NUBAR.

(Translation.)

M. le Ministre,

*Cairo, October 12, 1884.*

YOU were good enough, in your despatch dated the 9th of this month, to draw my attention to Article 2 of the Ordinance of His Highness the Khedive, dated the 4th August, 1877, and to ask me what is the competent Tribunal, alluded to in the Article above specified, to deal with offences committed against the Ordinance which

forms part of the Convention agreed to in 1877 between our two Governments] on the subject of the suppression of the Slave Trade.

I hasten, in reply to this question, M. le Ministre, to acquaint you that the ordinary Tribunals are the proper ones to administer the punishments provided for in this Ordinance.

I have, &c.  
(Signed) NUBAR.

No. 3.

*Sir J. Pauncefote to Sir E. Baring.*

Sir,

*Foreign Office, November 4, 1884.*

I AM directed by Earl Granville to express to you his approval of the steps taken by you in regard to the due execution of the provisions of the Slave Trade Convention of August 1877, as reported in your despatch of the 13th ultimo.

As regards the meaning of the words "Tribunal compétent," it was understood by Her Majesty's Government at the time when the Treaty was framed that they meant the Tribunal which can lawfully exercise criminal jurisdiction over the person accused of the offence.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE.





CORRESPONDENCE respecting the Execution of the  
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*Presented to both Houses of Parliament by Com-  
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