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## **‘Muscat. Liabilities of British subjects entering into slave transactions in His Highness the Imaum’s dominions. Vol: 6’**

<b>Holding Institution</b>	British Library: India Office Records and Private Papers
<b>Reference</b>	IOR/F/4/2112/99467
<b>Date(s)</b>	9 Dec 1843-26 Jun 1845 (CE, Gregorian)
<b>Written in</b>	English in Latin
<b>Extent and Format</b>	1 item (12 folios)
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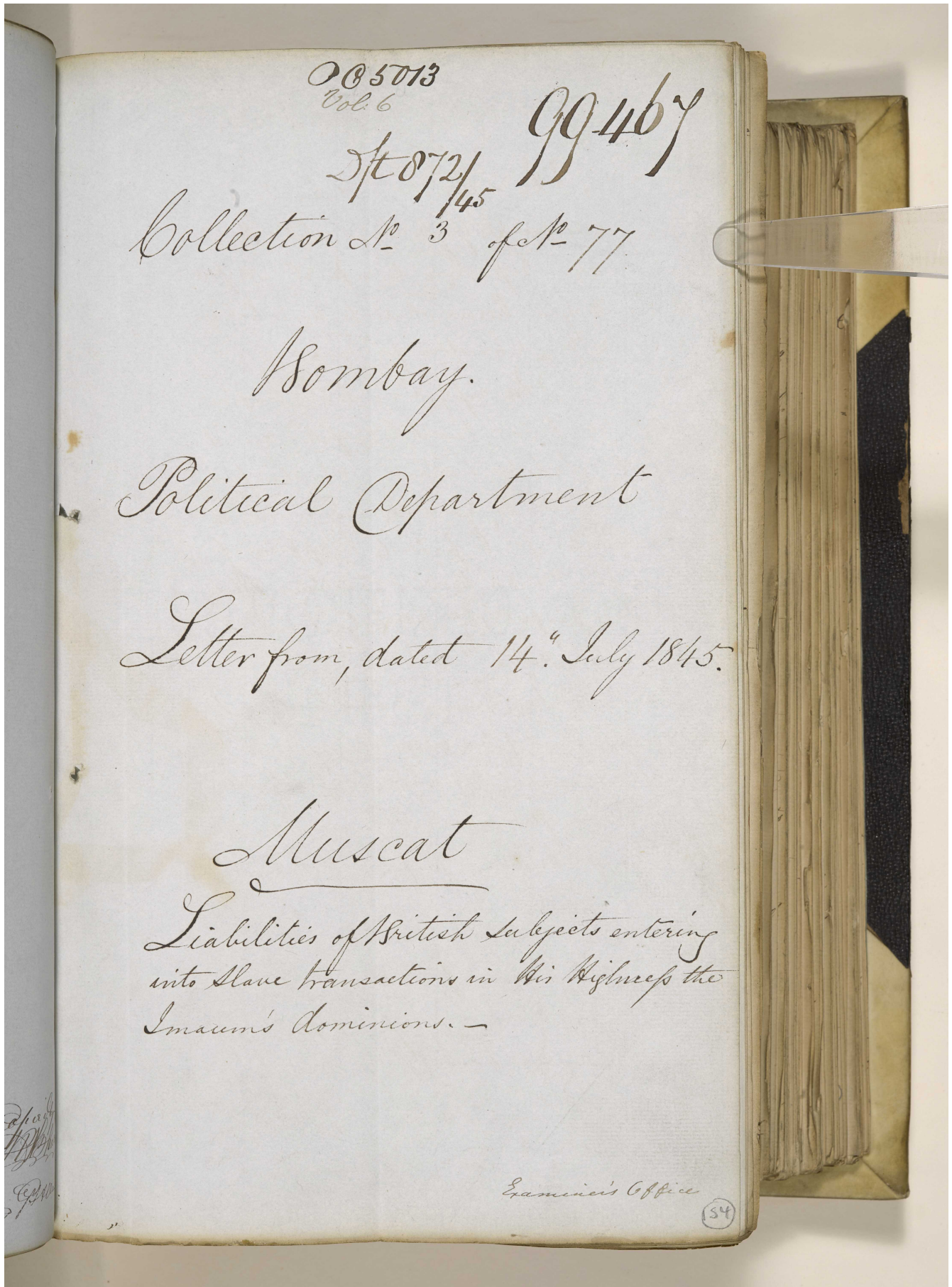
### **About this record**

This item consists of copies of correspondence, consultations, memoranda, resolutions, and minutes cited in, or enclosed with, political letters from the Government of Bombay [Mumbai]. The correspondents are: the Government of Bombay; Augustus Le Messurier, Advocate General in Bombay; the Government of India; and Captain

Atkins Hamerton, British Consul in the Dominions of the Imaum [Imam] of Muscat. It is the sixth in a series of seventeen items on the trade in enslaved people (the others are IOR/F/4/2112/99462, IOR/F/4/2112/99463, IOR/F/4/2112/99464, IOR/F/4/2112/99465, IOR/F/4/2112/99466, IOR/F/4/2112/99468, IOR/F/4/2112/99469, IOR/F/4/2112/99470, IOR/F/4/2112/99471, IOR/F/4/2112/99472, IOR/F/4/2112/99473, IOR/F/4/2112/99474, IOR/F/4/2112/99475, IOR/F/4/2112/99476, IOR/F/4/2112/99477, and IOR/F/4/2112/99478).

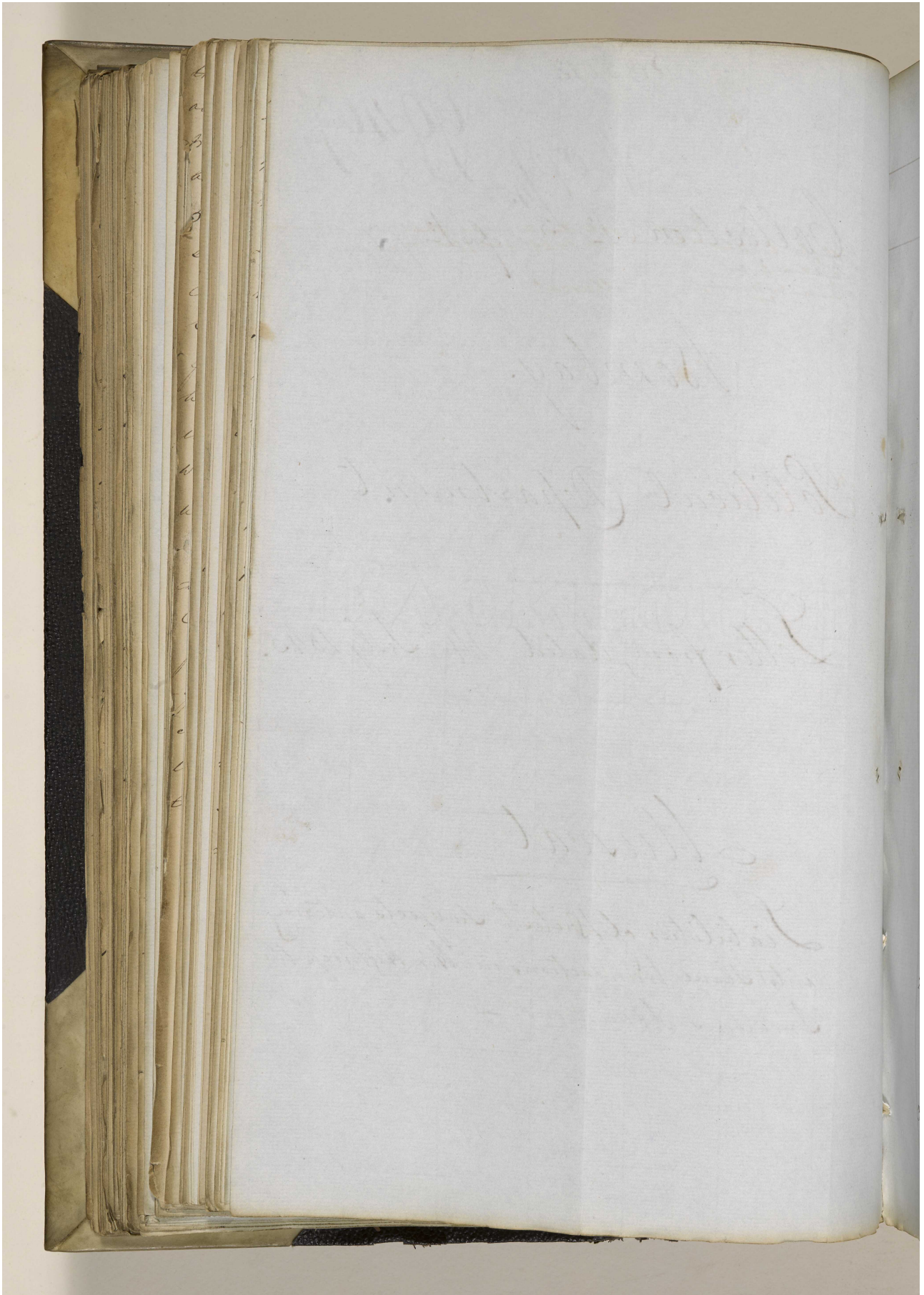
The item concerns the proclamation of the Imaum of Muscat [Sayyid Sa‘īd bin Sulṭān Āl Bū Sa‘īd] prohibiting the sale of enslaved people to, or purchase of them from, British subjects, and the importation of British subjects from India. The item concerns the legal implications of this proclamation and the extent of the Bombay criminal court’s jurisdiction over British subjects accused of trading enslaved people while in the territory of the Imaum of Muscat.

The item contains a contents page, and the title page of the item contains the following references: ‘Draft 872/45, P.C. [Previous Communication] 5013, Collection No 3 of No 77’.





'Muscat. Liabilities of British subjects entering into slave transactions in His  
Highness the Imaum's dominions. Vol: 6' [154v] (2/24)





'Muscat. Liabilities of British subjects entering into slave transactions in His Highness the Imaum's dominions. Vol: 6' [155r] (3/24)

Table of Contents.

No.	From	To	Subject	Date & No. of document	Date & No. of entry
1 <sup>o</sup>	Chief Secy	Council	Extract from the Gov: Gen: of India on Council in the Gov: Dept. (Secy) 7 June 1844	15 June 1844	
1 <sup>o</sup>	Govt.			15 June 1844	
2 <sup>o</sup>	Capt. Hamer	Secy Govt.		9 Dec 1843	
10 <sup>o</sup>	Draco on Exp. Wellington		Muscat	15 June 1844	
			Liabilities of British Subjects entering into slave transactions in His Highness the Imaum's dominions.		
No. 1	Her Highness's Council	Chief Secretary	States that in his opinion the provisions of act 6 & 7 of 1838 entitled an act for the more effectual suppression of the slave trade bear directly upon the liabilities of British Subjects entering into slave transactions within the dominions of His Highness the Imaum of Muscat	1845 Feb. 10 No. 4	1845 June 9 No. 5530
			Mr. Reid	June 6	
3	Chief Advocate	General	Transmitting Copy of the above communication from Capt. Hamerton, and requesting him to		No. 5531

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No.	From	To	Subject	Date of No. of Decree	Date of No. of Decree
				1845	1845
			to submit his opinion on the point alluded to by that officer at the close of the 1 <sup>st</sup> part of June 9 <sup>th</sup>	No. 2811	No. 3532
	Advocate	Chief	Submits an explanation in regard to the 6 <sup>th</sup> vic. cap: 98 which provides for the more effectual suppression of the Slave Trade		
				13	July 2
5			Minute by the Board	No. 52	No. 6092
				16	
6	Chief Secretary		Submitting copy of a Com- to the Govt. muni- cation from Her Majesty's Consul and Honble Company's agent at Muscat dated the 10 <sup>th</sup> February No. 4, together with copy of a report thereon by the Advocate General at this Presidency dated the 18 <sup>th</sup> Instant	No. 52	No. 6093
				26	
				No. 461	No. 6094
			Bombay Castle, 14 <sup>th</sup> July 1845.		
			W. J. ... Secy to Govt.		

copy by  
M. J. ...  
E. J. ...



'Muscat. Liabilities of British subjects entering into slave transactions in His Highness the Imaum's dominions. Vol: 6' [156r] (5/24)

Page 15 Leges Lre  
20 Dec 29 '44

1a Extract from the Proceedings of the Right Honble the Governor General of India in Council in the Home Department Legislative under date the 15<sup>th</sup> June 1844.

N<sup>o</sup>. 363.

Extract from the Proceedings of the Right Honble the Governor General of India in Council in the Foreign Department / Secret / under date the 7<sup>th</sup> June 1844.

Office Memorandum. N<sup>o</sup>. 62 of 1844.

1b From the Chief Secretary to the Gov<sup>t</sup>. of Bombay.

To. F. Currie Esq<sup>r</sup>.

Secretary to the Government of India.  
Fort William.

Dated the 6<sup>th</sup> May 1844.

Secret Sept<sup>r</sup>. Sir,

With reference to my letter to the address of M<sup>r</sup>. Secretary Thomason dated the 17<sup>th</sup> August last N<sup>o</sup>. 349 on the subject of the liabilities of British subjects entering into Slave transactions in the Persian Gulf, I am directed by the Honble the Governor in Council to transmit for submission to the Right Honble the Governor General of India in Council Copy of a letter from Captain Hamerton, Her Majesty's Consul and Honble Company's Agent in the Dominions of His Highness the Imaum of Muscat dated the 9<sup>th</sup> December last N<sup>o</sup>. 30 reporting that His Highness issued two proclamations on the 7<sup>th</sup> & 8<sup>th</sup> of that month.

(156) the



'Muscat. Liabilities of British subjects entering into slave transactions in His Highness the Imaum's dominions. Vol: 6' [156v] (6/24)

the former declaring His Highness determination to punish with great Severity any of his Subjects who may henceforth be found selling to, or buying of Slaves from a British Subject, and the latter requiring all persons in his dominions to abstain from purchasing British Subjects brought from India and at the same time cautioning every one, whether his own or British Subjects to discontinue importing from India into his dominions, persons of any Description being British Subjects

In forwarding this Communication together with Copy of a report thereon by the advocate General at this Presidency dated the 2<sup>d</sup> Ultimo, I am desired to request, that this Government may be favored with such instructions as His Lordship in Council may deem it expedient to issue in regard to the Course which Captain Hamerton should pursue towards British Subjects now holding Slaves in His Highness the Imaum's Dominions and likewise on the Subject noticed in the 5<sup>th</sup> para. of that Officers letter.

Bombay Castle }  
16<sup>th</sup> May 1844. }

I have the honor to be Sir  
Yours faithfully,  
J. P. Willoughby,  
Chief Secretary.

A.



'Muscat. Liabilities of British subjects entering into slave transactions in His Highness the Imaum's dominions. Vol: 6' [157r] (7/24)

3 #

No. 33 of 1843.  
From Captain A. Hamerton.  
Her Majesty's Consul & Honorable  
Company's Agent in the Dominions  
of the Imaum of Muscat.  
To. J. P. Willoughby Esq<sup>r</sup>.  
Secretary to Government, Bombay.  
Dated 9<sup>th</sup> December 1843.

Secret Dept

Sir,  
I have the honor to acknowledge the receipt  
per<sup>o</sup> His Highness the Imaum Schooner Prince of  
Wales on the 21<sup>st</sup> ultimo of the undermentioned letters  
in this department.

- No. 1252. of 1843.
- " 1339 " — "
- " 1419 " — "
- " 1705. — " — "

2<sup>d</sup> With respect to Mr. Chief Secretary Reid's  
letter No. 1419 of 1843. under date 17<sup>th</sup> of August last  
directing me to communicate to His Highness the  
Imaum such part of Mr. Advocate General Syll's  
Opinion on the Subject of Slave dealing and Slave  
holding by British Subjects in the dominions of the  
Imaum of Muscat as I might deem expedient &  
and as being the decision of the Right Honorable the  
Governor General on the Subject I beg to state as  
follows:-

3<sup>d</sup> I have lately had numerous conver-  
sations on the Slave question with His Highness  
the

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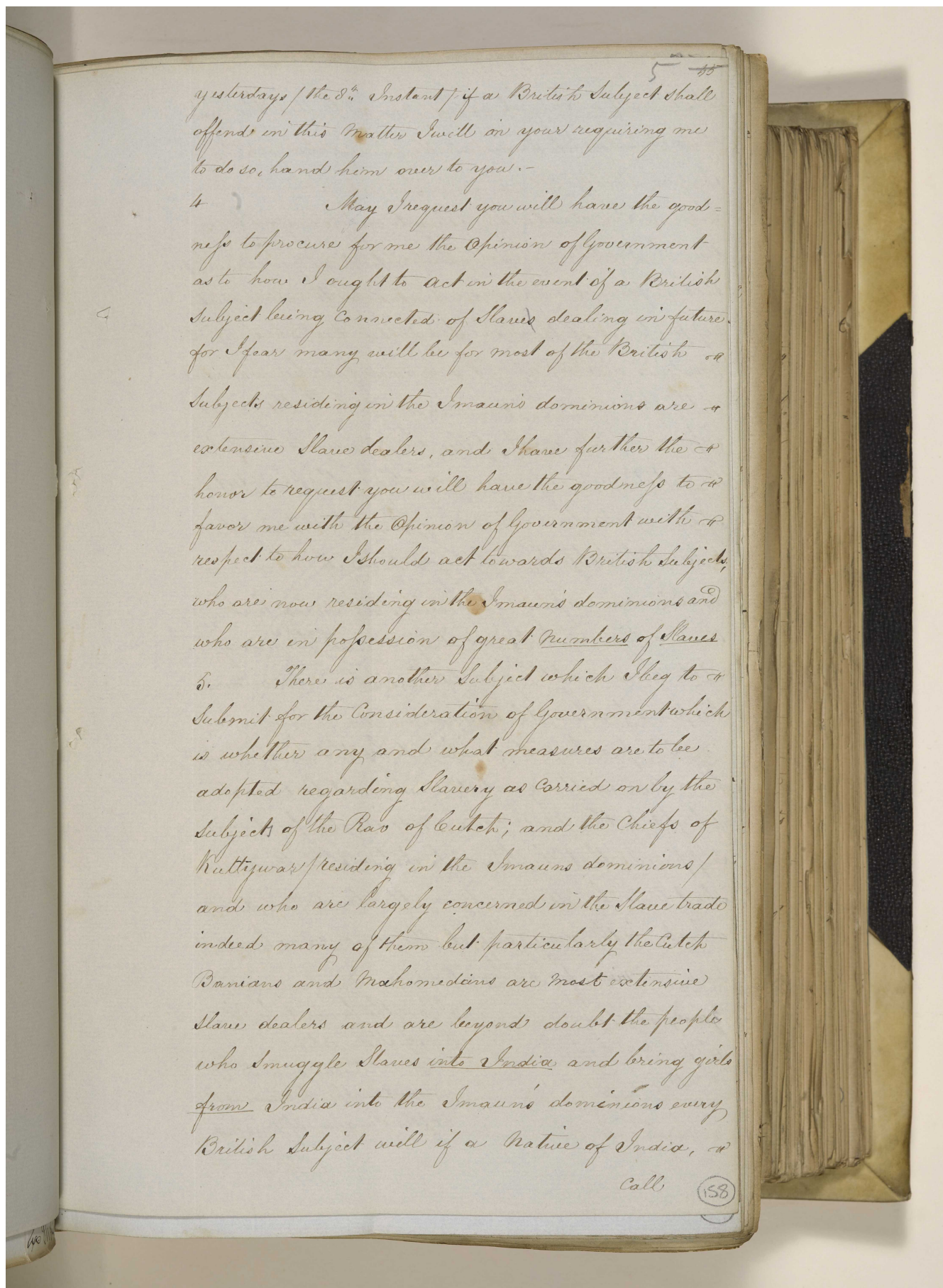


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the Imaum and he frequently said he had <sup>it</sup> in contemplation to forbid in the strongest possible way he could all his own Subjects either to sell to British Subjects Slaves or to buy Slaves from them, and on the receipt of Mr. Advocate Genl. Syalls Opinion on the Subject of Slaves dealing on the part of British Subjects in the Imaum's Dominions intimated to His Highness that His using his utmost endeavours to prohibit Slave dealing in His Highness's dominions by British Subjects would meet with the highest possible approbation from Government when His Highness said then in the name of God I will forbid it and on Thursday last the 7<sup>th</sup> Instant His Highness issued a proclamation declaring he <sup>would</sup> punish with great severity any of his Subjects who would henceforth sell to, or buy Slaves from a British Subject, and yesterday the 8<sup>th</sup> Instant His Highness issued another proclamation directing all persons in his dominions to abstain from buying British Subjects brought from India and also cautioning all persons whether his own or British Subjects to discontinue bringing persons of any description (being British Subjects) from India for sale in his Highness's dominions and that he would punish any one who should be found guilty hereafter of selling or buying a British Subject His Highness also said in the course of conversation yesterday,



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yesterday / the 8<sup>th</sup> Instant / if a British Subject shall  
offend in this Matter I will on your requiring me  
to do so, hand him over to you.

4 May I request you will have the good-  
ness to procure for me the Opinion of Government  
as to how I ought to act in the event of a British  
Subject being convicted of Slaves dealing in future  
for I fear many will be for most of the British or  
Subjects residing in the Imaum's dominions are  
extensive Slave dealers, and I have further the  
honor to request you will have the goodness to  
favor me with the Opinion of Government with  
respect to how I should act towards British Subjects  
who are now residing in the Imaum's dominions and  
who are in possession of great numbers of Slaves

5. There is another Subject which I beg to  
submit for the Consideration of Government which  
is whether any and what measures are to be  
adopted regarding Slavery as carried on by the  
Subjects of the Rao of Cutch; and the Chiefs of  
Nattiywar residing in the Imaum's dominions /  
and who are largely concerned in the Slave trade  
indeed many of them but particularly the Cutch  
Banians and Mahomedians are most extensive  
Slave dealers and are beyond doubt the people  
who smuggle Slaves into India and bring girls  
from India into the Imaum's dominions every  
British Subject will if a Native of India, or

Call (58)



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call himself a Subject of the Ras of Leutch the Rana of Porbander the Saun of Muggur or some other Indian Chief.

In conclusion I beg to inform you for the information and Consideration of Government that the present measures adopted for the immediate suppression of the Slave trade by British Subjects (natives of India) who are and have been residing in the Imaum's Dominions will be to the great loss and detriment of the Individuals and to the total ruin of many of them; the plantations of the Arabs are in many Cases mortgaged to British Subjects, who cultivate them and in this way repay themselves the sums lent on the Mortgages but now they are at the mercy of the owners of the plantations who will of course keep no faith with them.

The proclamations issued by the Imaum have caused the greatest excitement here and delight to the Americans and Arabs for it is supposed that the British Subjects will in a short time be driven from the trade; and which is the very object the Americans have had in view for a long time.

Zanzibar }  
9<sup>th</sup> Decr. }  
1843 }

I have the honor to be  
Yours  
P. J. A. Hamerton  
H. M. Consul and H. C.  
Agent in the Dominions  
of the Imaum of Muscat

The



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The British Subjects are under the Orders of the Custom Masters and are obliged to take their goods to whom he may Order.

77

T.S. The whole of the trade in Ivory and Gun & Capal and the sale of powder Muskets, and piece of goods will now be in the hands of the Custom Master the very way the Americans wish to have it, and British Subjects will be excluded from all participation in the trade.

Sigs. / A. Hamerton.

( True Copy )  
/ Sigs. / J. P. Willoughby.  
Chief Secretary.

Report from Advocate General dated 2<sup>d</sup>. April 1844.

Referring to my Opinion expressed on a similar question, in my letter of 12. August last, &c. I would observe that where the offence of Slave dealing within any of the provisions of 5. Geo: 4 / is committed by any subject, British or Indian, in the high seas or any place where the Admiral has jurisdiction, which includes all ports harbours, creeks &c. in any foreign country, the offence can be tried <sup>under</sup> the admiralty Jurisdiction of the Supreme Court of Bombay and on the offender being brought here with the necessary witnesses to prove the crime, the Magistrate can take the necessary depositions with a view to his Commitments and ultimate trial.

But if the offence is committed on land in a foreign country without India and not in

159



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a place which could be considered as coming within the admiralty Jurisdiction the criminal Jurisdiction of the court here <sup>is</sup> not competent to reach <sup>such</sup> a case Its Jurisdiction as to crimes in a foreign country being limited to the territories of Native Princes of India in Alliance with the British Government excluding consequently the Imaum's territories and places contemplated in Captain Hamerton's letter. -

Should it however, be deemed expedient to bring these countries within our own jurisdictions an act of the Government of India might be passed declaring that all offences against any of the laws for the abolition of Slavery committed on land by any British Subject or any person for whom the Governor General of India in Council has power to legislate, whether within the Company's Territories or without, and in the dominions of any foreign Prince or Potentate whatever situate within any part of the limits of the Company's Charter shall be tried in any of Her Majesty's Supreme Courts of India as if committed in places within the ordinary Jurisdiction of those Courts. -

The Traffic in females transported from India to be sold as Slaves in Arabia or elsewhere and which seems to be one of the chief evils sought to be suppressed, may be dealt with now under the Admiralty Jurisdiction as an offence committed on the high Seas. -

And



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97  
And wherever on land within his own Dominions, the Imaum may have abolished the traffic, by British Subjects including under this term our Indian Subjects, His Highness can himself punish the Offenders against his own Laws, found and being within his own Jurisdiction, but it would be for the consideration of the British Government at whose solicitation the abolition may have taken place, whether it would hand over, even an Indian Subject to the Summary Justice of a Mahomedan Criminal Court, in a Country, under Mahomedan Rule, though from the 3<sup>d</sup> para of Captain Hamerton's letter the Imaum would seem to contemplate the transferring the Criminal over to the British Authorities for them to deal with.

With reference to the ruin of numbers of Individuals <sup>alleged?</sup> allowed to in the 6<sup>th</sup> para of the Agents letter, that would be consequent on the suppression of the Slave trade by our Subjects, Natives of India residing in the Imaum's dominions and holding Slave Plantations, this is a matter for the consideration of Government, on which I would observe that such Subjects, by the loss of their property, taken from them by the law would have a fair and just Claim for Compensation. After the example of our West Indian and other Slave Colonies, where in 1834, a Compensation of 20 Millions was awarded, on the abolition of Slavery therein.

In 160



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In like manner the further consequence, noted in the Postscript of the Agents' letter of the whole of the trade in ivory and gum &c now in British hands, passing into those of the Americans and other Foreigners is one also of policy and expediency to engage the attention of Government and not one for legal Opinions:-

Bombay. } J. A. S. McFerris,  
2. April 1844 } Advocate General.

(True Copy)  
J. P. Willoughby,  
Chief Secretary.

Ordered, that a Copy of the above be sent to the Legislative Branch of the Home Department for Consideration and Orders.-

(True Extract)  
(Sig.)  
Secretary to Govt. of India.

From J. R. Davidson, Esq<sup>r</sup>  
1. }  
Officiating Secretary to the Govt. of India  
To J. P. Willoughby, Esq<sup>r</sup>  
Chief Secretary to Govt.  
No. 306. } No. 7.

Bombay

Dated the 15<sup>th</sup> June 1844.

Sir,

With reference to your letter No. 62 dated the 16<sup>th</sup> Ultimo to the address of Mr. Secretary Currie submitting Copy of a letter from Her Majesty's Consul and



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11-5  
and Honble Company's Agent in the dominions  
of His Highness the Imaum of Muscat on the  
Subject of the Slave Trade carried on by British  
Subjects in his Highness's dominions and Copy  
of the Report thereon by the Advocate General of  
Bombay the Governor General in Council Observed  
that the Agent at Muscat should be told that  
the Courts under the Indian Government cannot  
at present notice any offence committed in a  
Foreign Country like that of the Imaum that  
the Imaum may punish, but that the Indian  
Courts cannot do so for offences against his  
Laws:-

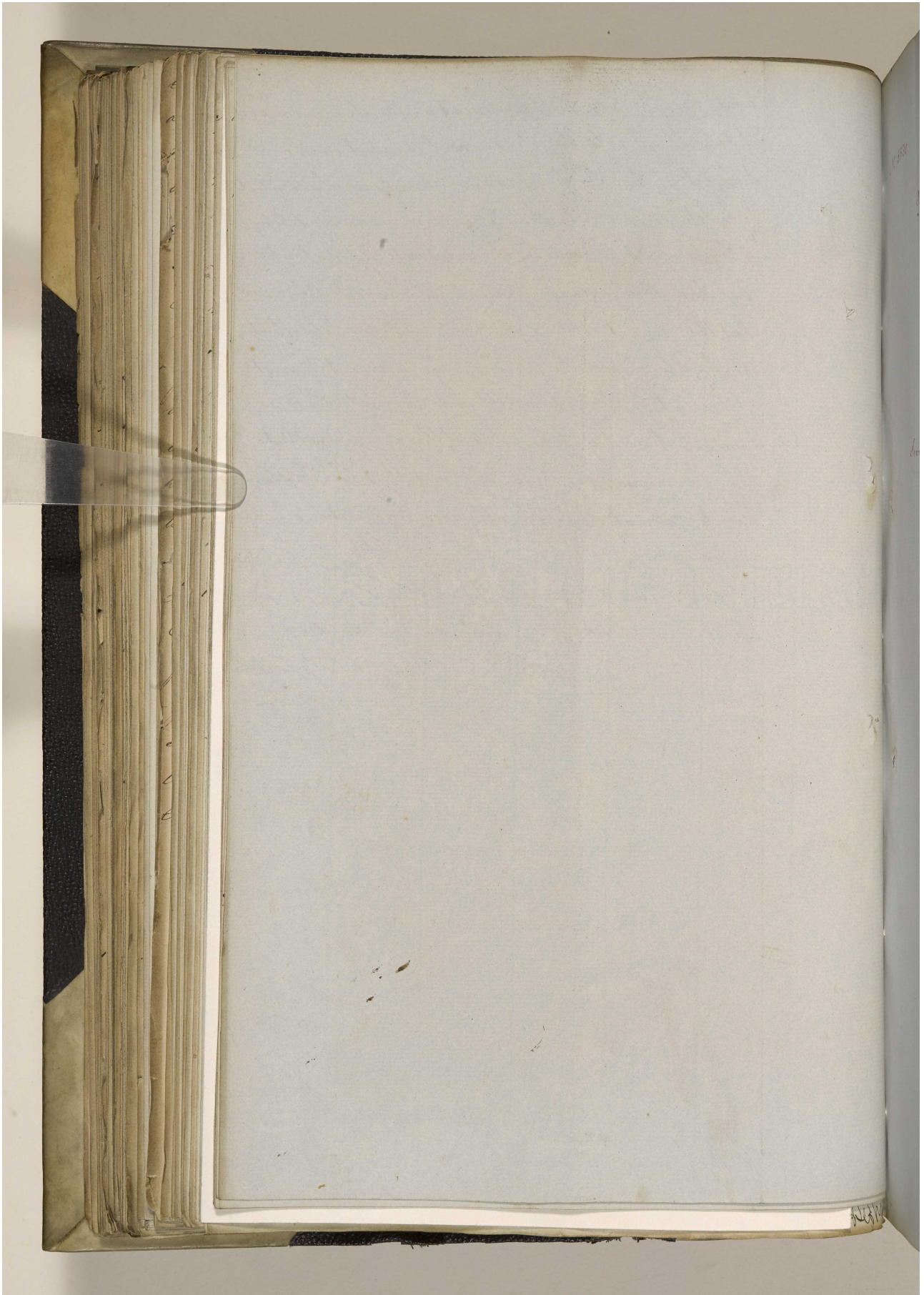
Fort Williams }  
the 15<sup>th</sup> June 1844 }  
I have H<sup>on</sup>  
/sig<sup>d</sup>/ J. R. Davidson  
Off<sup>ce</sup> Sec<sup>y</sup> to the Gov<sup>t</sup> of India

*[Handwritten signature]*

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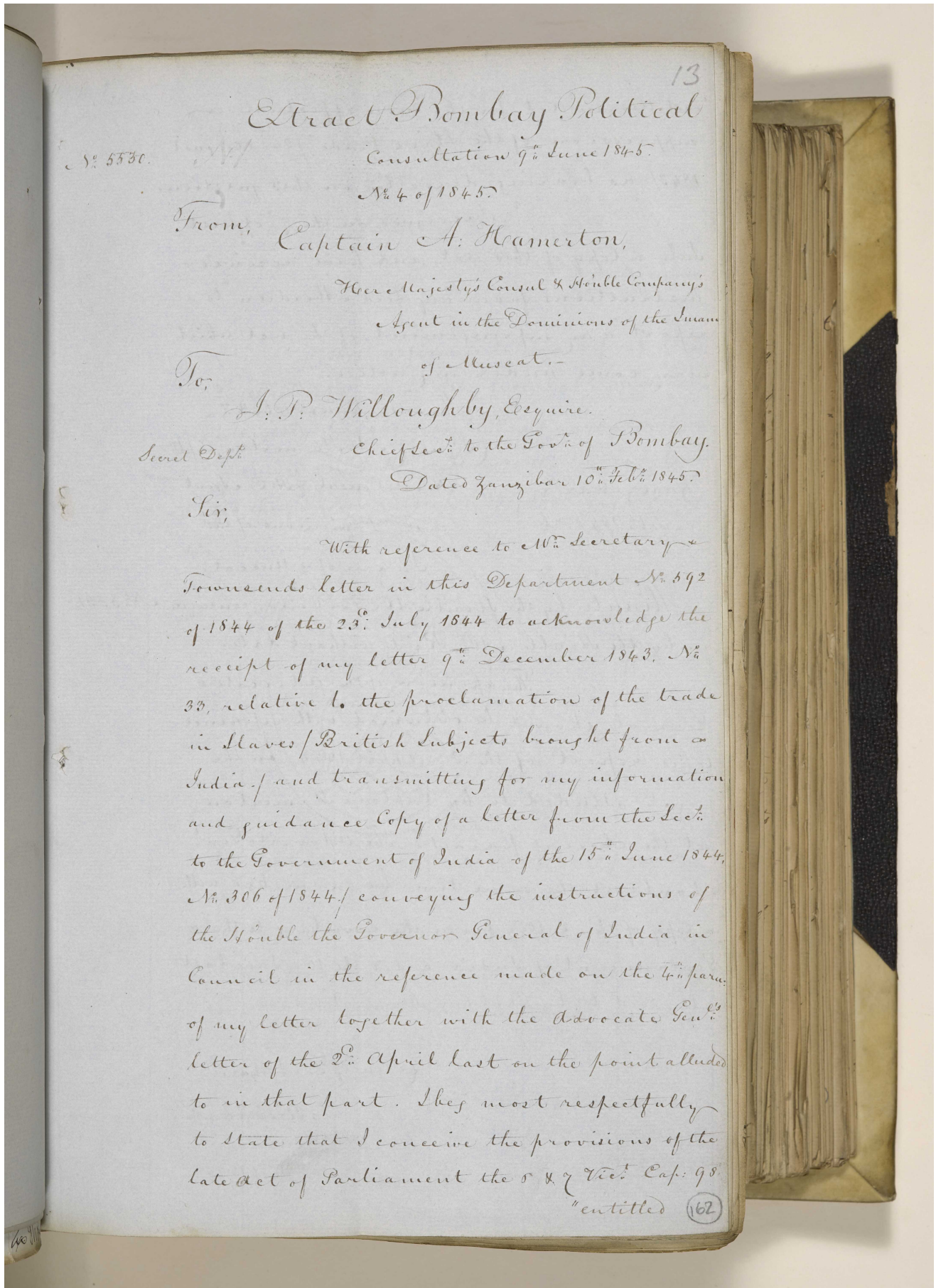


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13  
Extract Bombay Political

Consultation 9<sup>th</sup> June 1845.

No 4 of 1845.

From, Captain A. Hamerton,

Her Majesty's Consul & Honble Company's  
Agent in the Dominions of the Imaum  
of Muscat.

To,

J. P. Willoughby, Esquire.

Secy Dept

Chief Secy to the Govt of Bombay.

Dated Zanzibar 10<sup>th</sup> Feb 1845.

Sir,

With reference to Mr Secretary's  
Townsend's letter in this Department No. 592  
of 1844 of the 23<sup>rd</sup> July 1844 to acknowledge the  
receipt of my letter 9<sup>th</sup> December 1843. No  
33, relative to the proclamation of the trade  
in slaves / British Subjects brought from  
India, / and transmitting for my information  
and guidance Copy of a letter from the Secy  
to the Government of India of the 15<sup>th</sup> June 1844,  
No. 306 of 1844, / conveying the instructions of  
the Honble the Governor General of India in  
Council in the reference made on the 4<sup>th</sup> page  
of my letter together with the Advocate Genl's  
letter of the 2<sup>nd</sup> April last on the point alluded  
to in that part. They most respectfully  
to state that I conceive the provisions of the  
late Act of Parliament the 5 & 7 Vict. Cap. 98  
"entitled (162)



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'entitled an act for the more effectual suppression of the Slave trade' / 24<sup>th</sup> August 1843/ as bearing directly on this question.

I received on the 7<sup>th</sup> of last July a copy of this act and have received a instructions from my Lord Aberdeen to report any infringement of the act which may come under my notice.

I have the honor to be Sir,  
(Signed) A. Hamerton, Capt.

Zanzibar }  
10<sup>th</sup> Feb<sup>r</sup>. 1845.

H. M. Consul & H. C. Agent  
in the Dominions of the  
Imam of Muscat.

Minute by the Honble the Governor, concurred N<sup>o</sup> 5531.  
in by the Honble W<sup>o</sup> Reid, without date.

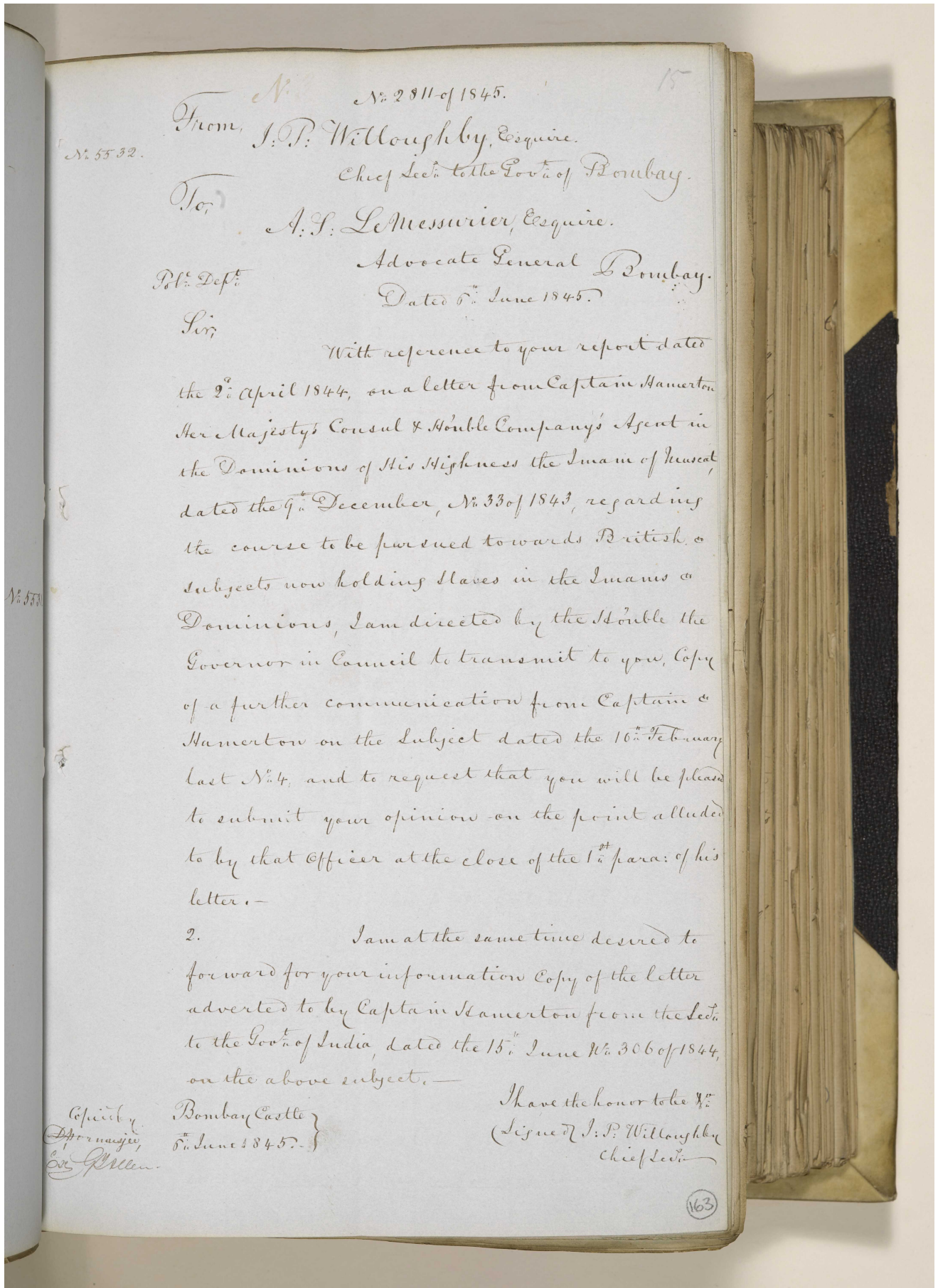
The opinion of the Advocate General should be obtained with reference to his report of the 2<sup>d</sup> April 1844, on the point alluded to by Captain Hamerton at the close of para: 1<sup>st</sup>. The Advocate Gen<sup>l</sup> should at the same time be furnished with a copy of the letter from the Secretary to the Government of India dated the 15<sup>th</sup> June last, alluded to by Captain Hamerton.

(Signed) G. Arthur.  
" L. R. Reid.

N<sup>o</sup> 2811 of 1845.



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N<sup>o</sup> 2811 of 1845. 15  
From, J. P. Willoughby, Esquire.  
Chief Sec<sup>y</sup> to the Gov<sup>t</sup> of Bombay.  
To, A. F. LeMessurier, Esquire.  
Advocate General Bombay.  
Dated 6<sup>th</sup> June 1845.

Sir  
With reference to your report dated the 2<sup>o</sup> April 1844, on a letter from Captain Hamerton Her Majesty's Consul & Honble Company's Agent in the Dominions of His Highness the Imaum of Muscat, dated the 9<sup>th</sup> December, N<sup>o</sup> 33 of 1843, regarding the course to be pursued towards British subjects now holding slaves in the Imaum's Dominions, I am directed by the Honble the Governor in Council to transmit to you, Copy of a further communication from Captain & Hamerton on the subject dated the 16<sup>th</sup> February last N<sup>o</sup> 4, and to request that you will be pleased to submit your opinion on the point alluded to by that Officer at the close of the 1<sup>st</sup> para: of his letter. —

2. I am at the same time desired to forward for your information Copy of the letter adverted to by Captain Hamerton from the Sec<sup>y</sup> to the Gov<sup>t</sup> of India, dated the 15<sup>th</sup> June N<sup>o</sup> 306 of 1844, on the above subject. —

Copied by  
D. P. M. J. J.  
E. P. Allen

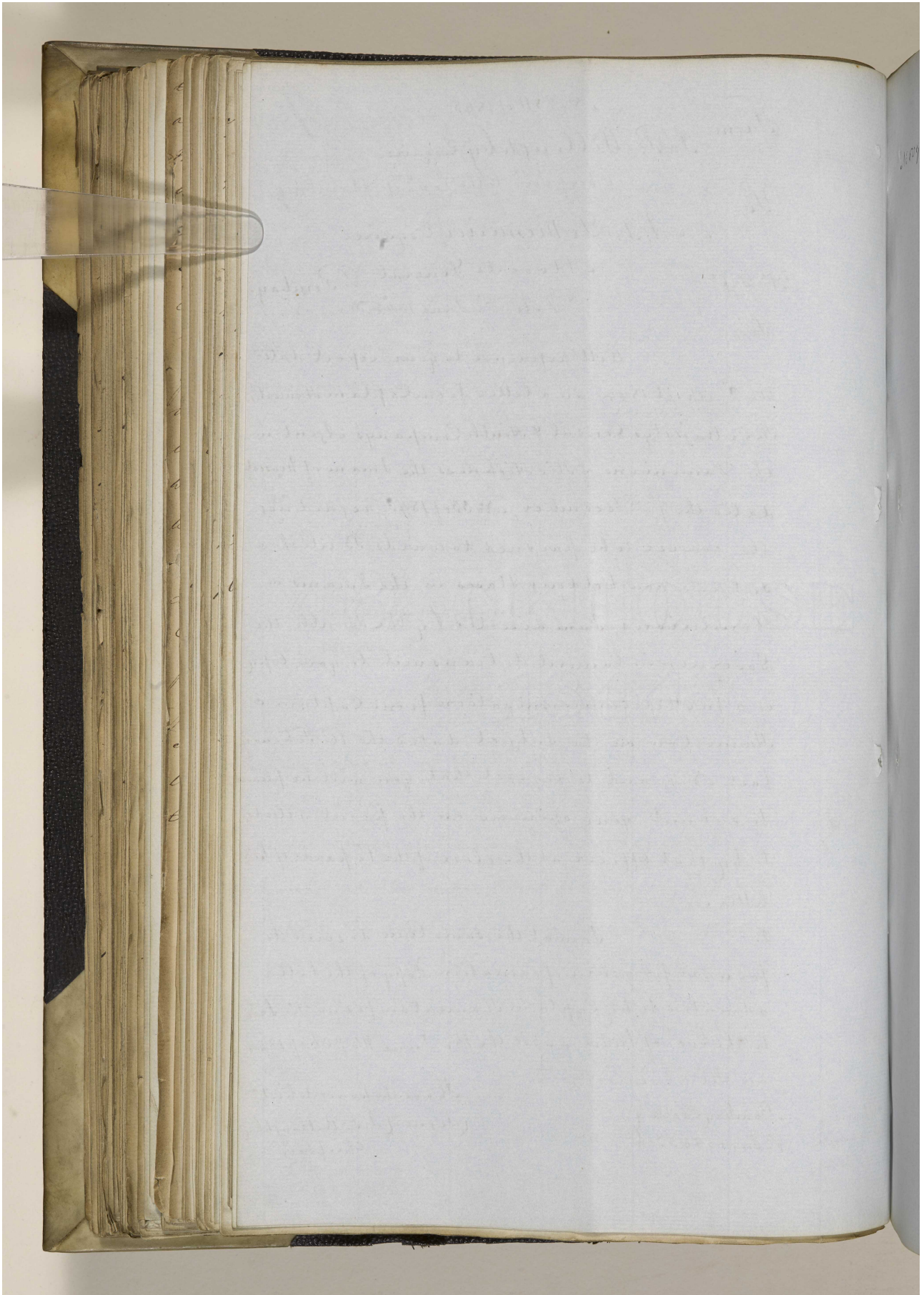
Bombay Castle }  
6<sup>th</sup> June 1845. }

I have the honor to be &c  
(Signed) J. P. Willoughby  
Chief Sec<sup>y</sup>

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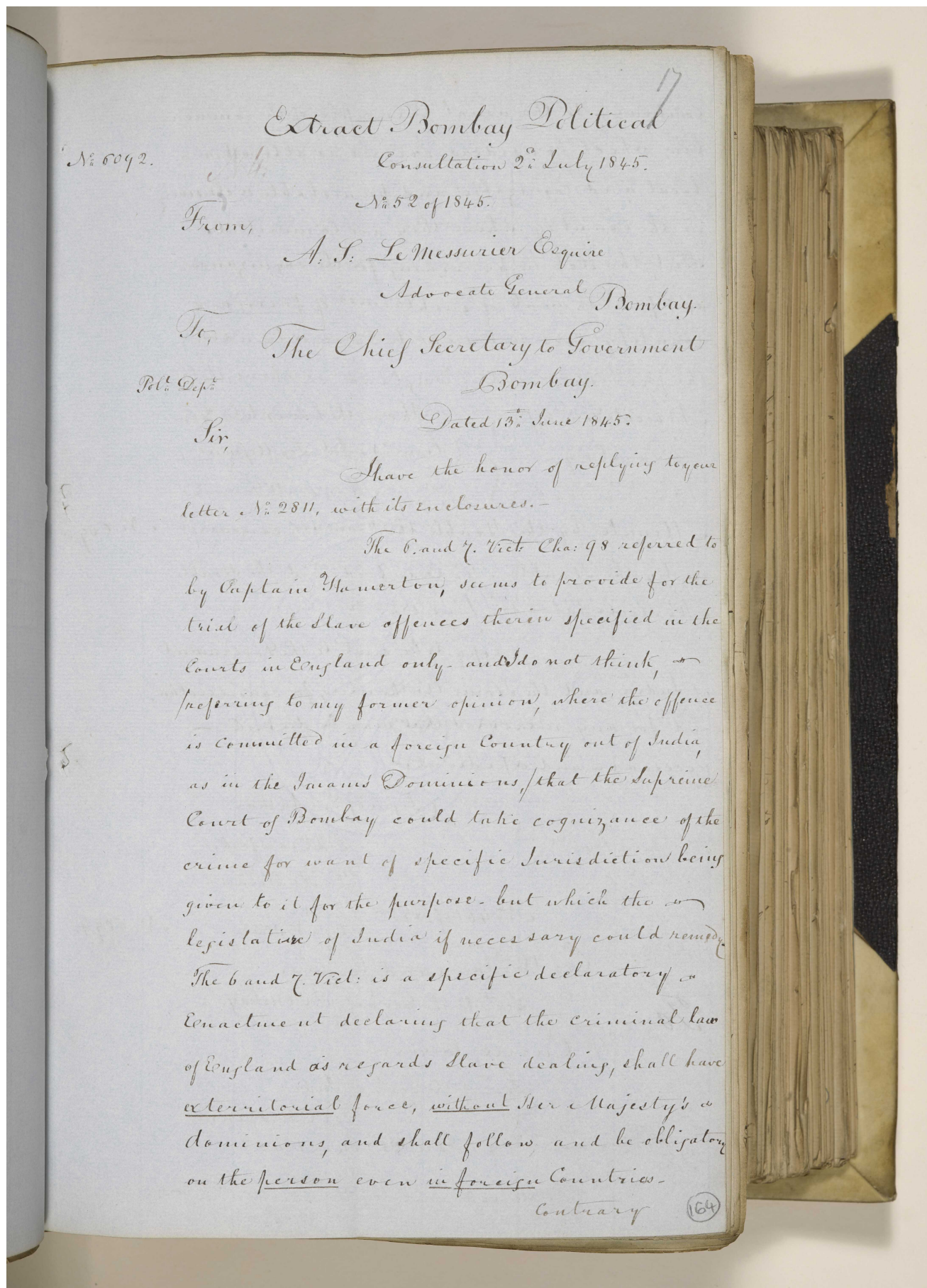


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Contrary to the usual principle of the Common law, which considers crimes as altogether local and cognizable and punishable exclusively in the Country where they are committed. But the Act in providing for the cognizance and punishment of such crimes, of foreign or locality does not seem to have extended the provision out of England as above stated.

Advocate Gen<sup>l</sup> Office } I have the honor to be Sir  
Bombay } (Signed) Ad. Lee Meurier,  
13<sup>th</sup> June 1845. } N<sup>o</sup> 5. Advocate General.

Minute by the Honble the Governor, concurred N<sup>o</sup> 5093  
in by the Honble W<sup>o</sup> Crawford, and the Honble  
W<sup>o</sup> Reid, dated 15<sup>th</sup> June 1845.

Copy to be sent to the Government of India, and the Home Authorities, for consideration, and for any measures that may be deemed necessary and expedient.

(Signed) G. Arthur.

10<sup>th</sup> June 1845.

" J. H. Crawford.

" L. R. Reid.

N<sup>o</sup> 461 of 1845.

C: N<sup>o</sup> 3050.

N<sup>o</sup> 5094.

From,

G: H: Townsend, Esquire.

Sec<sup>y</sup> to the Gov<sup>o</sup> of Bombay.

To,

F: Currie, Esquire.

Sec<sup>y</sup> to the Gov<sup>o</sup> of India

Fort William.

Sir,

Dated 25<sup>th</sup> June 1845.

With reference to Mr Chief Sec<sup>y</sup>  
Willoughby's



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Willoughby's letter dated the 15<sup>th</sup> May 1844, N<sup>o</sup> 52,  
and Mr. Officiating Secretary Davidson's reply  
dated the 15<sup>th</sup> June following N<sup>o</sup> 300, relative to the  
liabilities of British subjects entering into  
slave transactions within the Dominions of  
His Highness the Imaum of Muscat, I am directed  
by the Hon<sup>ble</sup> the Governor in Council to  
transmit for the consideration of the Right  
Hon<sup>ble</sup> the Governor General of India in Council,  
and for any measures that His Excellency in  
Council may deem necessary and expedient,  
Copy of a communication from Captain  
Hamerton Her Majesty's Consul and Double  
Company's Agent in the Dominions of His  
Highness dated the 10<sup>th</sup> February last N<sup>o</sup> 4,  
stating that in his opinion the provisions  
of Act 6. & 7. Vic. Chap: 98 entitled on "Act for  
the more effectual suppression of the slave  
trade" bear directly upon this question, &  
together with Copy of a report there on by  
the Advocate General at this Presidency  
dated the 13<sup>th</sup> instant, N<sup>o</sup> 52. —

Bombay Castle }  
20<sup>th</sup> June 1845.

I have the honor to be &c.  
(Signed) E. A. Townsend,  
Secy to Govt.

True Extract.  
W. Townsend  
Secretary to Govt.

Copied by,  
D. Manning,  
& Allen

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