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Title: Letter from James Buchanan to Charles Ward

Date: July 23, 1845

Location: MC 1998.10, B2, F10

Contact:

Archives & Special Collections
Waidner-Spahr Library
Dickinson College
P.O. Box 1773
Carlisle, PA 17013

717-245-1399

archives@dickinson.edu

Charles Ward Esq.^r
appointed U. S. Consul
for Zanzibar. Muscat.

Department of State
Washington, 23 July, 1845.

Sir:

The President having appointed you Consul of the U. States for the Island of Zanzibar, in the dominions of the Sultan of Muscat, I now transmit your Commission, with a copy of the General Instructions to Consuls &c, & other documents for the use of your Consulate, the receipt of which, you will immediately acknowledge. You will also receive, herewith, an abstract from the Treaty, with Muscat.

By the Treaty, unusual privileges are granted to Consuls in Muscat. Their persons, & property, being inviolate. It is expected by the President, that no undue advantage will be taken, of their immunity. All proper respect is to be paid to the Institutions of the Country, to its Laws & Customs, & those exercising authority, in it. In their conduct, the Consuls will carefully avoid all acts, which, but for the protection granted by the Treaty, would subject them, either in their persons, or property, to legal responsibility. If, as is probable, they should be engaged in Commerce, they will fulfill all their commercial engagements, with punctuality, & good faith. This, is due alike to their official station, & to the character of the nation, they represent. But, if, contrary to the President's expectation, they should
fail

fail in those Duties, he would consider himself bound to remove them, without delay, from a situation, in which they might abuse the confidence of the Government & people, among whom they are sent, & bring discredit upon their own Country.

It is hoped too that Consuls, besides affording an example in their own persons, will be able to give to their countrymen frequenting the dominions of the Sultan, such advice, in respect to their intercourse with the Authorities, & the Inhabitants, as may not only prevent misunderstanding & collisions, but conciliate their respect & good will.

Our Treaty, also, confides unusual powers to Consuls: - they being made the exclusive judges of disputes, among American Citizens. This power is to be considered rather of a mediatory, than of an authoritative character. It is only to be exercised in cases, which will not admit of being delayed until the return of the parties to the U. States; or in cases, in which, upon such return, the Courts of the U. States could not exercise jurisdiction; and even in such cases it is to be exercised to no greater extent, than the occasion may absolutely require. In all cases, where you may be called upon, under the Treaty, to decide disputes, you will, with the consent of the parties endeavor to obtain the aid of some of your countrymen, if any suitable persons of that description, are within your Consulate. In your proceedings, on such occasions, you will take as your guide, the manner of proceeding
in like

in like cases in the U States, as far as circumstances will permit.
You will also shew those principles, on which our judicial in-
stitutions are founded; & will follow the Laws of the U States,
& the Decisions of Courts, as far as they may be known to you.
You will make a proper record of your proceedings, & report
them to this Department.

The Treaty between the U States & Muscat, was rat-
ified by the Senate, on the 30th of June 1834. The Ratifica-
tions were exchanged on the 30th September 1835. & the Sub-
lime issued an order, that the Treaty should be considered,
as in effect, from the time of the ratification by the Senate:
& that where Duties have been collected since that time,
on American Commerce, higher than those fixed by the
Treaty, the Excess should be repaid.

Enclosed, is a Letter from the President to the
Sultan, informing him of your appointment & requesting
him, that you may be received, in that capacity.

This Letter you will hand to the Sultan himself
if agreeable to usage - if otherwise to such person as may
appear to be proper, on your arrival.

It is required of the Ministers Consuls & other Diplomatic & Commer-
cial Agents of the U States, that they will not, unless the Consent of
Congress shall have been previously obtained, accept, under any cir-
cumstances presents of any kind, from any King, Prince, or Foreign
State.

I am Sir respectfully. Your O^b. Servant

James Buchanan

#28

Documents enclosed

Commission, Genl. Instructions, Blank Bond, Ink Lines, Treaty
with Muscat, Circular 30th July 1840. D^o July 17. 1845. Letter to his
Majesty the Sultan sealed - an open copy of do -

Wm. Wood

Memphis Street - Maine

Department of State
Washington, 23 July 1845

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The Treaty between the U States & Muscat was ratified by the Senate, on the 30th of June 1834. The Ratifications were exchanged on the 30th September 1835. & the Sultan issued an order, that the Treaty should be considered, as in effect from the time of the ratification by the Senate: & that where duties have been effected since that time on American Commerce, higher than those fixed by the Treaty, the excess should be repaid.

Enclosed, is a letter from the President to the Sultan, informing him of your appointment & requesting him, that you may be received, in that capacity.

This letter you will hand to the Sultan himself if agreeable to usage, if otherwise to such person as may appear to be proper, on your arrival.

This required of the Ministers Consuls & other Diplomats & Commercial Agents of the U States, that they will not unless the consent of Congress shall have been previously attained, accept under any circumstances presents of any kind, from any King, Prince, or Foreign State.

I am respectfully. Your ob. Servant
James Buchanan

[Page Break]

[the following appears on the back of the last page of the letter]

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