

AFRICA. No. 2 (1883).

CORRESPONDENCE

RESPECTING THE

TERRITORY ON THE WEST COAST OF AFRICA



EXISTING BETWEEN

5° 12' AND 8° OF SOUTH LATITUDE:

1845-77.

Presented to both Houses of Parliament by Command of Her Majesty.
1883.

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1845-77.

TREATIES BETWEEN GREAT BRITAIN AND PORTUGAL: 1810-17.

No. 1.

Treaty of Friendship and Alliance between Great Britain and Portugal.—Signed at Rio Janeiro, February 19, 1810.

ARTICLE X.

HIS Royal Highness the Prince Regent of Portugal, being fully convinced of the injustice and impolicy of the Slave Trade, and of the great disadvantages which arise from the necessity of introducing and continually renewing a foreign and factitious population for the purpose of labour and industry within his South American dominions, has resolved to co-operate with His Britannic Majesty in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual abolition of the Slave Trade throughout the whole of his dominions. And, actuated by this principle, His Royal Highness the Prince Regent of Portugal engages that his subjects shall not be permitted to carry on the Slave Trade on any part of the coast of Africa, not actually belonging to His Royal Highness' dominions, in which that Trade has been discontinued and abandoned by the Powers and States of Europe which formerly traded there; reserving, however, to his own subjects the right of purchasing and trading in slaves within the African dominions of the Crown of Portugal.

It is, however, to be distinctly understood that the stipulations of the present Article are not to be considered as invalidating or otherwise affecting the rights of the Crown of Portugal to the territories of Cabinda and Molembo (which rights have formerly been questioned by the Government of France), nor as limiting or restraining the commerce of Ajuda and other ports in Africa (situated upon the coast commonly called in the Portuguese language the Costa da Mina) belonging to or claimed by the Crown of Portugal; His Royal Highness the Prince Regent of Portugal being resolved not to resign nor forego his just and legitimate pretensions thereto, nor the rights of his subjects to trade with those places exactly in the same manner as they have hitherto done.

No. 2.

Treaty between Great Britain and Portugal, for the Restriction of the Portuguese Slave Trade; and for the Annulment of the Convention of Loan of 1809, and Treaty of Alliance of 1810.—Signed at Vienna, January 22, 1815.

In the Name of the Most Holy and Undivided Trinity.

HIS Royal Highness the Prince Regent of Portugal having, by the Xth Article of the Treaty of Alliance concluded at Rio de Janeiro on the 19th February, 1810, declared his determination to co-operate with His Britannic Majesty in the cause of humanity and justice, by adopting the most efficacious means for bringing about a gradual abolition of the Slave Trade; and His Royal Highness, in pursuance of his said Declaration, and desiring to effectuate, in concert with His Britannic Majesty and the other Powers of Europe who have been induced to assist in this benevolent object, an immediate abolition of the said Traffic upon the parts of the coast of Africa

which are situated to the northward of the line; His Britannic Majesty and His Royal Highness the Prince Regent of Portugal, equally animated by a sincere desire to accelerate the moment when the blessings of peaceful industry and an innocent commerce may be encouraged throughout this extensive portion of the Continent of Africa, by its being delivered from the evils of the Slave Trade, have agreed to enter into a Treaty for the said purpose, and have accordingly named as their Plenipotentiaries, viz. :

[Here follow the names and titles of the Plenipotentiaries.]

ARTICLE I.

That from and after the ratification of the present Treaty, and the publication thereof, it shall not be lawful for any of the subjects of the Crown of Portugal to purchase slaves, or to carry on the Slave Trade, on any part of the coast of Africa to the northward of the Equator, upon any pretext or in any manner whatsoever: Provided, nevertheless, that the said provision shall not extend to any ship or ships having cleared out from the ports of Brazil previous to the publication of such ratification, and provided the voyage in which such ship or ships are engaged shall not be protracted beyond six months after such publication as aforesaid.

ARTICLE II.

His Royal Highness the Prince Regent of Portugal hereby agrees, and binds himself to adopt, in concert with His Britannic Majesty, such measures as may best conduce to the effectual execution of the preceding engagement, according to its true intent and meaning; and His Britannic Majesty engages, in concert with His Royal Highness, to give such orders as may effectually prevent any interruption being given to Portuguese ships resorting to the actual dominions of the Crown of Portugal, or to the territories which are claimed in the said Treaty of Alliance as belonging to the said Crown of Portugal, to the southward of the Line, for the purposes of trading in slaves, as aforesaid, during such further period as the same may be permitted to be carried on by the laws of Portugal, and under the Treaties subsisting between the two Crowns.

ARTICLE III.

The Treaty of Alliance concluded at Rio de Janeiro on the 19th February, 1810, being founded on circumstances of a temporary nature, which have happily ceased to exist, the said Treaty is hereby declared to be void in all its parts and of no effect; without prejudice, however, to the ancient Treaties of Alliance, Friendship, and Guarantee which have so long and so happily subsisted between the two Crowns, and which are hereby renewed by the High Contracting Parties, and acknowledged to be of full force and effect.

ARTICLE IV.

The High Contracting Parties reserve to themselves, and engage to determine by a separate Treaty, the period at which the Trade in Slaves shall universally cease and be prohibited throughout the entire dominions of Portugal; the Prince Regent of Portugal hereby renewing his former declaration and engagement, that during the interval which is to elapse before such general and final abolition shall take effect, it shall not be lawful for the subjects of Portugal to purchase or trade in slaves, upon any parts of the coast of Africa, except to the southward of the Line, as specified in the IInd Article of this Treaty; nor to engage in the same, nor to permit their flag to be used, except for the purpose of supplying the Transatlantic possessions belonging to the Crown of Portugal.

ARTICLE V.

His Britannic Majesty hereby agrees to remit, from the date at which the ratification mentioned in the Ist Article shall be promulgated, such further payments as may then remain due and payable upon the Loan of 600,000*l.* made in London for the service of Portugal, in the year 1809, in consequence of a Convention signed on the 21st April of the same year; which Convention, under the conditions specified as aforesaid, is hereby declared to be void and of no effect.

ARTICLE VI.

The present Treaty shall be ratified, and the ratifications shall be exchanged at Rio de Janeiro, in the space of five months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed it, and have thereunto affixed the seal of their arms.

Done at Vienna, this 22nd day of January, in the year of our Lord 1815.

(L.S.)	CASTLEREAGH.
(L.S.)	CONDE DE PALMELLA.
(L.S.)	A. DE SALDANHA DA GAMA.
(L.S.)	J. LOBO DA SILVEIRA.

No. 3.

Convention between Great Britain and Portugal, additional to the Treaty of January 22, 1815, for the Prevention of the Slave Trade.—Signed at London, July 28, 1817.

ARTICLE II.

THE territories in which the Traffic in Slaves continues to be permitted, under the Treaty of the 22nd January, 1815, to the subjects of His Most Faithful Majesty, are the following :—

1. The territories possessed by the Crown of Portugal upon the coast of Africa to the south of the Equator, that is to say, upon the eastern coast of Africa, the territory laying between Cape Delgado and the Bay of Lorenzo Marques; and upon the western coast, all that which is situated from 8° to 18° south latitude.

2. Those territories on the coast of Africa, to the south of the Equator, over which His Most Faithful Majesty has declared that he has retained his rights, namely :—

The territories of Molembo and Cabinda, upon the eastern* coast of Africa, from the 5° 12' to 8° south latitude.

CORRESPONDENCE: 1845–77.

No. 4.

Baron Moncorvo to the Earl of Aberdeen.—(Received July 29.)

(Translation.)

London, July 28, 1845.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Most Faithful Majesty, having laid before his Government the Convention entered into between Great Britain and France on the 29th May last for obtaining the complete suppression of the Slave Trade, and of which the Undersigned had sent him a copy, accompanied by a note of the 10th June last, which was addressed to him by the Right Honourable the Earl of Aberdeen, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, has been directed by Her Majesty's Government to thank his Lordship for this important communication, and at the same time to make to his Lordship the following observations on the text and meaning of that Convention.

In Article I of the Convention is pointed out the portion of the coast of Africa where the two nations are to establish their cruisers in order most vigilantly to repress the Slave Trade conformably with Article II, so that the station on the whole coast of East Africa is assigned exclusively to the British naval forces, and that on the western coast, from the Cape Verd to 16° 30' south latitude, to the combined naval forces of Her Britannic Majesty and of His Majesty the King of the French.

Now, all the establishments which the Crown of Portugal possesses at Guinea and on the coast of Mina, north of the Equator, are situated to the south of Cape Verd and as by Article II of the Additional Convention to the Treaty of the 22nd January, 1815, concluded in London on the 28th July, 1817, between Portugal and Great Britain it was expressly laid down (though that Convention was not a Treaty of limits for the positive determination and demarcation of all the dominions of Her Majesty) that the Crown of Portugal should be recognized to possess to the south of the Equator on the eastern coast of Africa the territories comprehended between the Cape Delgado and the Bay of Lorenzo Marques; and on the west coast all the territory comprehended between 8° and 18° south latitude; and as in the same manner it was

* Altered to *western* by a subsequent Declaration.

recognized by the same IInd Article that Her Most Faithful Majesty should have reserved to her her rights to the territory of Molembo and Cabinda, from 5° 12' up to 8° south latitude, it follows that almost the whole of the territories on both coasts of Africa subject to the Crown of Portugal is comprehended in the district allotted in the said Convention of the 29th May last for the naval stations of Great Britain and France.

Hence the Government of Her Most Faithful Majesty was greatly disappointed on finding that the said Convention of the 29th May last had been concluded without the British Government having previously made known its intentions to the Portuguese Government, as would have been consistent with the intimate relations of amity and alliance which have subsisted without interruption between the two Crowns of Portugal and Great Britain for a series of ages; as was due to the good faith with which Portugal has co-operated towards the suppression of that iniquitous Traffic, having been the first Power which resolved to act in concert to that effect with Great Britain, and the first to agree to the right of visit, setting thereby the example to other nations with which Great Britain successively treated on the same basis, and, finally, the nation which has recently made for the same laudable end the greatest efforts, attended with sacrifices much above its strength, which on a late occasion was acknowledged by Sir Robert Peel in Parliament; and as, lastly, was required by the remarkable circumstance that the basis of the operations of the combined British and French squadrons was for the major part made to extend along the coasts and seas of the Portuguese dominions of Africa, where Portugal keeps up a naval force which, backed by that to be stationed there by Great Britain, would be more than sufficient for obtaining in those latitudes the end of the said Convention without depending on or needing, as respects the coasts and seas of the Portuguese dominions, the naval forces of another Power with which Portugal is not allied by Treaties for the suppression of the Slave Trade, and which it consequently cannot recognize as possessing any of those rights which are deducible solely from such a Treaty; it being, moreover, greatly to be feared with regard to those dominions and the lawful trade carried on in them that the cruisers of that Power may pretend to give some erroneous interpretation to that Convention.

In Article IV is conferred on the Commanders of the respective British and French squadrons the power of negotiating, or causing to be negotiated, by their subordinate officers, Treaties for the suppression of the Slave Trade with the native Princes or Chiefs of the above-mentioned part of the African coast, wherever it may appear necessary; and in Article VI it empowers the same Commanders to employ by common accord, and in conformity with the rules of the law of nations, the sea and land force necessary for insuring the observance of the Treaties concluded in pursuance of that Convention, it being reserved to the two Contracting Powers to decide when it is requisite for the attainment of the end of the Convention, on verifying the occupation of some points of the above-mentioned coast of Africa.

Her Majesty's Government is certain that none of the above dispositions contained in the said IVth and VIth Articles can ever be understood to apply to the above territories subject to the Crown of Portugal, not only because this very subjection and dependence of the native Princes and Chiefs of them, exclusive of the full enjoyment of sovereignty, renders them incompetent for concluding Treaties with any nation, but also because the employment of an armed force in those territories, and much more their occupation, would be a manifest violation and usurpation of them and of the incontestable rights of Her Majesty's Crown, which, without the express consent of that august Sovereign, could never become the object of diplomatic transactions between two foreign nations.

Moreover, such transactions could never be either allowed or authorized by the British Government, the principal ally of the Portuguese Crown, and the guarantee and defender of her rights, which assuredly would never be attacked with more flagrant injustice than at the present epoch, in which Portugal most completely fulfils the Treaties whereby she is bound to Great Britain with the view of obtaining the suppression of the Slave Trade, employing for this end on the African coasts a great part of her naval forces in conjunction with those of Great Britain.

Article VIII establishes the right of the British and French cruisers to verify the nationality of the vessels they meet with, being obliged to conform to the instructions founded on the principles of the law of nations, and on the constant practice of maritime nations, to be furnished them by their respective Governments.

Her Majesty's Government entertains no doubt whatever on this stipulation with regard to the naval forces of Great Britain, with whom Portugal has concluded Treaties whereby the cruisers of both nations are empowered to visit the Portuguese and

British merchant-vessels; but the French Government is not in the same situation with respect to Portugal, which has no Treaty with France for conceding to the latter the right of visiting Portuguese ships; and Portugal, therefore, can never allow France to possess that right; indeed, it would be a matter of surprise if the forces of a nation which has refused to submit to the right of visit by reason of deeming it indecorous to its flag, although obliged thereto by solemn Treaties, were to resolve on exercising this very right over the ships of a nation which never conceded it to them, and that, too, in virtue of a Convention concluded by a third Power.

Her Majesty's Government, therefore, being desirous to obviate the very grave inconveniences which might result to the interests and dignity of the Crown of that august Sovereign and to the lawful commerce of Portugal from any erroneous construction that possibly might be put on the stipulations of the said Convention of the 29th May last, as appears to have already been the case in respect of the interpretation attached by M. Guizot, in the French Parliament, to the range and station of cruisers on the Eastern Coast of Africa—he attempting to attribute there to France an equal or even superior authority to that conferred on her by the Convention on the West Coast; the danger of these inconveniences arising from the very fact of the British Government having concluded that Convention with France without rendering Her Majesty's Government cognizant of it prior to its having been signed, notwithstanding that Portugal is, with undeniable justice, acknowledged to be the most ancient and most faithful ally of Great Britain through a long series of Treaties, whereby Great Britain has bound herself to defend, as zealously as the British, the interests and dominions of the Portuguese Crown; and Portugal being connected with Great Britain by various Treaties for the purpose of bringing about the desired suppression of the Slave Trade, while she has not concluded any Treaty or Convention with France for the same end. It is for all these reasons that the Government of Her Majesty is anxious to make known to that of Her Britannic Majesty what meaning it is disposed to affix to the said Convention and to its consequences with regard to the situation in which the Portuguese dominions and the people subject to the Portuguese Crown might come to be placed, which meaning and acceptation may be summed up in the three following points:—

1. That the stipulations of Articles IV and VI of the Convention between Great Britain and France do not refer, nor are understood to apply, to the dominions of the Crown of Portugal in Guinea and on the coast of Mina, any more than to those territories which by the same Article II of the Additional Convention between Portugal and Great Britain of the 28th July, 1817, the Crown of Portugal was positively recognized to possess, or to those in which it was declared by the said Article II that the same Crown reserved its rights.

2. That by the stipulation of Article VIII it was not meant to confer on the French cruisers the power (which, indeed, they could obtain only by a special Treaty or Convention with Portugal) of exercising the right of visit with regard to Portuguese ships.

3. That the British Government, in concluding the said Convention, did not lose sight of the obligation under which it was of guarding against any and every abuse which, in opposition to the tenour of the two preceding paragraphs, might be committed by any either British or French cruiser, and of ordering everything to be restored to its former state, as well as causing complete satisfaction to be made to Her Majesty's Government.

The Government of Her Majesty, fully confiding in the well-known rectitude of Her Britannic Majesty's Government, and in the repeated proofs of amity it has received at the hands of the latter, proofs to which it always has endeavoured to respond with the utmost eagerness, hopes that Her Britannic Majesty's Government will not find any difficulty in manifesting its concurrence in the construction put above on the said Convention by the Government of Her Majesty, a manifestation become indispensable in order to the greater security of Her Majesty's Government and to the tranquillizing the Portuguese merchants who lawfully engage in fair commerce with the Portuguese dominions, where they have already suffered grave injuries owing to the abuses practised by cruisers; and much more grievous ones might have to be apprehended from any erroneous interpretation of the stipulations of the said Convention.

While the Government of Her Majesty, most solicitous of contributing all in its power towards the attainment in the Portuguese dominions of the end proposed by the said Convention, has issued the most positive orders, conformably with the spirit of that instrument, to the Governors-General of those dominions, and to the Commanders of the naval stations of Her Majesty's fleet, who will certainly be furnished there with

sufficient forces for that purpose, having also been directed to resort, if necessary, to the aid of the British forces there stationed, which will render the intervention of any other Power unnecessary.

The Undersigned, &c.

(Signed)

BARON DA TORRE DE MONCORVO.

No. 5.

The Earl of Aberdeen to Baron Moncorvo.

Foreign Office, September 20, 1845.

THE Undersigned, &c., has received the note which the Baron Moncorvo, &c., did him the honour to address to him under date of the 28th July last with reference to the Convention entered into by Her Majesty with the King of the French on the 29th May preceding.

In that note the Baron Moncorvo refers to the 1st Article of the Convention, which specifies the portion of the coast of Africa upon which England and France engage to station their cruisers so as to operate most effectually for the suppression of the Slave Trade, and observes that the coast there indicated comprehends almost the whole of the territories subject to the Crown of Portugal, both on the eastern and western shores of Africa; and Baron Moncorvo proceeds to state that, this being the case, the Government of Her Most Faithful Majesty is greatly disappointed on finding that the Convention has been concluded without the British Government having previously communicated its intentions to the Government of Portugal, observing at the same time with perfect truth that Portugal has long been bound to Great Britain by the closest ties of amity and alliance; that she was the first to act in concert with Great Britain for the suppression of the Slave Trade; the first to agree to a mutual right of search; and, finally, is the country which has recently made for the same laudable end the greatest efforts, attended with sacrifices much above her strength.

Baron Moncorvo also remarks that the operations of the combined British and French squadrons are made to extend along the coasts of the Portuguese dominions, where he observes that Portugal keeps up a naval force which, backed by that to be stationed there by Great Britain, would be more than sufficient for attaining the object of the Convention, without depending on the naval forces of another Power with whom Portugal is not allied by Treaties for the suppression of the Slave Trade, and whom it consequently cannot recognize as possessing any of those rights which are deducible solely from such a Treaty.

Baron Moncorvo next adverts to Article IV of the Convention, which states that Treaties for the suppression of the Slave Trade shall be negotiated with native Princes on the West Coast of Africa; and to Article VI, which has in view the possible employment of force by land or by sea by common consent of the Contracting Parties and in conformity to the law of nations for compelling the due execution of the Treaties, as well as the occupation of posts on the coasts, also by common consent, and for the attainment of the object of the Convention; and he expresses his confidence that none of the provisions of Articles IV and VI can be meant to apply to territories subject to the Crown of Portugal.

Baron Moncorvo also adverts to Article VIII, according to which the British and French cruisers are to verify the nationality of the vessels they meet with, under instructions founded on the law of nations and on the constant usage of Maritime Powers. And expressing no doubt whatever on this head, as regards the naval forces of Great Britain, with whom Portugal has concluded Treaties conceding mutually the right of search, he observes that the French Government is not in the same situation as Great Britain with respect to Portugal, with whom France has no Treaty which gives to her the right of searching Portuguese ships.

And, finally, Baron Moncorvo states that, considering all these circumstances, the Portuguese Government are anxious to make known to Her Majesty's Government what meaning they are disposed to affix to the said Convention as regards the Portuguese dominions and people, and he sums up this meaning as follows:—

1. That the stipulations of Articles IV and VI are not understood to apply to the Portuguese dominions in Guinea or the coast of Mina, or to those territories which, by the 11th Article of the Convention of 1817, the Crown of Portugal was recognized to possess in Africa, or to those over which it was declared by the said Convention that the same Crown reserved its rights.

2. That by the VIIIth Article of the Convention with France it was not meant to confer on the French cruisers the power of exercising the right of search with regard to Portuguese ships.

3. That the British Government, in concluding the said Convention, did not lose sight of the obligation of guarding against any and every abuse which might be committed by either British or French cruisers, and of ordering, in case of such abuse, everything to be restored to its former state, and causing complete satisfaction to be made to the Government of Portugal.

Baron Moncorvo expresses a hope that Her Majesty's Government will find no difficulty in manifesting its concurrence in the construction thus given to the Convention by the Government of Her Most Faithful Majesty; and he concludes by observing that, in the meantime, the Government of Her Most Faithful Majesty, solicitous to contribute to the attainment in the Portuguese possessions of the end proposed by the Convention, have issued the most positive orders in conformity thereto to the Governors-General of those possessions, and to the Commanders of the naval stations of Her Most Faithful Majesty's fleet.

In replying to Baron Moncorvo's note, the Undersigned feels it to be his first duty to declare that no claim can be made upon Her Majesty's Government, founded upon the alliance and friendship which has so long and so happily existed between Great Britain and Portugal, to which they will not always be found anxious to give an attentive and favourable consideration.

The readiness with which Portugal first united her efforts with those of Great Britain for the suppression of the Slave Trade can never be forgotten by this country; and Baron Moncorvo is well aware that the frequent occasions upon which of late Her Majesty's Government have felt called upon to recognize the fidelity and earnestness of Portuguese officers in carrying out the intentions of the Treaty concluded between the two Crowns three years ago have been a source of sincere satisfaction to Her Majesty's Government; and it would be a bad acknowledgment of such a course of conduct if the Undersigned were now to hesitate to give a full and frank explanation on those points of the Convention recently signed between Great Britain and France which have attracted the attention of the Portuguese Government.

With respect, then, to the operation of the joint squadrons of England and France upon the African coast, including that part of it which is under the dominion of the Portuguese Crown, or the reserved rights over which have been acknowledged to Portugal, the Undersigned at once declares that the engagement by which Great Britain and France have bound themselves was not intended, and cannot be made to trench in the slightest degree upon the rights of Portugal, or to interfere with the present cordial and effective co-operation between the British and Portuguese naval forces upon those coasts. Those forces, Baron Moncorvo observes, would be more than sufficient for effecting the suppression of the Slave Trade without depending on the forces of another Power; and this may be in great measure true so far as the prevention of the Trade by British and by Portuguese vessels is concerned, or by vessels possessing no national character, and therefore liable, under the law of nations, to be dealt with summarily by the armed ships of any Government. But Baron Moncorvo must be aware that the Treaty existing between Great Britain and Portugal does not enable Great Britain to claim, or Portugal to give, any assistance to the British squadron in the suppression of the Slave Trade carried on by the vessels of other nations. Such assistance Great Britain must seek in the negotiation of efficient Treaties with those other nations; and accordingly she has now secured to herself, by the late Convention with France, a powerful co-operation, which, whilst it will preclude the possibility of any Slave Trade springing up under the French flag, will at the same time be most effective against the piratical vessels to which the Undersigned has already alluded as having no national character, and against any native Chiefs who, by abetting the Trade, may have broken the faith of their engagements with the two Contracting Parties.

The Convention, therefore, in its design, in no way effects any rights of the Crown of Portugal, or the engagements previously existing between that country and Great Britain; and, this being so, the Undersigned admits that it did not occur to him that any communication respecting the negotiations which led to the Convention was due to, or would be expected by, the Government of Portugal. Certainly the mere fact that the degrees of latitude within which the French force is to co-operate with that of England include the African possessions of the Portuguese Crown did not appear to make such a step necessary. It was obvious that the direct authority which, by the Conventions of 1831 and 1833, Great Britain possessed over the French flag

could not be safely exchanged for an engagement on the part of France to maintain a force, however large, in the African seas, unless it were at the same time stipulated that such force should be employed on those parts of the coasts of Africa where the Slave Trade has been most rife, and where the facilities for procuring slaves were most likely to attract any piratical adventurers, whether French or others, who might be tempted to engage in the Traffic. Unfortunately this is the case with certain parts of those districts mentioned in Baron Moncorvo's note; and although the Undersigned is, as he has already stated, fully sensible of the earnest and honourable exertions which the Government of Portugal has of late years made to suppress the Slave Trade carried on from the shores of its own possessions, still it cannot be denied that there are few spots on the coast of Africa which offer greater inducements to the Slave Trader of any nation than Benguela, Ambriz, or the mouth of the Coanza. And surely an engagement between two foreign Powers to prevent, so far as may be possible, any vessel over which they have authority from resorting to these spots for the prosecution of the Slave Trade does not argue the infringement of any rights of Portugal, provided, of course (though it can hardly be necessary to state the provision) that, according to the universal custom of friendly States, the recognized limits of territorial jurisdiction are duly respected.

The remarks which Baron Moncorvo has made upon other parts of the Convention require but a brief notice. With respect to the provisions of the IVth and VIth Articles, the Undersigned cannot hesitate at once to confirm the interpretation which Baron Moncorvo gives to them. Indeed, as regards the IVth, it is obvious that it can apply only to such native Chiefs as have the power of binding themselves by Treaty; to such, therefore, and to such alone, as are independent. And with respect to the VIth, the Undersigned finds it difficult to believe that the Portuguese Government can have seriously supposed that Great Britain would be a party to the recording of a deliberate intention to do violence to the sovereign rights of her oldest and most faithful ally. Undoubtedly neither of the Articles in question apply to those parts of the coast which are under the dominion of the Portuguese Crown, or over which the rights of Portugal have been acknowledged.

And so also with respect to the VIIIth Article, upon which it cannot be necessary for the Undersigned to do more than remark that by no possibility could the stipulations of a Treaty to which Great Britain and France alone are parties alter, or in any way affect, any rights which either of those Powers respectively may possess as regards the flag of another nation.

Lastly, the Undersigned is glad to have an opportunity of declaring, in reply to the last question contained in Baron Moncorvo's note, that most certainly the British Government have never lost sight of the obligation which attaches to them to protect the rights and interests of Portugal against any such abuses as those to which Baron Moncorvo has called the attention of the Undersigned, and to see that no injury shall be suffered by Portugal, whether by the operation of the Treaty which has been under consideration (if, indeed, any injury could be expected therefrom), or from any other cause which shall not be duly remedied.

The answers which the Undersigned has now given to the questions which Baron Moncorvo has put to him will, he trusts, not only prove satisfactory to the Government of Her Most Faithful Majesty, but serve to quiet the alarm to which, according to Baron Moncorvo's note, the Convention between Great Britain and France has given rise in the minds of the merchants engaged in lawful trade with the Portuguese Settlements.

The Undersigned cannot, however, conclude this note without expressing the warm acknowledgments of Her Majesty's Government for the orders which Baron Moncorvo states to have been given to the Portuguese authorities to contribute all they can towards the attainment in the Portuguese dominions of the end proposed in the above-mentioned Convention.

The Undersigned rejoices to recognize in this act another proof of the cordial understanding and active concert which now so happily prevails between the two Governments in all matters relating to the suppression of African Slave Trade.

The Undersigned, &c.

(Signed) ABERDEEN.

No. 6.

Viscount Palmerston to Lord Howard de Walden.

My Lord,

Foreign Office, September 26, 1846.

I HAVE to refer you to the IIInd Article of the Convention of the 28th July, 1817, additional to the Treaty of the 22nd January, 1815, between Great Britain and Portugal for the prevention of the illicit Traffic in Slaves.

By that Article His Most Faithful Majesty reserved to his subjects the right, under certain conditions, of carrying on Slave Trade on certain parts both of the East and West Coast of Africa.

With respect to those parts of the West Coast where Slave Trade was to remain lawful, your Lordship will perceive that they are classed under two heads: the first, described as territories possessed by the Crown of Portugal from 8° to 18° south latitude; the second, as territories over which His Most Faithful Majesty has declared that he maintained his rights, namely, the territories of Molembo and Cabinda from 5° 12' south latitude down to 8° south latitude.

It appears, therefore, that while the rights of Portugal to exclusive sovereignty and jurisdiction from 8° to 18° south latitude was fully recognized by the British Government, her right from 5° 12' down to 8° south latitude was not so recognized.

Your Lordship is aware that the Portuguese Government, acting in cordial co-operation with that of Her Majesty in the suppression of Slave Trade under the Treaty of 1842, have employed cruisers on the West Coast of Africa, and have established, by Royal Decree of the 14th September, 1844, a Tribunal at Loanda for the adjudication of vessels captured within Portuguese jurisdiction, and which are found engaged in Slave Trade.

Accordingly, in the month of February last, one of these cruisers, the Portuguese corvette "Urania," captured about 25 miles north of Ambriz (that is is to say, 25 miles north of 8° south latitude, and 25 miles north of the point up to which the Portuguese dominion was recognized by the Convention of 1817), a Brazilian vessel fully equipped for Slave Trade, and this vessel, on being taken for adjudication before the Portuguese Court at Loanda, was declared a good and lawful prize, on the ground of having been engaged in Slave Trade, within Portuguese jurisdiction, contrary to the municipal law of Portugal.

Her Majesty's Government have become acquainted with these facts by reports from the British Commissioners in the Mixed Court at Loanda and from the Admiralty.

Your Lordship will perceive that an opinion is expressed in these papers that a Judgment similar to that given in the case of the prize to the "Urania" would no doubt be delivered in the case of any vessel, apparently a slaver, captured off any part of the coast, from Molembo in 5° 12' south down to Ambriz in 8° south (Molembo being the extreme northern point of the Portuguese claim to sovereignty not recognized by Great Britain, Ambriz being the extreme northern point of the Portuguese claim to sovereignty recognized by Great Britain), and that an apprehension is expressed lest an enforcement by Portugal of sovereign rights over this territory would "much interfere with the intercourse of British merchants with the natives, who, at present, carry on their trade, which must be an increasing one, without the payment of any dues to the Portuguese Government."

Her Majesty's Government are not wholly without apprehension that, if allowed to pass without notice, this sentence of the Portuguese Court at Loanda, which involves a claim of exclusive territorial possession, might prejudice the right, which it is important, in the interests of commerce, for Her Majesty's Government to maintain, to unrestricted intercourse with that part of the West Coast of Africa which lies between 5° 12' south latitude, and 8° south latitude.

I have accordingly to instruct your Lordship, in expressing to the Portuguese Government the satisfaction of Her Majesty's Government at receiving this renewed proof of the diligence of the Portuguese authorities in the suppression of the Slave Trade, to state that Her Majesty's Government does not admit the claim to right of sovereignty from 5° 12' to 8° south latitude set up by Portugal; and would not permit a British vessel captured off that part of the West Coast on suspicion of Slave Trade by a Portuguese cruiser to be adjudicated by any Portuguese Court, but would

require that she should be dealt with according to the stipulations of the Treaty of 1842.

I am, &c.
(Signed) PALMERSTON.

No. 7.

Baron Moncorvo to Viscount Palmerston.—(Received November 11.)

My Lord,

Portuguese Legation, November 10, 1846.

ACCORDING to information which my Government received from Loanda, the British member of the Mixed Portuguese and British Commission established there intended to address his Government to inquire whether they recognized the ports of Cabinda and Ambriz as Portuguese.

Though my Government and myself are quite sure that no doubt can be entertained on this subject by Her Britannic Majesty's Government, it is my duty to call your Excellency's attention to the IInd Article of the Additional Convention to the Treaty of the 22nd January, 1815, by which Great Britain acknowledged the reservation of the right which Portugal had to the points south of the Equator, comprehending the territories of Molembo and Cabinda on the western coast of Africa, from 5° 12' south latitude to 8°, in which Ambriz is included; and also to the note which Lord Aberdeen addressed to me on the 20th September, 1845.

I have therefore to request your Excellency will be pleased, should the inquiry from Loanda be made, to direct that it may be answered in conformity with what I have had the honour to state as above.

I have, &c.
(Signed) MONCORVO.

No. 8.

Viscount Palmerston to Baron Moncorvo.

M. le Baron,

Foreign Office, November 30, 1846.

I HAVE the honour to acknowledge the receipt of your note of the 10th instant, in which you state that, according to information received by your Government from Loanda, the British member of the Mixed Commission there intends to inquire of Her Majesty's Government whether they recognize the ports of Cabinda and Ambriz as Portuguese possessions, and whereupon you observe that, although both you and your Government are quite sure that no doubt can be entertained on this subject by the Government of Her Britannic Majesty, yet it is your duty to call my attention to the IInd Article of the Additional Convention (signed the 28th July, 1817) to the Treaty of the 22nd July, 1815, whereby Great Britain acknowledges the reservation of the rights which Portugal has to the points south of the Equator, comprehending the territories of Molembo and Cabinda, on the western coast of Africa, in which Ambriz is included; and also to a note from Lord Aberdeen to yourself, dated the 20th September, 1845; and you request that the inquiry of the Loanda Commissioners may be answered in conformity with the tenour thereof.

Presuming that your present representation has its origin in the case of the Brazilian brig "Boa União," which was lately captured on the West Coast of Africa by a Portuguese cruiser in latitude 7° 36' south, and longitude 12° 53' east, and was condemned by the Portuguese Tribunal at Loanda on a charge of being engaged in the Slave Trade within Portuguese jurisdiction, I beg leave to state to you the following particulars:—

The British Commissioners, in reporting to Her Majesty's Government the case of the "Boa União," observed that a similar Judgment would no doubt be given in the case of any slave-vessel captured by a Portuguese cruiser off any part of the coast from Molembo in 5° 12' south down to Ambriz in 8° south, and they stated their apprehension that if Portugal enforced sovereign rights over this territory it would interfere greatly with the intercourse between British merchants and the natives, who at present carry on their trade without the payment of any dues to the Portuguese Government.

Now, according to the Treaty of 1817, Molembo, as you are aware, is the extreme northern point of the Portuguese claim to sovereignty not actually recognized by Great Britain, but to which Portugal declares that she retains her rights, and Ambriz is the extreme northern point recognized by Great Britain. Upon the receipt, therefore, of the communication from Her Majesty's Commissioners, Her Majesty's Government were not wholly without apprehension that, if allowed to pass without notice, the sentence of the Portuguese Court at Loanda, which involves a claim of exclusive territorial possession, might prejudice the right, which it is important, in the interests of commerce, for Her Majesty's Government to maintain, to unrestricted intercourse with that part of the West Coast of Africa which lies between $5^{\circ} 12'$ south latitude and 8° south latitude.

I therefore instructed Lord Howard de Walden and Seaford to represent to the Portuguese Government, with reference to the condemnation of the "Boa União," that, while Her Majesty's Government received with satisfaction the renewed proof which the capture of that vessel afforded of the diligence of the Portuguese authorities in the suppression of the Slave Trade, they did not admit the claim of Portugal to a right of sovereignty from $5^{\circ} 12'$ to 8° south latitude, and would not permit a British vessel captured off that part of the West Coast by a Portuguese cruiser, on suspicion of being a slaver, to be adjudicated by any Portuguese Court, but would require that she should be dealt with according to the stipulations of the Treaty of 1842.

As it is to be inferred from your note that at the time of writing it you were not cognizant of this instruction to Lord Howard de Walden and Seaford, I have thought that I could not better answer your representation than by thus repeating to you the substance of that instruction, as conveying the sentiments of Her Majesty's Government upon the matter to which you have drawn my attention.

I have, &c.
(Signed) PALMERSTON.

No. 9.

Mr. Southern to Viscount Palmerston.—(Received January 6, 1847.)

My Lord,

Lisbon, December 29, 1846.

I WAS instructed by your Lordship's despatch of the 26th September to call the attention of the Portuguese Government to a question which might arise out of the recent adjudication of a vessel engaged in the Slave Trade, and captured by a Portuguese cruiser north of 8° south latitude, involving rights of sovereignty claimed by the Portuguese Government, and not recognized by that of Great Britain, to the north of that line.

I accordingly addressed to D. Manuel de Portugal the note a copy of which I have the honour to inclose.

I have, &c.
(Signed) HENRY SOUTHERN.

Inclosure in No. 9.

Mr. Southern to Senhor de Portugal e Castro.

Sir,

Lisbon, November 24, 1846.

I HAVE received instructions from Her Majesty's Government to call your Excellency's attention to a decision which has lately been made by the Tribunal at Loanda for the adjudication of slave-vessels captured on the West Coast of Africa within Portuguese jurisdiction.

In the month of February last one of Her Most Faithful Majesty's cruisers, the corvette "Urania," captured about 25 miles north of Ambriz a Brazilian vessel fully equipped for the Slave Trade, and this vessel, on being taken for adjudication before the Portuguese Court at Loanda, was declared good and lawful prize on the ground of having been engaged in Slave Trade within Portuguese jurisdiction, contrary to the municipal law of Portugal.

On referring to the IInd Article of the Convention of the 28th July, 1817, additional to the Treaty of the 22nd January, 1815, between Great Britain and Portugal, for the prevention of the illicit Traffic in Slaves, your Excellency will observe that with respect to the West Coast of Africa the territories described as possessed by the Crown of Portugal extend from 8° to 18° south latitude. But with respect to the part of the coast from 5° 12' south latitude down to 8° south, namely, the territories of Molembo and Cabinda, His Most Faithful Majesty declared that he maintained his rights.

It appears, therefore, that while the rights of Portugal to sovereignty and jurisdiction from 8° to 18° south latitude was fully recognized by the British Government, her rights from 5° 12' down to 8° south latitude was not recognized.

Now, as the Brazilian vessel above referred to was captured 25 miles north of Ambriz, that is to say, 25 miles north of 8° south latitude, and 25 miles north of the point up to which the Portuguese dominion was recognized by the Convention of 1817, and still was condemned as having been captured in Portuguese waters, should under similar circumstances a British vessel be captured by a Portuguese cruiser, I am instructed to communicate to your Excellency that Her Majesty's Government would not permit her to be adjudicated by any Portuguese Court, but would require that she should be dealt with according to the stipulations of the Treaty of 1842.

At the same time that I am instructed to make this statement to the Government of Her Most Faithful Majesty, which is founded on an apprehension lest this decision, which involves a claim of exclusive territorial possession, should, if passed without notice, prejudice the right, which it is important, in the interests of commerce, for Her Majesty's Government to maintain, to unrestricted intercourse to that part of the West Coast of Africa which lies between 5° 12' and 8° south, I am likewise directed to express to your Excellency the satisfaction of Her Majesty's Government on receiving intelligence of the capture made by Her Most Faithful Majesty's sloop the "Urania," which furnishes a renewed proof of the diligence of the Portuguese authorities in the suppression of the Slave Trade.

I avail, &c.
(Signed) HENRY SOUTHERN.

No. 10.

Sir H. Seymour to Viscount Palmerston.—(Received November 26.)

(Extract.)

Lisbon, November 9, 1850.

WITH regard to the sovereignty of Ambriz, I have thought it expedient, without waiting for such further orders as I may receive from your Lordship, to show the Portuguese Government that the apparent inconsistency is susceptible of the most satisfactory and obvious explanation.

Inclosure in No. 10.

Sir H. Seymour to Count Tojal.

(Extract.)

British Legation, Lisbon, November 9, 1850.

A REFERENCE to the Additional Convention signed at London on the 28th July, 1817, will show with exactness what are the portions of the African territory claimed by the Portuguese Crown, a right to which has been recognized by Her Majesty's Government.

The portion to which reference is now made, and which has obtained this recognition, is that portion of the western coast lying between 18° and 8° south latitude.

With regard to the situation of Ambriz, much ignorance appears to have prevailed in the year 1817, and much even to a later date, indeed, it appears from a paper which I have before me that it was only at the close of the year 1847 that Viscount Palmerston learned from Her Majesty's Commissioners at Loanda that Ambriz is situated to the north of that portion of the coast the sovereignty of which had been admitted by Treaty as belonging to the Portuguese Crown.

It is, then, manifest that an expression used by a Minister of Her Majesty in his

correspondence with a foreign Mission, and which must have been employed in consequence of the geographical error than prevalent, cannot be opposed successfully either to the terms of a Treaty or to the language of the same Minister after a rectification of the error in question.

No. 11.

Count Lavradio to the Earl of Clarendon.—(Received September 19.)

(Translation.)

London, September 17, 1853.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Most Faithful Majesty, deeply regrets being obliged so frequently to address his Excellency the Earl of Clarendon, &c., with complaints against the irregular proceedings of some of the officers of the British navy employed in cruising on the coast of Southern Africa with the object of preventing the Slave Trade. But a very short time ago the Undersigned was compelled to make a complaint to his Excellency the Earl of Clarendon against various acts done by Commander Bruce in Quissanga, one of the possessions of Portugal on the eastern coast of South Africa, and now, in consequence of instructions and orders received from his Government, he is obliged to bring before his Excellency the acts done against the rights of the Crown of Portugal by Captain Arthur Parry Eardley Wilmot, Commander of the brig "Harlequin," and to request that those acts, opposed to the law of nations, and to the Treaties subsisting between Portugal and Great Britain, may be duly repaired.

On the 16th or 17th day of January in the present year Captain Wilmot came to the Bar of Bengo, and, taking advantage of the simplicity of the Commander of that district, he obtained leave from him to engage in his service the Portuguese subject Vicente Antonio Soares Cabo Verde (who speaks correctly the Portuguese and English languages, and the Abunda, which is spoken over almost all the eastern coast of South Africa), but, however, under the express condition that the leave should not be valid unless confirmed by the Governor of Angola. This condition, to which Cabo Verde voluntarily submitted, was accepted by Captain Wilmot, but he, far from complying with it, prevented Cabo Verde from addressing himself to the Governor of Angola, and compelled him to follow him, without permission, to Cabinda, into which harbour they entered on the 24th January, on board the steamer "Volcano;" all which, together with many other aggravating circumstances against the proceeding of Captain Wilmot, appear from a deposition made by Vicente Cabo Verde before the competent authorities, the copy of which document, from a feeling of delicacy, the Undersigned does not transmit to his Excellency.

Captain Wilmot began by addressing a letter to the King and Chiefs of Cabinda, inviting them to sign a Treaty with Great Britain, and threatening them, if they did not accept the invitation made to them, to blockade their shores, destroy the people, and burn the towns; and exciting the hatred of those Chiefs against the Portuguese, and especially those residing in Cabinda. His Excellency the Earl of Clarendon has already, without doubt, cognizance of this document (which certainly does no honour to its author), but, nevertheless, the Undersigned begs leave to forward a copy to his Excellency, requesting his attention particularly to the sentences underlined.

Captain Wilmot, with his interpreter, Cabo Verde, landed on the same day, the 24th January, went to Francisco Franque, the Governor of Porto Rico, presented to him the draft of a Treaty between Great Britain and Cabinda, and called upon him for his signature, which was refused; and then he addressed the same demand to the King, who made a like refusal. Captain Wilmot then, seeing that he could obtain nothing from the Chiefs of Cabinda, who, acknowledging themselves as vassals of the Queen of Portugal, did not consider themselves authorized to conclude Treaties with foreign Governments, left Cabinda on the following day; but after some few days more, that is to say, on the 9th day of the following February, he returned to Cabinda, and landed on the 10th, accompanied by some officers, four armed soldiers, an ensign, and the interpreter Vicente Cabo Verde, went to the house of Mambuco, the Viceroy of Cabinda, and there, having assembled all the Chiefs by invitation, he endeavoured, both by promises and threats, to oblige them to sign the same Treaty which on the 24th day of January he had presented to them, first to the Governor of Porto Rico, and then to the King of Cabinda, and which both had refused to sign; all the Chiefs, however, refused to sign the Treaty, not allowing themselves to be seduced by the promises or

frightened by the menaces of Captain Wilmot, declaring their fidelity to the Queen of Portugal, whose flag they had hoisted as a proof of their feelings and their duties.

Captain Wilmot, finding that he could obtain nothing, went away with his whole party, and the Chiefs did the same; but shortly afterwards Captain Wilmot, accompanied only by the Commander of the "Volcano" and the interpreter, returned to the house of Mambuco, and invited him to drink brandy, which he accepted, and to such an extent that he lost his judgment, or was magnetized ("electrisado"), as the incautious negro confesses in his important deposition; and Captain Wilmot, having previously offered Mambuco to take charge of the education of his younger son, presented to him a paper to sign, telling him that it was the act by which he (Mambuco) consented to give up his son to Captain Wilmot. Mambuco, being unable to read or write, did not hesitate to sign a cross upon the paper put before him. This paper, however, was the Treaty which Mambuco and the other Chiefs had before refused to sign. All this appears from different documents which the Undersigned has before him, and, among others, from the deposition made by Mambuco on the 10th March, 1853, a copy of which the Undersigned has the honour to send to his Excellency.

Captain Wilmot, notwithstanding this, being unscrupulous as to the manner in which he had obtained Mambuco's signature, returned forthwith to his ship and published the signature of the Treaty, commanding a salute of twenty-one guns to be fired in celebration of this event. The improper conduct of Captain Wilmot did not stop here. In spite of the King of Cabinda's formal refusal to sign the Treaty, he had the audacity to write to the Governor-General of Angola asserting the contrary.

Captain Wilmot, before leaving Cabinda, wrote to the Governor of Porto Rico declaring to him that if he should return there he would oblige him by force to sign the Treaty.

As soon as the King and Chiefs of Cabinda were aware of the unjustifiable conduct of Captain Wilmot, they not only protested against it, but wrote to the Governor-General of Angola, telling him what had taken place, and renewing their protestations of fidelity to Her Most Faithful Majesty the Queen of Portugal. Those letters were carried by a deputation composed of the principal persons of Cabinda.

If there were not many other conclusive arguments to prove the rights which the Crown of Portugal possesses over Cabinda, those letters would be sufficient to prove them. These rights have existed from 1484, and they are fully and solemnly admitted in 1853 by those who alone might possibly be allowed to dispute them.

The Governor-General of Angola, zealous in the performance of his duty, did not delay to protest against the *pseudo* Treaty which Captain Wilmot, with inexcusable incorrectness, asserted to have been signed by the King of Cabinda. Your Excellency will see inclosed the copies of the protests which the said Governor-General addressed to the Commander-in-chief of the British naval station, to Captain Wilmot, and to the English Vice-Consul in Loanda.

Captain Wilmot was not contented with attempting to corrupt the fidelity of the inhabitants of Cabinda; he tried also that of the inhabitants of Ambriz, to which harbour he went in the beginning of March last, proposing then to the Chief of that Portuguese Colony a Treaty like that which he had before proposed to the Chiefs of Cabinda. But he found in that Chief the same resistance to his perfidious promises and threats, and a fidelity to the Crown of Portugal equal to that which he had met with in Cabinda. He also found in the harbour of Ambriz the worthy Commander of the Portuguese war-brig "Corimba," who prudently, but with the dignity belonging to an officer of the glorious Portuguese navy, hastened to protest against acts which were notoriously opposed to the rights of the Crown of Portugal. It may not be unnecessary to remark that Captain Wilmot, in order to intimidate the Chief of Ambriz, caused himself to be accompanied by 120 men, well armed.

The facts which the Undersigned has here submitted to the judgment of the Earl of Clarendon, all extracted from the correspondence of Captain Wilmot himself and from the depositions of witnesses present, are not, and cannot be, denied by Captain Wilmot, who, in his correspondence with the Governor of Angola and other Portuguese authorities, merely attempts to palliate them by arguments which are inadmissible, inasmuch as they are opposed to the principles of law, taking upon himself authority to interpret the Treaties which exist between Portugal and Great Britain, and manifesting gross ignorance of the law of nations, which the Undersigned trusts he shall be able to demonstrate.

Captain Wilmot maintains that all that he has done in Cabinda, Ambriz, and other points of the coast of Africa has been in conformity with the instructions he had

received from his chiefs. With respect to this, the Undersigned confines himself to the declaration that he protests, in the name of his Government, against those instructions, and against those infractions of the law of nations and of the Treaties subsisting between the Crowns of Portugal and Great Britain which, by virtue of those instructions, were ordered to be committed.

But Captain Wilmot is afterwards still more explicit in his correspondence, and he pretends to maintain that in none of the acts done by him has he offended against any Regulation of the Treaties existing between the Crowns of Portugal and Great Britain; because the latter, having recognized in the Crown of Portugal rights over the western coast of South Africa, solely in that part which lies between 8° and 18° south latitude, and that he having negotiated, or rather endeavoured to negotiate, with Chiefs whose lands lay on the northward of 8°, he had not offended against the rights of the Crown of Portugal recognized by Great Britain.

Before demonstrating that the acts done by Captain Wilmot did violate the Regulations of the Treaties existing between Portugal and Great Britain, the Undersigned has to declare most formally and solemnly that the rights of the Crown of Portugal over a great number of harbours and territory of Southern Africa were in existence before the Treaties concluded with Great Britain, and independent of them.

The rights of the Crown of Portugal over her African Colonies arise principally—

1. From the discoveries made in 1484 and subsequent years by Portuguese, by order of their Sovereigns, and at their expense.
2. By the possession which they took thereof, and by the dominion which, at great expense, they establish therein.
3. In many of those that were peopled, by the spontaneous consent of the inhabitants, a result of the benefits which they had received from the Crown of Portugal.

It does not appear to the Undersigned that rights better founded or more sacred than these are possessed by any other nation now in existence. Therefore, even though these rights should not be recognized in three Treaties concluded between Portugal and Great Britain, Captain Wilmot, in pretending to negotiate Treaties with people dependent on the Crown of Portugal, would have committed an obvious infraction of the law of nations.

But leaving for the present the question of the rights which the Crown of Portugal possesses to various lands on the western coast of South Africa, which it does not renounce, the Undersigned will confine himself to the investigation of what are the points of that coast upon which the dominion of the Crown of Portugal is recognized in different Treaties concluded with Great Britain.

In Article X of the Treaty of Alliance of the 19th February, 1810, between the Crowns of Portugal and Great Britain, the latter recognized the rights of the former over divers territories of Southern Africa, and, naming them, over the territories of Cabinda and Molembo, and of all the coast of Mina, that is to say, all the western part of Southern Africa from the Cape of Lopo Gonçalves to 18° south latitude.

In Article II of the Treaty of the 22nd January, 1815, the British Government renewed the recognition which it had previously made in Article X of the aforesaid Treaty of the 19th February, 1810.

Finally, in Article II of the Convention of the 28th July, 1817, in addition to the Treaty of the 22nd January, 1815, it is declared explicitly what are the territories in South Africa belonging to the Crown of Portugal.

His Britannic Majesty recognizes :—

1. That among other territories which the Crown of Portugal possesses *de facto* and *de jure* in Southern Africa, all the coast lying between 8° and 18° south latitude on the western side are included.
2. The reservation which Her Most Faithful Majesty makes of her rights upon the whole territory between 5° 12' and 8° south latitude, and, naming them, the territories of Molembo and Cabinda.

The Undersigned has now to observe—and this observation is important—that when the aforesaid Convention was concluded in 1817, not only the Portuguese and English Plenipotentiaries who signed the same, but also the geographers of the two nations, considered the port and territory of Ambriz to be included between 8° and 18° south latitude, and it was also considered so by the Government of Her Britannic Majesty on the 30th November, 1846, since on that date Lord Palmerston, then Her

Britannic Majesty's Secretary of State in the Foreign Department, addressed a note to the Viscount Moncorvo, in which the following declaration occurs :—

"According to the Treaty of 1817, Molembo, as you are aware, is the extreme point of the Portuguese claim to sovereignty not actually recognized by Great Britain, but to which Portugal declares that she retains her rights, and the Ambriz is the extreme northern point recognized by Great Britain."

It is, then, indisputable that when the above-mentioned Treaties were signed the Ambriz was, and could not but be, considered by Her Britannic Majesty's Government as included between 8° and 18° south latitude, and was solemnly recognized as one of the points of Africa where the sovereignty of the Crown of Portugal was indisputable and undisputed.

And again, thirty years after the last of the above-mentioned Treaties was concluded, the Government of Her Britannic Majesty renewed this recognition, which was not necessary, in the above note of Viscount Palmerston.

And moreover, the Ambriz being one of the frontiers of the Kingdom of Angola, and one of the points essential for its trade and defence, and acknowledged as such for ages, it would be absurd to suppose that the Crown of Portugal consented spontaneously to give up, or even to leave in doubt, her dominion over that territory.

To pretend, then, that the result of an astronomical observation might render doubtful a dominion acquired nearly four centuries previously, and solemnly recognized, would be an absurd pretence, which cannot be admitted in the interpretation of Treaties, and which, if admitted, would occasion interminable disturbances among nations, whose rights would remain for ever in doubt.

It would be an offence to the Government of Her Britannic Majesty and to the well-known principles of justice, the consummate experience and the great talents of his Excellency the Earl of Clarendon, if the Undersigned should insist further upon a matter so clear, in relation to which all writers on the law of nations, of any note, are agreed.

With respect to the territories of the western coast of South Africa, lying between 5° 12' and 8° south latitude, and upon which Her Most Faithful Majesty has frequently declared that she reserved her rights, and most especially upon the territories of Cabinda and Molembo, the Undersigned has to remind his Excellency that from 1810 to 1817 this reservation has been three times solemnly recognized by His Britannic Majesty in three concluded Treaties; the Undersigned not being able to omit calling the serious attention of his Excellency to Article X of the Treaty of Alliance of the 19th February, 1810, and particularly in the part relating to the recognition of the rights of the Crown of Portugal to the territories of Cabinda and Molembo.

The Undersigned would have no difficulty in demonstrating by irrecusable documents the rights which the Crown of Portugal possesses, not only over the territories of Cabinda and Molembo, but also over many others in Africa; but he does not think it necessary to enter into this demonstration, because he cannot consider the opinions emitted by Captain Wilmot, and confirmed verbally by Commodore Bruce, to be the opinions of Her Britannic Majesty's Government.

The Undersigned, however, protests, in the name of Her Most Faithful Majesty the Queen of Portugal, his august Sovereign, against the above-mentioned acts committed in Cabinda and Ambriz by Captain Wilmot, and approved by Commodore Bruce, as injurious to the rights which the Crown of Portugal possesses over these territories.

He protests also against the extravagant pretension of those officers of the British navy to assume the right of interpreting the Treaties subsisting between Portugal and Great Britain, a right which appertains to the two High Contracting Parties only, and in case they should not be able to agree to the Power which they may, by common consent, select as Arbitrator, or to God alone, the Supreme Arbiter of independent nations.

The Undersigned has no doubt that when his Excellency the Earl of Clarendon shall have attentively looked into the facts referred to, the Government of Her Britannic Majesty will hasten to give to that of Her Most Faithful Majesty the satisfaction demanded by justice and the dignity and well-understood interests of the two nations.

It would be deplorable if the ancient, intimate, cordial, and never-interrupted alliance which, happily, has existed so many years between the two nations, should be disturbed by the imprudence of a few officers of the British navy, very zealous perhaps in the fulfilment of their duties, and very estimable, but without doubt but little

acquainted with the law of nations, both natural and positive. Moreover, these questions, far from being advantageous to the great object which the Governments of Her Most Faithful Majesty and Her Britannic Majesty are endeavouring to promote in Africa, the abolition of the Slave Trade, and the Undersigned will say still further that of slavery, will serve only to increase the expenses and difficulties of various kinds which the two Governments have encountered in prosecuting the great and humane object which they have by common consent proposed to themselves.

The Government of Her Most Faithful Majesty is firmly resolved, even at the cost of great sacrifices, in addition to the many it has already incurred, not only to prevent the Traffic, but also to put an end to the condition of slavery in its possessions both of Asia and Africa, and this not only because it is its duty, but also because it is to its interest so to do.

The interest of Portugal, especially since the separation of Brazil, is to fix the population in its African possessions, to set it free gradually and prudently, and to civilize it by leading it to the cultivation of the ground, and the exploration of its many natural productions. The Government of Her Most Faithful Majesty, in spite of the many difficulties which it has encountered, has already laboured much upon this, and it will attain great success if it be not disturbed by irrelevant questions. If, unhappily, there is any one now engaged in the infamous Traffic in Slaves, fortunately the Portuguese flag is certainly not the one which protects this abominable crime.

The Government of Her Most Faithful Majesty, humane, faithful to its promises, and acquainted with the interests of the Portuguese nation, is not behind the British Government in the ardent desire, which it has for many years nourished, to concur actively for the complete extinction, not only of the Slave Trade, but of the condition of slavery, contrary to the principles of natural law and to the precepts of Christianity.

The Undersigned, &c.

(Signed)

LAVRADIO.

Inclosure 1 in No. 11.

Declaration of Mambuco Maniloemba.

(Translation.)

ON the 10th day of March, 1853, the Chiefs and other persons of authority in Cabinda, of their free will assembled on board Her Most Faithful Majesty's war-brig "Corimba," in order that they might there, in presence of the crew of that brig, all hear the declaration of Mambuco Maniloemba, who had requested them to meet together that he might unload his conscience, a proof of his love and fidelity to the Government of Her Most Faithful Majesty Donna Maria II, he declares before them all, in the most legal manner possible, that he perfectly knows he has not any right to sign Treaties or Conventions of any kind with the English or any other foreigners, of which he gave sufficient proofs when Commander A. E. Wilmot, on the 10th day of February last, endeavoured by all the means in his power to make him sign a Treaty, in which he was unable to succeed, either with advantageous promises or with arrogant threats; but that, however firm and loyal he has been, he learns, to his very great astonishment, that he is reported to have signed the said Treaty, and therefore, to rebut such calumny, he sought this means of declaring, in presence of all the undersigned witnesses, that the truth of what passed between him and the English Commander is as follows:—

"On the 9th day of February last I was urged by Captain A. E. Wilmot to assemble in my house on the following day the principal authorities of Cabinda, that we might sign a Treaty about slavery and many other things; and in fact we did meet together, and there, early the next day, the said Commander came ashore with ten officers, four soldiers, an ensign, and a mulatto, who interpreted for him. The whole day was occupied by the said Commander in endeavours to obtain our signature; but to all his arguments we only replied that Cabinda acknowledges the rights of the Queen of Portugal alone, and could not make Treaties without the authority of the Portuguese Government, which already had been several times declared by our ancient Kings. Finally, the night arrived without the English having obtained anything, and the meeting broke up, the authorities retiring to their towns, and the English to their ship. But very soon afterwards the Commander Wilmot returned to my house alone with the Commander of the steamer 'Volcano' and the mulatto who served as interpreter to drink brandy and water; and they kept urging me so much to

drink with them that I yielded so far as to remain some time magnetized ('electrisado'), and when they saw me in that state, they profited by the opportunity to induce me to allow them to take a son of mine on board to teach him to read and write, I signing a cross upon a paper which they said was the certificate that my son should go on board. Nothing more took place, and I swear before God and upon my honour, in the presence of all of you, that this is the truth, and that I did not sign any other paper, and I consider that signature as null if the paper did not contain what they told me. I have now nothing further to say than that I am very glad to have this opportunity of making to you this sincere and true declaration, which was written in our presence, and as it contains the circumstances precisely as they took place, I sign it in your presence.

"On board the said vessel anchored in the Bay of Cabinda.

(Signed) "MAMBUCO MANILOEMBA."

We take advantage of this opportunity not only to assert that it was the real Mambuco Maniloemba who made this present declaration, but also to show to the whole world that we have been for very many years subject to Portugal, and that therefore we cannot, nor do we wish to make Treaties of any sort whatsoever with any other nation, which we swear by everything that is most sacred, and affirm by our signatures.

(Signed)

FRANCISCO FRANQUE, *Governor of Porto Rico.*

MANUEL JOZÉ DE PUMRA MANGAVO DO REI.

PRINCE SAMBO.

PRINCE CAPITO.

MANITALI.

PRINCE CAPITO MANIGEMBA.

PRINCE FURAXICO MANIPUNTA.

MANUEL JOZÉ DE PUMRA (for the King of a Ponta).

MANGOCO DO REI PRINCE MANILOEMBA.

PRINCE MANIMBAXE.

PRINCE MANGOSO MANIMBAXE.

CAPITO MANITATI (for the King Malembo).

It being known to King Manipunta that Mambuco Maniloemba was coming to make the present declaration, he charged me to say that he did not appear personally, but that he approves and lauds the conduct of Mambuco, because, the Englishman having gone to the town of the King to obtain his signature to such a Treaty, the reply which he gave was to show him two Portuguese flags, and to tell him that his endeavours to get the Royal signature were useless, because the King very well knew that Cabinda was subject to Portugal, and therefore he would not nor could he sign any Treaty. With this decisive and sole reply the English Commander went away; therefore it appears to the King impossible that any one should say that a Treaty was signed by him and the Chiefs of Cabinda with England; and whoever says this he declares a calumniator.

By command of the King,

(Signed) FRANCISCO FRANQUE, *Governor of Porto Rico.*

We declare upon our word of honour that everything stated was precisely so related before us with the crew of the said brig drawn up.

(The signatures of the crew follow.)

True copy,

(Signed)

JOZÉ BAPTISTA D'ANDRADE.

Second Lieutenant, in Command.

Inclosure 2 in No. 11.

The Authorities of Cabinda to the Governor-General of the Province of Angola.

(Translation.)

Cabinda, February 20, 1853.

WE, the Undersigned, authorities of Cabinda, inform your Excellency that, on the 10th day of February, the same steamer, "Volcano," appeared again in this harbour, with the same Commander, Wilmot, and that on the following day he came ashore with three boats, and went to the house of Mambuco, where we, all the authorities of Cabinda, were called, and as soon as we arrived we met the two Commanders, six officers, four armed soldiers, the ensign, and the interpreter Cabo Verde; and as soon as we arrived at the house of meeting they presented to us a paper which they told us was a Treaty to be made between us and England, upon which we answered that neither Mambuco nor any of us could make or sign any Treaty; as upon the first occasion when the Commander went to the house of the King of Cabinda for the same purpose the answer was given to him that the King of Cabinda was a black, and consequently could not make a Treaty with the King of Europe, and therefore he made no Treaty, nor could he sign any; and seeing that we also could not sign, at length threatening us in every way, we went on so for two hours; and then we all rose, and as it was now late, they sent two of the boats on board, the Commander remaining with some officers and the interpreter Cabo Verde, with the intention, after we were gone, of remaining alone with Mambuco, with the object of getting him to sign, as they did. So that, after we went away, they went to the house where Mambuco was with his younger children, and knowing that the said Mambuco is a man of no knowledge, they used their influence as foreigners, asking him for one of his sons to be educated in England, and then they showed him a paper which he was to sign with a cross, telling him that it was a certificate by which he might reclaim his son at any time in case he should stay away; by which urged and deceived, he signed the cross; and as soon as they got this they returned on board; and it was already 6 o'clock in the evening, and as soon as they reached the ship they began to salute with one-and-twenty guns; and when it was 7 o'clock at night three officers came to my house to me, for me to sign, and when I would not they showed me that Mambuco had signed, and to prove it they had his son on board, and I would not. At last they went on board, and on the following day, on setting sail, he wrote to me, telling me that on his return he would make me sign by force; therefore the King of Cabinda, and we all, authorities of Cabinda, declare that the signature of Mambuco is null, as Mambuco has no greater powers than the real King of Cabinda to assent to such papers, for we are the subjects of the Queen of Portugal, whose dominion alone we desire.

(Signed)

KING MOMCUTA ZIME.

FRANCISCO FRANCO, *Governor of Porto Rico.*

PRINCE SAMBO.

PRINCE MONGIMBE.

Inclosure 3 in No. 11.

The Authorities of Cabinda to the Governor-General of the Province of Angola.

(Translation.)

Cabinda, February 20, 1853.

Illustrious and Excellent Governor-General of the Province of Angola and its Dependencies,

WE, Undersigned, authorities of Cabinda, both ourselves and our predecessors for ages, recognize in our country the Government of the Queen of Portugal, and under the protection of the Portuguese flag, and aid of the Government of Loanda, we have long lived, and will live until death.

We inform your Excellency that on the 24th day of January the "Volcano," a war-steamer of Her Britannic Majesty, arrived in this our harbour, having on board the Commander, Arthur P. Eardley Wilmot, who, in the name of Her Britannic Majesty, presented to us a written paper with nine Articles, which he said was a Treaty which he wished to make with us in the name of his Queen, copy of which we forward to your Excellency, and also a letter written by the Commander, copy of which we also forward, in which he says that he is authorized by the Queen of

England to make a Treaty of Alliance with us, offering to us a certain sum of money, and for some time threatening us with violence, and even with severe punishment, if we would not agree to the Articles of his infamous so-called Treaty which he wished to conclude with us. As we, being subjects of Her Most Faithful Majesty the Queen of Portugal, natives of Portuguese Africa, have, from the time we have been under her protection, been very happily governed by ourselves, yet we admit the Government of Loanda to be superior to us, and consequently Her Most Faithful Majesty the Queen of Portugal, with her philanthropy, has given us full liberty to be governed by ourselves, that we may have our own usages and customs, we call to it with unanimity from the threats of Commander Wilmot on the part of Her Majesty the Queen of England. We all, of common accord, will never accede to what is demanded by the Commander Wilmot on the part of his Queen, and with arms in our hands we shall know how to respect the flag of Portugal, that which we acknowledge as first, and which waves upon our walls, until the Government of Loanda, on the part of the Queen of Portugal, gives us protection and help, as it is its duty; and if it shall do otherwise, and we shall be compelled to yield to the power of force, even then we will not assent to the propositions made to us by the Commander Wilmot on the part of the Queen of England, we will abandon our shores, withdrawing ourselves, and casting eternal malediction upon the first discoverers of our unfortunate country. We express ourselves because our ideas are very small, and our principles very poor. We believe that everything that has happened is brought to the knowledge of your Excellency, hoping that your Excellency will take everything into consideration.

(Signed)

KING MOMPUCUTA QIME.

FRANCISCO FRANQUE, *Governor of Porto Rico.*

PRINCE SAMBO.

PRINCE MOMGUNBI.

Inclosure 4 in No. 11.

Senhor Graça to Commander Wilmot.

(Translation.)

Illustrious Sir,

Palace of the Government in Loanda, March 1, 1853.

BY the communications which you addressed to my predecessor on the 12th February last you say that Treaties were concluded on the 2nd of that month with the King of Langa Panga and Cabo Lopes, and also with the King of Cabinda in his residence, &c. The Government of Angola has had some vague notice of the events mentioned, but it could not believe them, and it was while it was in this uncertainty that it received from you the confirmation, which has caused great surprise. By another letter from you, dated the 16th of the same month, you observe positively that Great Britain does not recognize the claims of Portugal to any part of the territory of these coasts beyond what is included between 8° and 18° south latitude. You state that Treaties have been made with the Kings and Chiefs of those countries, which you call independent, in accordance with instructions received from the Commander-in-chief of the British squadron. These and the other statements of those letters are, in my humble opinion, in entire contravention of the very solemn Acts which have been concluded between the Crowns of Portugal and Great Britain. As to the Additional Convention to the Treaty of the 22nd January, 1815, between the two Crowns, in the IInd Article, section 2, it says: "The territories of the coast of Africa on the south of the Equator upon which Her Most Faithful Majesty declared she reserved her rights, that is to say, the territories of Molembo and Cabinda, on the western coast of Africa, from 5° 12' to 8° south latitude." These rights of Her Most Faithful Majesty are recognized by Great Britain in the above Convention, ratified by another Additional Convention of the 28th July, 1817, implicitly declared in the further correspondence of the noble Lord Howard de Walden, on the 5th May, 1839, addressed to the Baron da Ribeira Sabroza, and finally sanctioned in the Constitutional Charter of the Monarchy in the section 2, Article 1 and Article 3, a Charter recognized by Great Britain and all civilized nations. By virtue, then, of such undeniable acts and documents agreed to and ratified with Great Britain, a great nation possessing excellent feelings and pure faith, I cannot persuade myself that such Treaties could be made so as to be valid without a previous understanding between His Britannic Majesty and Her Most Faithful Majesty, which I do not find to have existed, although

I have given full consideration to the communications made by you to the Government of Angola upon this matter.

It is my duty, as a faithful subject who respects the rights of Her Most Faithful Majesty, which I am intrusted to watch over in this Government, to protest, as I do hereby protest, against such acts, which are destitute of the necessary formalities, for which there is not nor can be any possible authority in the Government of Angola, because the rights in question are reserved to the Portuguese Crown, of which I shall give information to my Government. In the same letter you say it appears extraordinary that the Portuguese authorities have taken no steps in these countries. To this observation I offer in reply the following. It is well known and understood throughout Great Britain that the Kingdom of Portugal has been subjected to great disturbances, a state of things which will not, either in my country or in any other whatever, allow the Government to extend its whole attention and administrative care to all the parts of the Monarchy, which must necessarily suffer in a similar way. This is the reply which I have to lay before you, in reference to your last letter of the 21st ultimo, and to the others sent before that and addressed to my predecessor.

God preserve, &c.

(Signed) ANTONIO RICCARDO GRAÇA,
Governor-General (ad interim).

Inclosure 5 in No. 11.

Senhor Graça to Commodore Bruce.

(Translation.)

Dear Sir,

Palace of the Government in Loanda, March 10, 1853.

BETWEEN the 24th January and the 21st February of the present year this Government of Angola has received five letters from Captain Arthur P. Eardley Wilmot upon matters relative to the coast of Africa in the Portuguese territories, to which I replied on the 1st instant. There is, however, one subject upon which I find myself compelled to be urgent and to bring to your notice. In the letter dated the 12th February, Captain Wilmot states that a Treaty has been made against slavery with the King of Zanga Janga and Cabo Lopes, and on the 11th February with the King of Cabinda, in his own residence. Notwithstanding all the consideration merited by the assertion of a British officer, I never can nor ought to consider that act as valid and legal. There are many very excellent reasons why I should judge in this way; and I am so fully persuaded that you will agree with me, because your disposition is noble and you are a gentleman, an Admiral of a nation which prides itself upon justice in all its acts, an ancient and constant ally of the Portuguese nation, that it is scarcely necessary for me to bring forward as evidence the above-mentioned reasons which I offer for your observation.

There is between Great Britain and Portugal the Decree of the 10th December, 1836, and the Treaty of the 13th July, 1842, in which the two Crowns come to an agreement together upon all the means which may conduce to put an end to the inhuman Traffic, and for this sole object the cruizers were established, and in none of the above-mentioned Treaties do I discover an Article by which the cruizing officers of either nation can be invested with a diplomatic character, to make and conclude Treaties as such.

The fact which Captain Wilmot asserts in his letter of the 12th February, that he on the 11th of that month concluded a Treaty with the King of Cabinda, contrasts not only with what I have said above, but also and especially with the message and information brought to me by a deputation of three Headmen of Cabinda, and with the statements which I received upon the same subject from the Commanders of Portuguese cruizers; it being certain, from what I see in those documents, that neither the King nor the other authorities of Cabinda, with the exception of the negro Mambuco, acquiesced in signing the said proposed Treaty; and even had they assented to the same, it could not have been valid, because it was in opposition to the reserved rights which Her Most Faithful Majesty possesses over that territory. The negro Mambuco is hardly entitled even a Viceroy, not a King, as he is named by Captain Wilmot. He is subordinate; he cannot read nor write, and consequently could not be acquainted with the import of the paper to which he signed a cross, having no one with him to explain it to him.

Captain Wilmot says that Great Britain does not recognize the rights of Por-

tugal over territories beyond the limits of 8° to 18° south latitude. It seems that this worthy and excellent officer has no knowledge of the Treaty of the 22nd January, 1815, and the Convention additional thereto dated the 28th July, 1817, concluded between Great Britain and Portugal, still less of the Constitutional Charter of the Portuguese Monarchy, to the strength of which Great Britain has so greatly contributed, recognized by all civilized nations, documents which do not admit of the smallest doubt, and in which the territories of the coast of Africa to which Her Most Faithful Majesty has declared rights, and those where she possesses reserved rights, are laid down in an undeniable manner. The territories of Cabinda and Molembo are included in the declared rights.

These people have never ceased to acknowledge the sovereignty of Portugal, however it may be alleged that she has no authorities there; it is certain that they have always rendered homage to the Sovereigns of Portugal, and have sometimes had recourse to the protection of the Government of Loanda, and they have even now called upon it for the message and deputation to which I have alluded; and they have acted well in this matter in not assenting to the signature of the proposed Treaty urged upon them, since it has never been admitted in the law of nations that people subject to a Sovereign could of themselves make Treaties with foreign Powers, more especially as there are other solemn Treaties between Great Britain and Portugal, none of the Articles of which can be altered without a very great violation of justice, and without the previous agreement of the two Contracting Powers between each other. This homage and submission of the Cabinda people is so completely unanswerable that their King, and other authorities representing those people, requested of the Count do Tojal, the commander of a war-schooner cruising there, a Portuguese flag, and spontaneously, and without the smallest suggestion, hoisted the same upon their walls, as an evident and significant mark of their sincere feelings. As Governor-General of Angola and its dependencies I have the honour of being intrusted by Her Most Faithful Majesty with watching over her rights in these countries. There is no authority given to this Government to recognize Treaties which are not commanded to be observed by the Government of Her Most Faithful Majesty; it is also my strict duty to protest, as I do hereby protest, against all attempts or Treaties whatever, which any may desire to make in territories where Her Most Faithful Majesty possesses indisputable rights, either declared or reserved. It is my duty to be a strict observer of the provisions of the Decree of the 10th December, 1836, and of the Treaty concluded on the 3rd July, 1842, for the suppression of the inhuman Slave Trade, as I have recently given decisive proofs, by commanding the Captain of the Portuguese war-brig "Corimba," cruising here, under strict instructions to burn, destroy, and throw down all the barracoons ("barracas") which he might find in Ambriz, with evident marks of being intended for that immoral and repulsive Traffic, which he carried into effect by burning and destroying two, in which he found irons, kettles, and other objects intended for that infamous speculation, of which act I have official information.

God preserve, &c.

(Signed)

ANTONIO RIBEIRO GRAÇA,

Governor-General (ad interim).

No. 12.

The Earl of Clarendon to Count Lavradio.

Foreign Office, November 26, 1853.

THE Undersigned, &c., has the honour to acknowledge the receipt of the official note which was addressed to him on the 17th September by Count Lavradio, &c., complaining that Commander Wilmot, of Her Majesty's ship "Harlequin," violated the sovereign rights of Portugal by concluding, in January last, a Treaty for the suppression of the Slave Trade with the King of Cabinda, on the West Coast of Africa; and by attempting, in the month of March, to negotiate a similar Treaty with the King and Chiefs of Ambriz.

Count Lavradio's note also contains accusations affecting the honour and good faith of Captain Wilmot in his dealings with the Portuguese Commandant of Bengo, and with the King of Cabinda.

The Undersigned begs to inform Count Lavradio that Captain Wilmot has been

required by the Lords of the Admiralty to explain his conduct in regard to the several matters of complaint thus alleged against him by the Portuguese Government; and the Undersigned has now the honour to reply to the above-mentioned charges.

The first charge is that Captain Wilmot took into his service at Bengo, and conveyed from thence to Cabinda, a Portuguese interpreter named Vicente Antonio Cabo Verde, who had received from the Commandant of Bengo permission to that effect on condition that it should be confirmed by the Governor of Angola; but it is alleged that Captain Wilmot prevented Vicente from applying to the Governor of Angola, and forcibly kept the interpreter in his service without leave.

It appears from Count Lavradio's note that Vicente has made a deposition before the competent authorities on this and other matters relative to the proceedings of Captain Wilmot; but Count Lavradio says that he is withheld by motives of delicacy from sending a copy of that deposition to the Undersigned.

Captain Wilmot states in reply to this charge that, on the occasion of his making a complimentary visit to the Captain of the Port at Bengo, Vicente was called in to act as interpreter, which led to a proposal being afterwards made by Captain Wilmot that Vicente should enter his service; and before this engagement was concluded, Vicente told Captain Wilmot that he was out of employment, that he was not a Portuguese subject, that he was at liberty to go where he liked, and that he was perfectly willing to go with him.

Accordingly, Captain Wilmot engaged Vicente as his interpreter, and three days afterwards Vicente voluntarily went on board the "Harlequin," and Captain Wilmot asserts positively that there is no truth in the statement about his having forced Vicente to join him.

Captain Wilmot further says that Vicente told the Captain of the Port at Bengo that he intended to go with Captain Wilmot, and that the Captain of the Port did not state to Captain Wilmot that Vicente must first have leave from the Governor-General of Angola; and if that formality had been indispensably requisite, there was ample time during the above-mentioned interval of three days for the authorities of Bengo to have warned both Vicente and Captain Wilmot accordingly.

It appears, besides, that after the termination of Vicente's service he was imprisoned by the Portuguese authorities for the alleged crime of having accompanied Captain Wilmot, but he was released upon the Captain interfering in his behalf, and he afterwards frequently came on board the "Harlequin," and said that he had been most cruelly treated by the Portuguese.

The Undersigned concurs with Captain Wilmot in thinking that no great reliance can be placed upon any declaration which may have been extorted under these circumstances from an unfortunate man who was deprived of the power of helping or defending himself.

The second charge is that Captain Wilmot, on the 1st January, 1853, addressed a letter to the King and Chiefs of Cabinda, threatening to use force, and to blockade their coast, if they should decline to sign an Anti-Slave Trade Treaty, and that he pointed out to them that the Portuguese residing in their country were their worst enemies, and ought to be expelled from Africa.

The only part of this charge to which the Portuguese Government can ask for any answer from Her Majesty's Government is that which relates to the conduct of Captain Wilmot in suggesting to the King and Chiefs of Cabinda that they should expel the Portuguese from their territory; and the Undersigned begs leave to observe that the portions of that letter which have been underlined by Count Lavradio clearly show that the Portuguese to whom those passages relate are persons who are obstinately bent on continuing to carry on the Slave Trade in defiance of the Treaty of July 1842 between Great Britain and Portugal. And it is scarcely necessary that the Undersigned should add that Captain Wilmot was fully justified in requiring that such persons should be banished from the Cabinda territory.

The third charge in Count Lavradio's note relates to the Anti-Slave Treaty concluded by Captain Wilmot with the King of Cabinda; and the substance of that charge is that Captain Wilmot tried to induce the King and Chiefs of Cabinda to sign a Treaty which he presented to them first on the 24th January, and afterwards on the 10th February, 1853, and that, having failed in that endeavour because the King and Chiefs maintained that their allegiance to the Queen of Portugal did not allow of their concluding Treaties with foreign Powers, Captain Wilmot, accompanied by Captain Coote and the interpreter went to the King's house and persuaded him to take some brandy, of which he drank so copiously that he lost his senses and put his mark to a paper which was presented to him for signature by Captain Wilmot, who told the

King that it was a document signifying his consent to intrust his son to Captain Wilmot.

In answer to this imputation upon the honour and integrity of Captain Wilmot, the Undersigned transmits herewith that officer's narrative of what took place in his several interviews with the King and Chiefs of Cabinda, which will show that the Chiefs made no representation about their being under the authority of Portugal, and that there was no truth in the opprobrious statement that Captain Wilmot made the King drunk and obtained his signature to the Treaty by a false representation.

The Undersigned has to add that he has informed the Lords of the Admiralty that he is of opinion that Captain Wilmot has completely and satisfactorily exonerated himself from the charge in question; and the Undersigned has stated to their Lordships that the Treaty concluded by Captain Wilmot with the King of Cabinda must be held to be valid, and that its punctual fulfilment must be enforced.

The Undersigned begs leave to point out to Count Lavradio that the Portuguese Government must be well aware of the grounds upon which Her Majesty's Government maintain that they have a right to enter into Treaties with the Chiefs of Cabinda and of Ambriz, because Her Majesty's Government have formally refused to admit the claim of Portugal to a right of sovereignty over that portion of the West Coast of Africa which lies between 5° 12' south latitude and 8° south latitude. The reasons of that refusal were explained in a note which Mr. Southern, Her Majesty's Chargé d'Affaires at Lisbon, addressed by order of Her Majesty's Government to the Portuguese Minister for Foreign Affairs on the 24th November, 1846, and they were in substance as follows: Mr. Southern stated that on referring to Article II of the 28th July, 1817, additional to the Treaty of the 22nd January, 1815, between Great Britain and Portugal, for the prevention of the Slave Trade, it would be seen that, with respect to the West Coast of Africa, the territories described as possessed by the Crown of Portugal extended from 8° to 18° south latitude; but with respect to the part of the coast from 5° 12' south latitude down to 8° south, namely, the territories of Molembo and Cabinda, His Most Faithful Majesty declared that he maintained his rights.

Mr. Southern therefore stated that it appeared that while the right of Portugal to sovereignty and jurisdiction from 8° to 18° south latitude was fully recognized by the British Government, her right from 5° 12' down to 8° south was not recognized.

The Undersigned has to observe that this declaration on the part of Her Majesty's Government was not answered by the Portuguese Government.

But it appears from Count Lavradio's note that the Portuguese Government consider that their right to the sovereignty in question is established, not only by the IInd Article of the Convention of July 1817, but also by the Xth Article of the Treaty of Alliance between Great Britain and Portugal of the 19th February, 1810, and by the IInd Article of the Treaty of the 22nd January, 1815.

Although the above-mentioned Treaty of February 1810 is no longer in force, and although the question of right now under consideration must be decided according to the terms of the most recent Treaty in which it is mentioned, that is to say, by the IInd Article of the Additional Convention of the 28th July, 1817, yet the Undersigned will nevertheless proceed to examine these three Articles of Treaties between Great Britain and Portugal which are referred to by Count Lavradio as proving that Great Britain has recognized the rights of sovereignty belonging to Portugal in the territories of Molembo, Cabinda, and Ambriz.

And, first, with regard to the Xth Article of the Treaty of Alliance of February 1810, the Undersigned has to observe that the only fact which that Article proves is, that Great Britain accepted a declaration that the Prince Regent of Portugal claimed rights of some kind to the territories of Cabinda and Molembo; and that "His Royal Highness was resolved not to resign nor forego his just pretensions thereto, nor the rights of his subjects to trade with those places in the same manner as they had done up to that time." But it does not appear from this Article that Portugal did at that time hold *de facto* possession of the territories in question; it appears only that she claimed a right to do so.

The next Treaty engagement to which Count Lavradio refers is the IInd Article of the Treaty of the 22nd January, 1815, by which, as Count Lavradio states, the British Government renewed the recognition contained in the Xth Article of the Treaty of the 19th February, 1810.

The IInd Article of the Treaty of January 1815 states that "His Britannic Majesty engages, in concert with the Prince Regent of Portugal, to give such orders as may effectually prevent any interruption being given to Portuguese ships resorting to the actual dominions of the Crown of Portugal, or to the territories which are

claimed in the Treaty of Alliance of the 19th February, 1810, as belonging to the Crown of Portugal to the southward of the line."

In this Article a clear distinction is drawn between the territories actually held under the dominion of Portugal and those which were claimed by her under the Treaty of 1810, and accordingly the same distinction is clearly laid down in the IInd Article of the Additional Convention of the 28th July, 1817, which Count Lavradio quotes, and this is the distinction which is pointed out in the above-mentioned note from Mr. Southern to the Portuguese Minister for Foreign Affairs of the 24th November, 1846.

Count Lavradio's explanation respecting these Treaty stipulations is followed by some remarks upon Captain Wilmot's proceedings at Ambriz, and the Undersigned observes that Count Lavradio, in defending the alleged rights of Portugal over that place, seems to consider that Her Majesty's Government is entirely precluded from questioning those rights, because it is stated in a letter which Viscount Palmerston addressed to Baron Moncorvo on the 30th November, 1846, that Ambriz is the extreme northern point recognized by Great Britain as belonging to Portugal.

It is true that there is such a passage in Lord Palmerston's letter, but the paragraph in which it occurs concludes by stating that Her Majesty's Government maintain the right to unrestricted intercourse with that part of the West Coast of Africa which lies between 5° 12' south latitude, and 8° south latitude.

The Undersigned begs to state that it is evident that Lord Palmerston was not then aware of the fact that Ambriz is situated 8 miles to the north of the 8th parallel of south latitude, but that statement in Lord Palmerston's letter of November 1846 cannot invalidate the terms of the Treaty of July 1817, and according to those terms Her Majesty's Government still maintain that the Treaty of 1817 does not establish the claim of Portugal to the sovereignty of the coast lying between 5° 12' south latitude and 8° south latitude, within which parallels Ambriz is situated.

This matter was distinctly explained to the Portuguese Government by an official note which Sir Hamilton Seymour addressed to Count Tojal on the 9th November, 1850, and further in January 1851 by the communication from Sir Hamilton Seymour to Count Tojal of a despatch from Lord Palmerston to the British Commissioners at Loanda, dated the 2nd December, 1847, stating the reason why Lord Palmerston had thought it unnecessary to correct the geographical error which was contained in his note to Baron Moncorvo of the 30th November, 1846, namely, because it could not be construed into an admission by Her Majesty's Government of the right of Portugal to the sovereignty either of Ambriz or of that part of the coast which lies between Ambriz and the 8th parallel of south latitude.

Captain Wilmot has, moreover, informed Her Majesty's Government that the King and Chiefs of Ambriz do not acknowledge the Queen of Portugal as their Sovereign, and that at the last interview he had with them they were very angry at being called the vassals of Portugal. They said, "We do not owe any allegiance to Portugal; we are our own masters; we are not their subjects."

This statement is confirmed by the information which Her Majesty's Government has received as to the actual condition of the coast between Loango and Ambriz, which is represented as never having had civilized laws or government, flag, or constituted authorities. Slave-dealers have resided there with impunity, and slavery with all its horrors and in its worst forms has been permitted to exist unnoticed.

Thus it is manifest and notorious that the African tribes inhabiting the line of coast claimed by Portugal between 5° 12' and 8° south are in reality independent, and that the rights which Portugal acquired by priority of discovery at the close of the fifteenth century have been long since suffered to lapse in consequence of the Portuguese Government having neglected to occupy the countries so discovered.

Under these circumstances, the Undersigned must repeat the declaration of Her Majesty's Government that the interests of commerce render it imperative upon them to maintain the right to unrestrained intercourse with that part of the West Coast of Africa which lies between 5° 12' south latitude and 8° south latitude.

The Undersigned cannot conclude this note without expressing his satisfaction at learning from Count Lavradio that the Government of Portugal is not only determined to spare neither exertions nor expense in actively co-operating towards the extinction of the Slave Trade, but is also resolved to put an end to the state of slavery in the Asiatic and African possessions of Portugal.

Her Majesty's Government hope that a Decree to this effect may soon be issued and brought into operation by the Government of Her Most Faithful Majesty, and they trust that the future acts of the Governors of the Portuguese dominions in Africa

will prove that they do not regard the suppression of the Slave Trade to be an undertaking adverse to the influence of Portugal in Africa.

The Undersigned, &c.

(Signed)

CLARENDON.

No. 13.

The Earl of Clarendon to Sir R. Pakenham.

Sir,

Foreign Office, April 6, 1855.

I TRANSMIT herewith copies of a letter, and of its inclosures, which I have received from the Admiralty, by which you will learn that in December last Senhor Amaral, the Governor-General of Angola, officially announced to Commodore Adams, the Commander-in-chief of Her Majesty's ships on the West African Station, his determination to send to Molembo a military Commandant and such an armed force as might be requisite to establish, provisionally, the Portuguese authority at that place.

I have to instruct you to express to the Government of His Most Faithful Majesty the great concern with which Her Majesty's Government have learned that the Governor-General of Angola has come to a determination which it will be the duty of Her Majesty's Government to oppose, with reference to the declaration formally communicated to the Portuguese Government in Lord Palmerston's letter to Baron Moncorvo of the 30th November, 1846, and in my note to Count Lavradio of the 26th November, 1853, stating that Her Majesty's Government must maintain the right of unrestricted intercourse with that part of the West Coast of Africa which lies between 5° 12' south latitude and 8° south latitude.

The offer made by the Envoys of the Chief of Molembo to Senhor Amaral may have been spontaneous, or it may have proceeded from suggestions made to the Chiefs; but in either case the result would be the same, namely, that a Portuguese force would hold possession of Molembo, and the Commander of that force might enact any Regulations he pleased. Foreign nations would thus be debarred from having free intercourse with the place, which to all intents would then become a Portuguese Colony, and the question at issue between the British and Portuguese Governments, instead of remaining in abeyance, as Senhor Amaral assumes, would be practically decided.

Her Majesty's Government therefore hope that the Portuguese Government will send immediate instructions to the Governor-General of Angola, directing him not to persist in his intention, and that all danger of misunderstanding between the two Governments on this subject may thus be prevented.

I inclose, for your information, a copy of a letter which has been addressed by my direction to the Admiralty upon this matter.

I am, &c.

(Signed)

CLARENDON.

No. 14.

Sir R. Pakenham to the Earl of Clarendon.—(Received May 1.)

My Lord,

Lisbon, April 22, 1855.

I HAD the honour on the 15th instant to receive your Lordship's despatch of the 6th April, relative to the intention announced by the Governor-General of Angola to send a military force to take possession, as he said, provisionally, of the territory of Molembo, in opposition to the declarations of Her Majesty's Government reserving the right of unrestricted intercourse with that part of the West Coast of Africa between 5° 12' south latitude and 8° south latitude, within which limits Molembo is situated.

I beg leave to submit a copy of a note which I have addressed to the Viscount d'Athoguia, in fulfilment of your Lordship's instructions upon this subject.

I have had some conversation with the Viscount d'Athoguia relative to this affair, and he tells me that it was not in consequence of orders from Lisbon that the Governor-General undertook to send a military force to Molembo, but in consequence of the Embassy or Deputation sent by the King of Molembo to Loanda to tender his allegiance to the Crown of Portugal, an offer which he (the Governor-General) did not feel at liberty to reject; and the Viscount d'Athoguia added that he did not believe

that Senhor Amaral intended actually to dispatch a force to Molembo without instructions from Lisbon authorizing him to take that step.

It will be my duty to do everything in my power to dissuade the Viscount d'Athoguia from issuing any such instructions, or adopting any line of conduct with respect to the Molembo territory of a nature to complicate matters in that quarter.

I have, &c.
(Signed) R. PAKENHAM.

Inclosure in No. 14.

Sir R. Pakenham to Viscount d'Athoguia.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has received orders to express to His Most Faithful Majesty's Government the great concern with which Her Majesty's Government have heard of certain proceedings on the part of the Governor-General of Angola which it will be the duty of Her Majesty's Government to oppose.

By intelligence lately received from the coast of Africa, Her Majesty's Government are informed that in December last Senhor Amaral, then Acting Governor-General of Angola, officially announced to Commodore Adams, the Commander-in-chief of Her Majesty's ships on the West African Station, his determination to send to Molembo a Military Commandant, and such an armed force as might be requisite to establish provisionally the Portuguese authority at that place.

The correspondence which passed on this occasion between the Acting Governor-General and Commodore Adams will doubtless have been forwarded to His Most Faithful Majesty's Government, and from it the Viscount d'Athoguia will have seen that Commodore Adams, acting upon the instructions in his possession, such instructions being in entire conformity with the declaration contained in Viscount Palmerston's note to Baron Moncorvo of the 30th November, 1846, and in the Earl of Clarendon's note to Count Lavradio of the 26th November, 1853, protested against the announced intention of the Acting Governor-General, and refused to acknowledge the Portuguese authority on any part of the coast to the northward of 8° south latitude.

The Undersigned is directed now to acquaint his Excellency the Viscount d'Athoguia that the course then pursued by Commodore Adams has received the entire approval of Her Majesty's Government.

Her Majesty's Government have repeatedly declared to His Most Faithful Majesty's Government that they must maintain the right of unrestricted intercourse with that part of the West Coast of Africa which lies between 5° 12' and 8° south latitude.

The offer of the Chief of Molembo to profess vassalage and allegiance to the Crown of Portugal may have been spontaneous, or it may have proceeded from other causes, but in either case the result of the measure contemplated by the Acting Governor-General of Angola would be the same, namely, that a Portuguese force would hold possession of Molembo, and the Commander of that force might introduce any Regulations which he pleased.

Foreign nations would thus be debarred from having free intercourse with the place, which to all intents and purposes would then become a Portuguese Colony, and the question at issue between the British and Portuguese Governments, instead of remaining in abeyance, as Senhor Amaral assumes, would be practically decided.

Her Majesty's Government therefore hope that the Portuguese Government will send immediate instructions to the Governor-General of Angola, directing him not to persist in his intention, and that all dangers of misunderstanding between the two Governments on this subject may thus be prevented.

The Undersigned, &c.
Lisbon, April 17, 1855.

(Signed) R. PAKENHAM.

No. 15.

Mr. Ward to the Earl of Clarendon.—(Received August 16.)

My Lord,

Lisbon, August 8, 1855.

SIR GEORGE JACKSON transmitted to this Mission, under flying seal, his despatch to your Lordship of the 18th May last, reporting the preparations for an expedition to take military possession of Ambriz, which despatch I have now the honour to forward to your Lordship by the "Tagus," being the first opportunity since it came into my hands.

I thought it right to mention to the Viscount d'Athoguia that I had received information of this expedition, when he stated to me that the Chief or Chiefs of the territory in that neighbourhood had been making themselves troublesome not only to the Portuguese, but also to the English, French, and Americans; that it was their intention to build a fort at Ambriz, but that they did not design to make any alterations with regard to commercial intercourse with that place, nor to impose any duties.

I took occasion to remark to his Excellency that on former occasions they (himself and Senhor Rodrigo da Fonseca Magelhaes) had entered unreservedly upon this question of the desire of the Portuguese Government to occupy Ambriz, with Sir Richard Pakenham, but that in this instance their intentions and preparations had been involved in secrecy.

The Viscount seemed anxious to evade this part of the question, nor did I feel myself authorized to press him upon it, as being without express instructions upon the point; his Excellency proceeded, however, to say that recent historical researches conducted by the Viscount Santarem had thrown light upon the Portuguese rights to the territory in question, by discovery and conquest, and that records had been found of their having had a fort there.

I have caused a copy of Sir George Jackson's letter and inclosure to be made, and kept in the archives of this Mission.

I have, &c.

(Signed)

WILLIAM R. WARD.

No. 16.

The Earl of Clarendon to Mr. Ward.

Sir,

Foreign Office, August 17, 1855.

I HAVE received your despatch of the 8th instant, and also the despatch from Her Majesty's Commissioners at Loanda of the 18th May, respecting the Portuguese expedition to Ambriz; and I have to instruct you to represent strongly to the Portuguese Government that Her Majesty's Government cannot consent to any occupation of Ambriz, and that the mode of proceeding adopted by the Portuguese Government in this matter, as reported in the despatches above referred to, is very unsatisfactory.

I inclose a copy of a despatch which I have addressed to Her Majesty's Commissioners at Loanda in reply to their report of the dispatch of the expedition to Ambriz.*

I am, &c.

(Signed)

CLARENDON.

No. 17.

The Earl of Clarendon to the Loanda Commissioners.

Gentlemen,

Foreign Office, August 17, 1855.

I HAVE received your despatch of the 18th May, reporting the sailing of a Portuguese expedition to take military possession of Ambriz, and I have to inform you that Her Majesty's Minister at Lisbon has been instructed to make a serious remonstrance upon this subject to the Portuguese Government, pointing out the objectionable manner in which this expedition has been conducted. Her Majesty's

Government cannot consent to a Portuguese occupation of this territory, to which Portugal has no just claim, and which lies beyond the limits within which Great Britain has by Treaty with Portugal agreed to acknowledge Portuguese dominion on the West Coast of Africa.

I am, &c.
(Signed) CLARENDON.

P.S.—Her Majesty's commands have been signified to the Admiralty that a ship of war should be sent to Ambriz for the protection of British property and interests.

C.

No. 18.

The Earl of Clarendon to Sir R. Pakenham.

(Extract.)

Foreign Office, August 29, 1855.

I HAVE to refer you to the correspondence which on more than one former occasion has taken place on this subject, and to the fact that Ambriz has been proved to be beyond the limits within which, by our Treaty with Portugal, the Portuguese territory on the West Coast of Africa is acknowledged by Great Britain; and you will express in strong terms to the Portuguese Government the dissatisfaction felt by Her Majesty's Government on learning this improper and unfriendly proceeding taken by them at Ambriz, and the regret of Her Majesty's Government at finding themselves compelled, at the moment of the King's accession, to take measures for the protection of British interests and property against Portuguese encroachments; but Her Majesty's Government will not shrink from the performance of this urgent duty, and the Portuguese Government will alone be responsible for the consequences which may ensue.

I have to add that I have communicated to the Lords Commissioners of the Admiralty the Queen's commands that a vessel of war should be sent to Ambriz for the protection of British interests in that quarter.

No. 19.

The Earl of Clarendon to Sir R. Pakenham.

Sir,

Foreign Office, September 8, 1855.

WITH reference to my despatch of the 29th ultimo respecting the occupation of Ambriz by a Portuguese force, I have to state to you that further despatches have been received from Her Majesty's Commissioners at Loanda, which show that the expedition in question was undertaken by orders from the Government, and that the pretended offer of Ambriz to Portugal by the Chiefs some months ago must have been devised for the purpose of obtaining possession of a place which does not belong to Portugal, and which by agreement with Great Britain she was not to hold. Her Majesty's Government regret that any disagreement should take place with Portugal on such a subject, and trust that by the withdrawal of the Portuguese force from Ambriz the amicable relations between the two countries will not be disturbed.

I am, &c.
(Signed) CLARENDON.

Mr. Ward to the Earl of Clarendon.—(Received September 14.)

My Lord,

Lisbon, September 8, 1855.

I HAD the honour, on the 1st instant, to receive your Lordship's despatch of the 17th ultimo, instructing me to represent strongly to the Portuguese Government that Her Majesty's Government cannot consent to any occupation of Ambriz.

In compliance with those instructions, I have addressed to the Viscount d'Athoguia the note of which I beg leave to inclose a copy.

I have, &c.

(Signed)

WILLIAM R. WARD.

Inclosure in No. 20.

Mr. Ward to Viscount d'Athoguia.

Lisbon, September 8, 1855.

HER Majesty's Government have received information from Loanda to the effect that in the month of May last a considerable force of infantry, artillery, and sappers and miners was equipped and embarked on board the "D. Fernando" frigate, the brig "Serra do Pilar," and the transport "Esperanza," with the avowed object of proceeding to Ambriz and establishing the direct dominion of Portugal over that spot.

The Proclamation published on the occasion in the official Gazette of the Province of Angola, while claiming on behalf of the Crown of Portugal the right of dominion over the whole country situated to the north up to latitude $5^{\circ} 12'$, represents the motive of the intended expedition to be the necessity of preventing certain vexatious proceedings which the feudal Chief of Ambriz had recently exercised towards the merchants there established, and a contumacious refusal to attend to the representation made to him on this behalf, which called for retributive measures, concluding by the declaration that Ambriz would thenceforward be entirely a Portuguese possession.

The views of Her Majesty's Government with regard to the claim of Portugal to Ambriz are well known to His Most Faithful Majesty's Government, and it is not necessary to repeat what has on former occasions been distinctly stated to the Portuguese Government, namely, that Her Majesty's Government does not acknowledge the right set up by Portugal to sovereignty over that part of the West Coast of Africa which lies between $5^{\circ} 12'$ south latitude, and 8° south latitude, nor to reassert the fact that Ambriz is situated to the north of the last-mentioned parallel.

Under these circumstances, the Undersigned, &c., has now the honour to acquaint his Excellency the Viscount d'Athoguia, &c., that he has been instructed to represent to the Portuguese Government that Her Majesty's Government cannot consent to any occupation of Ambriz; and at the same time to point out that the mode of proceeding adopted by His Most Faithful Majesty's Government in planning and carrying out the expedition designed to effect this occupation is very unsatisfactory.

Since the present advisers of His Majesty the King Regent have held office it has occurred more than once that Her Majesty's Minister has spoken to his Excellency the Viscount d'Athoguia on this subject, so that the Cabinet of His Most Faithful Majesty at the time of dispatching the "D. Fernando" from Lisbon were aware of the strong objections entertained by the British Government to the measure in contemplation, while the unreserved communications which had taken place on former occasions led them to expect that no design of taking possession of that portion of the West Coast of Africa would be entertained without previously satisfying Her Majesty's Government of the necessity and urgency of that occupation, as well as that proper security would be afforded for the suppression of the Slave Trade, and for the maintenance of the same unrestricted commercial intercourse hitherto enjoyed by British merchants with the territory over which His Most Faithful Majesty's Government claimed to extend their dominion.

The Undersigned begs leave to refer the Viscount d'Athoguia to the note which Sir R. Pakenham addressed to his Excellency on the 17th April last, by the directions

of Her Majesty's Government, with reference to the intention of the Acting Governor of Angola to dispatch a force to Molembo, for the purpose of establishing provisionally the Portuguese authority at that place.

This note expresses the sentiments and determination of Her Majesty's Government with regard to any attempt to enforce the claims of Portugal on that part of the coast, and will prove how little they are disposed to acquiesce in such measures as those which they now learn have been carried out without their knowledge or assent.

The Undersigned, &c.

(Signed)

WILLIAM R. WARD.

No. 21.

Sir R. Pakenham to the Earl of Clarendon.—(Received October 5.)

My Lord,

Lisbon, September 28, 1855.

I HAVE had the honour to receive your Lordship's despatches of the 29th August and 8th September, which reached me, the first on the 12th instant, the second on the 14th instant.

I beg leave herewith to submit a copy of a note which, in obedience to the instructions contained in these despatches, I addressed, as soon as possible, to the Viscount d'Athoguia, expressing the surprise and displeasure with which Her Majesty's Government had heard of the extraordinary course pursued by His Most Faithful Majesty's Government in directing the Governor-General of Angola to take possession of Ambriz, which act appeared the more unjustifiable from the warning which had of late been repeatedly conveyed to this Government, especially by your Lordship's note to the Portuguese Minister in London, dated the 26th November, 1853, to the effect that England does not acknowledge the title of Portugal to dominion over that part of the African coast, and that she must maintain the right to unrestricted intercourse, such as has for a long series of years been carried on, with that portion of territory lying between 5° 12' south latitude and 8° south latitude; adding that Her Majesty's Government had taken measures in fulfilment of this urgent duty, and that they hoped that His Most Faithful Majesty's Government would, by the withdrawal of the Portuguese force from Ambriz, prevent any disturbance of the amicable relations between the two countries.

The attention of the Portuguese Ministers has been so much taken up with the ceremonies and festivities attending the King's inauguration that it was not until yesterday, the 27th instant, that I had an opportunity of speaking seriously to the Viscount d'Athoguia upon this important subject.

In the course of a conversation which I then had with his Excellency, at which Mr. Ward was also present, I endeavoured to convince him that the wisest thing that the Portuguese Government could do would be to withdraw as soon as possible the force which had been so imprudently sent to Ambriz, and under circumstances so calculated to give offence to England.

He declined, however, to give me any assurance of that kind. The most that he undertook to do was to send orders to the Governor-General of Angola, by the first opportunity, to desist from all interference with the existing state of things, in as far as relates to foreign trade and intercourse, which order, he said, should hold good until an understanding could be effected between the two Governments with regard to the Portuguese claim to possession, instead of being, as at present, limited to one year, counted from the 16th May last, the day on which the Governor-General announced by proclamation that "the port of Aubriz was definitively occupied by a Portuguese force."

I suppose that the Viscount d'Athoguia expects that by this arrangement, which he professes to consider more advantageous to foreign commerce than the state of things formerly existing, he will obviate the objections of Her Majesty's Government to the occupation of Ambriz, and induce your Lordship to consent to a quasi assumption of authority over that province, the right to unrestricted intercourse being meanwhile guaranteed to Her Majesty's subjects.

I told him, however, that I had no power to agree to any such arrangement, nor did I hold out to him any expectation that it would be accepted by Her Majesty's Government.

Although I did take upon myself, for the sake of preventing any serious misunderstanding on the spot, to encourage him by all means to send out orders to the authorities of Angola to suspend indefinitely, that is to say, until an understanding can be concluded between the two Governments, any interference whatever with British commerce at Ambriz, as it has been long carried on without molestation on the part of the native Chiefs.

The Viscount d'Athoguia informed us that he had caused to be prepared a statement, founded on facts not to be disputed, which he flattered himself would convince Her Majesty's Government that Portugal possessed a clear and legal title to the whole territory lying between latitude 5° 12' south and 8° south.

It will not be long, I presume, before this statement is communicated to your Lordship, either through this Mission or through the Portuguese Minister in London; but I am humbly of opinion that in the meantime it is highly desirable that a naval force, as large as can be spared from the other necessities of the station, should be maintained at Ambriz, for the preservation of our rights in that quarter, independently altogether of the arrangement provisionally adopted by the Viscount d'Athoguia for the continuance of foreign intercourse with the territory in question, until a final understanding respecting it can be effected.

I have, &c.
(Signed) R. PAKENHAM.

Inclosure in No. 21.

Sir R. Pakenham to Viscount d'Athoguia.

Sir,

Lisbon, September 19, 1855.

ON the eve of bringing to a close my official intercourse with His Most Faithful Majesty's Government, I am commanded to direct your Excellency's most serious attention to the state of things now existing on the West Coast of Africa in consequence of the extraordinary step taken by the Governor-General of Angola of sending an expedition to Ambriz for the purpose of occupying that place, with the avowed intention of annexing it to the dominions of the Crown of Portugal, all which the Governor-General declares to have been done in fulfilment of orders from His Most Faithful Majesty's Government at Lisbon.

In an official note addressed to your Excellency on the 8th of this month by Mr. Ward, Her Majesty's Chargé d'Affaires, the view taken by Her Majesty's Government of these intended proceedings on the part of the Governor-General was fully explained. Subsequent intelligence from the coast of Africa has informed Her Majesty's Government of the unpleasant fact that the expedition alluded to in Mr. Ward's note of the 8th September had actually been carried into effect, and the town of Ambriz been occupied by a Portuguese force, on which occasion, as might well have been expected, a great deal of confusion took place, and acts of violence were committed to the terror of Her Majesty's subjects established at Ambriz, and attended with the destruction of a considerable amount of property.

I need not to point out to your Excellency the disagreeable consequences to which events of this kind are likely to give rise in the relations between the two countries. Her Majesty's Government have repeatedly warned the Government of His Most Faithful Majesty that England does not acknowledge the right of Portugal to dominion over that part of the coast of Africa lying between 5° 2' south latitude and 8° south latitude, and that she must maintain her right to unrestricted intercourse with that part of the African coast. This determination on the part of England was clearly and fully expressed in the Earl of Clarendon's note to the Count de Lavradio dated 26th November, 1853.*

It is, then, with the deepest concern that Her Majesty's Government have heard of acts on the part of the authorities of the Portuguese Province of Angola, undertaken, moreover, in consequence of express orders from His Most Faithful Majesty's Government, tending to disturb the hitherto-existing state of things in that part of the world, and to bring the question of dominion, which had remained so long in abeyance, to a summary solution.

Such an unfriendly course of proceeding on the part of the Portuguese Government causes the more regret to Her Majesty's Government because they thus feel

* See Slave Trade Papers presented to Parliament, 1854, Class B, p. 480.

themselves compelled, at the moment of the King's accession to the throne, to take measures for the protection of British interests and property against Portuguese encroachment.

Her Majesty's Government have already caused measures to be taken in fulfilment of this urgent duty, and the Portuguese Government will alone be responsible for the consequences which may ensue.

Under these circumstances, I am directed to express to your Excellency the earnest hope that His Most Faithful Majesty's Government will, by the withdrawal of the Portuguese force from Ambriz, prevent any disturbance of the amicable relations between the two countries.

I have, &c.
(Signed) R. PAKENHAM.

No. 22.

Mr. Ward to the Earl of Clarendon.—(Received October 14.)

My Lord,

Lisbon, October 8, 1855.

I HAVE the honour to inclose a copy of a note from the Viscount d'Athoguia, in which his Excellency has replied to my note of the 8th ultimo, representing the sentiments of Her Majesty's Government with regard to the recent occupation of Ambriz by a Portuguese force.

The arguments brought forward in this paper to justify this proceeding on the part of His Most Faithful Majesty's Government are drawn from the alleged rights of Portugal to the dominion of the territories of Cabinda and Molembo, the greater advantages which will result to foreign trade from the occupation of that part of the coast by a civilized Power, and the more effectual means afforded by that occupation for the suppression of the Slave Trade.

In support of the alleged rights of Portugal to the territory which has now been occupied by the orders of the Governor of Angola, the Viscount d'Athoguia relies upon the acknowledgment of those rights by the French and Spanish Governments in the year 1786, as proved by a Convention entered into between France and Portugal, under the mediation of Spain, as well as upon the implied admission by Her Britannic Majesty's Government of the validity of the claims of Portugal to the territory between the limits of 5° 12' and 8° south latitude inferred from the stipulations of the Treaties and Conventions concluded between the two Governments in the years 1810, 1815, and 1817.

His Excellency draws another inference as to the assent of Great Britain to the pretensions of his Government from the circumstance that not only was there no protest or counter-representation against the declarations contained in the 2nd Article of the Constitutional Charter of the Portuguese Monarchy as to the dominions of the Portuguese Crown, among which the territories of Cabinda and Molembo are expressly mentioned; but the British Government was actively and successfully engaged in procuring the publication and establishment of that Constitution. And when a new Constitution was in the year 1837 substituted for that Charter, with a similar enumeration of the territories subject to the Portuguese Crown, the British Government made no representation in respect thereof.

In 1829 also, in the negotiations for a Treaty for the suppression of the Slave Trade, an Article was introduced containing the same expressions as those of the Convention of 1817, without any observation on the part of the British negotiator.

In referring to the note which your Lordship addressed to the Conde de Lavradio on the 26th November, 1853, and to the observation that the Portuguese rights to that part of the coast had been suffered to lapse for want of acts of occupation, the Minister of Foreign Affairs cites several transactions, which he presumes may not be generally known, showing that Portugal has, at various periods, exercised acts of sovereignty, and received the submission and homage of the Chiefs on that part of the coast.

The Viscount d'Athoguia proceeds to examine the validity of the grounds on which it is declared that Great Britain cannot consent to the occupation of Ambriz by the Portuguese forces.

With respect to the injury which might result to British trade from this occupation, his Excellency shows that the present commercial relations of foreign countries with Ambriz are anything but unrestricted, enumerating the arbitrary amount of duties

and presents exacted by the native Chiefs, the restrictions imposed on the residence and trade of foreigners, and the insecurity of their persons and property, and contrasting this state of things with that which will be established when the Portuguese dominion is firmly established there.

The advantage to be derived from this measure in the more effectual suppression of the Slave Trade is likewise insisted on, inasmuch as it is proved by the official communications of British officers that the operations of the slave-dealers have been carried on at, and in the neighbourhood of, Ambriz, with the connivance and assistance even of Englishmen, whereas if Portuguese sovereignty is established at that place the Portuguese authorities will be enabled to exercise a direct jurisdiction over offenders, and to drive them from that place, putting an entire stop to the Traffic there, as his Excellency affirms that they have done at other points under the undisputed dominion of the Portuguese Crown.

In answer to the observation that the mode of proceeding adopted by His Most Faithful Majesty's Government in planning and carrying out the expedition designed to effect the occupation of Ambriz was very unsatisfactory to Her Majesty's Government, the Viscount d'Athoguia demurs to the justice of that complaint, since, on the assumption of the Portuguese title being indisputable, an assumption which his Excellency considers as proved, the Portuguese Cabinet could not enter into any engagement with the British Government or any other foreign Power derogatory to the rights of the Portuguese Crown over that province.

His Excellency proceeds to infer from your Lordship's observation of Portugal having suffered her rights to lapse, that such rights would revive on actual occupation, and avers that if the British Government dispute the right of actual occupation by Portugal without their previous assent, such a pretension would be in opposition to the established practice of the Maritime Powers with regard to the occupation of countries inhabited by savages, referring to the examples of American, French, and English Settlements on the coast of Africa itself in proof of that practice.

The principle advanced by Great Britain in justification of the occupation of the Falkland Islands, and the expulsion of a Buenos Ayrean force established there, namely, the right of prior discovery, is appealed to as equally operative in behalf of Portugal with reference to Ambriz; while in the latter case the right is represented as strengthened by the solemn act of homage and submission done by the Marquis of Mossoul to the Portuguese Crown in the year 1792.

The Viscount d'Athoguia concludes by expressing his confident expectation that the circumstances alleged by his Excellency, and the reasoning founded thereon, will convince Her Majesty's Government, first, that His Most Faithful Majesty's Government are justified in the occupation of the port of Ambriz; and secondly, that the measure of opening Ambriz as a free port to the trade of all nations for one year, and the protection afforded to the merchants established there, ought to be considered satisfactory by Her Majesty's Government as provisional measures, while such measures as may be definitively adopted for the future government of the Settlement will be equally satisfactory; and thirdly, that the Portuguese Government in directing this occupation has done nothing that deserves to be considered unsatisfactory by the British Government.

His Excellency hopes, therefore, that Her Majesty's Government will, after a mature examination of his representations, do full justice to the intentions and the proceeding of the Portuguese Government.

In acknowledging the receipt of this note, I do not propose to do more than acquaint the Viscount d'Athoguia that I have transmitted a copy of it to your Lordship for the consideration of Her Majesty's Government.

I have, &c.

(Signed) WILLIAM R. WARD.

Inclosure in No. 22.

Viscount d'Athoguia to Mr. Ward.

(Translation.)

Lisbon, October 3, 1855.

THE Undersigned, Minister and Secretary of State for Foreign Affairs, has the honour to acknowledge the receipt of the note which Mr. Ward, Her Britannic Majesty's Chargé d'Affaires at this Court, communicated to him on the 8th September

last, in which note, referring to the occupation of the port of Ambriz by a Portuguese force, he declares by directions from his Government—

1. That they do not recognize the sovereignty of the Crown of Portugal on the African coast situated between $5^{\circ} 12'$ and 8° south latitude.

2. That they cannot consent to any occupation of Ambriz.

3. That the mode of proceeding of His Most Faithful Majesty's Government in order to carry into effect such an occupation was anything but satisfactory, observing that Her Britannic Majesty's Minister had more than once spoken upon this subject to the Undersigned, so that His Most Faithful Majesty's Government, at the moment of dispatching the frigate "D. Fernando," was well acquainted with the strong objections of the British Government to the intended measure, while the frank communications held on other occasions led them to hope that there was no design to take possession of that part of the West Coast of Africa without previously showing to Her Britannic Majesty's Government the necessity and urgency of such an occupation; and likewise that every assurance would be given for the suppression of the Slave Trade and the continuance of the unlimited commerce enjoyed up to the present moment by the subjects of Her Britannic Majesty in the territories over which His Most Faithful Majesty thought he had a right to extend his dominion.

Mr. Ward then takes the liberty of referring to the note which Sir Richard Pakenham communicated to the Undersigned on the 17th April last relative to the intentions of the Governor *ad interim* of Angola to send a force to Molembo for the purpose of establishing Portuguese authority at that spot, and observes, in conclusion, that this note expresses the sentiments and determination of Her Britannic Majesty's Government with reference to any attempt on the part of Portugal to strengthen her pretensions over that portion of the coast, and will prove how little disposed they are to assent to measures such as they now know to have taken place without their cognizance or consent.

In answer, the Undersigned has the honour to make the following observations:—

With regard to the assertion that the British Government does not recognize the sovereignty of the Crown of Portugal over that portion of the coast of Western Africa which lies between $5^{\circ} 12'$ and 8° south latitude—

That the Treaties made by Portugal with foreign Powers which treat of this part of the coast are:

A Convention signed at Madrid on the 30th January, 1786,* by the Ambassadors of Portugal and France, in which the Ambassador of France declares, in the name of the King his Master, that the expedition of M. de Marigny to Cabinda was not undertaken with the intention of disturbing, weakening, or diminishing those rights of sovereignty which Her Most Faithful Majesty laid claim to over the coast of Cabinda as part of the Kingdom of Angola, and that consequently orders would be sent to their Governors of the islands, their naval officers, and their other subjects, that they should not directly or indirectly disturb, impede, or obstruct those rights of sovereignty, either by acting on the natives of the country or in any other way. And as Spain was the Mediating Power in this Convention, it is clear that both those Powers recognized the rights of Portugal over that coast;

The Treaties and Convention celebrated with England in 1810, 1815, and 1817. Article II of this last Convention says as follows:—

"Os territorios nos quaes, segundo o Tratado de 22 de Janeiro de 1815, o commercio dos negros fica sendo lícito para os vassallos de Sua Magestade Fidelissima são:—

"1. Os territorios que a Coroa de Portugal possui na Costa d'Africa ao sul do Equador. . . .

"2. Os territorios da Costa d'Africa ao sul do Equador, sobre os quaes Sua Magestade Fidelissima declarou reservar os seus direitos, a saber: os territorios de Molembo e Cabinda na Costa Occidental d'Africa, desde o $5^{\circ} 12'$ até o 8° de latitude meridional."

"The territories in which the Traffic in Slaves continues to be permitted, under the Treaty of the 22nd January, 1815, to the subjects of His Most Faithful Majesty are the following:—

"1. The territories possessed by the Crown of Portugal upon the coast of Africa to the south of the Equator. . . .

"2. Those territories on the coast of Africa, to the south of the Equator, over which His Most Faithful Majesty has declared he has retained his rights, namely, the territories of Molembo and Cabinda upon the Western Coast of Africa from $5^{\circ} 12'$ to 8° south latitude."

* See Koch's "Recueil de Traités," vol. ii, p. 492.

In order to be able to judge with certainty what the object of the Portuguese Government was in making this declaration, which was accepted by the English Government, and what the consequences which, naturally and logically, may be deducted from the same declaration, and its acceptance, it is necessary to examine what is the signification in the English language of the verb "to retain," and in the Portuguese language of the verb "reservar."

On opening the Dictionary of Webster we find "to retain" to be equivalent to "to hold or keep in possession," "not to lose" or part with, "to keep back," derived from the Latin word "retineo," and which corresponds to the French word "retenir," to the Italian "retinere," and to the Spanish "retener."

The same verb is translated in Portuguese, according to the Dictionary of Vieira, in the following manner: "Reter," "guardar," "conservar," "preservar," "reservar," something which already belongs to the person who retains it.

And mark well that in the Portuguese text of the Convention of 1817 the verb "to retain" is translated by the verb "reservar," and that the phrases "to hold or keep in possession" and "not to lose or part with" correspond exactly to "reservar uma couza que pertencia já a quem a reserva."

Now, when one party in a deed declares in a public instrument that he retains his rights over a certain determined thing, and that the other party thereto not only does not contest this right but signs the said instrument, it is evident that the latter recognizes the right which the first declares to belong to him; and it is likewise certain that in justice one cannot contest, after a lapse of thirty years from the date of the same instrument, what is therein stipulated, since, were such a doctrine admitted, no stipulation whatever would be considered as secure, because the more powerful Contracting Party would always find the means of giving to their most solemn acts that interpretation which it might find most convenient to its own interests.

Moreover, this declaration—this reservation—which is stipulated in three successive Treaties celebrated in the space of seven years, must certainly have some signification for the Contracting Parties, otherwise it would be a useless thing, and as such unfit to be inserted among Treaties, and this signification is found in the words employed in the Convention of 1817, which are the verb "reservar" in the Portuguese text and the verb "to retain" in the English text.

And thus it is evident that the ancient right was not conferred by the Convention, but simply recorded as a right in the sense of "de reter," "de reservar," "de não perder," "not to lose or part with," which England in the Convention itself acknowledged that the Crown of Portugal had to that portion of the African coast, and this stipulation, from the fact of its having been made, excluded any pretensions to that same coast which England might henceforth bring forward.

The Portuguese Government never for a moment doubted but that this was the light in which the British Government understood that stipulation; and this was corroborated by certain facts which, examined with impartiality, cannot leave a doubt but that such was the original interpretation.

On the 29th April, 1826, the King of Portugal, Dom Pedro IV, decreed the Constitutional Charter of the Portuguese Monarchy. In Article 2, in which the provinces and territories which form part of the Portuguese Monarchy are described, it says as follows:—

..... "The Kingdom of Portugal and the Algarves comprehends: (1) in Europe, &c. (2) in South Africa, Angola, Benguela, and its dependencies Cabinda and Molembo."

Sir Charles Stewart was then the British Ambassador at Rio de Janeiro, and it was he who was the official bearer of the Constitutional Charter to the Regency which then governed Portugal, and was instrumental in the publication of the said Constitutional Charter.

The oath being taken over the whole kingdom, there followed an insurrection of a portion of the military force against that same Charter, an insurrection abetted by the Spanish Government. It was then that the English Government, presided over by Mr. Canning, sent a fine division of British troops to support the new order of things.

Later the Infante Don Miguel usurped the Portuguese Crown. Civil war followed; and in the Island of Terceira the rights of Her Majesty Donna Maria II were always upheld as well as the regimen of the Constitutional Charter.

In 1832 His Majesty Dom Pedro, Duke of Braganza, landed in Portugal with an expedition, and in 1834 the same Charter was firmly established in the whole Monarchy.

The whole time the last struggle continued the British Government always showed their sympathies for the Constitutional cause. Of this Government Lord Palmerston formed a part as Minister for Foreign Affairs.

Now, it is well to note that in this Constitution it was declared that Cabinda and Molembo formed an integral portion of the Portuguese Monarchy, and neither the Ambassador, Sir Charles Stewart, nor Mr. Canning, nor Lord Palmerston, made the slightest protest against it.

Hence it follows that they did not find in these provisions of the Constitutional Charter anything which militated against the stipulation of Article II of the Convention of 1817.

In 1837 and beginning of 1838 the Cortes of the Portuguese nation discussed the basis of a new Constitution, in which was inserted, *verbatim*, the arrangement to be found in the Constitutional Charter relative to Molembo and Cabinda.

Nor in this instance was there, on the part of England, the slightest reclamation.

In 1839 there was discussed, and almost concluded, a Treaty for the suppression of the Traffic in Slaves, the negotiators being the British Minister in Lisbon, Lord Howard de Walden, and the Minister of Foreign Affairs, Viscount Sá de Bandeira.

In one of the Articles of this Treaty, the Minute of which exists in the archives of the Portuguese Government, Portugal made the same reservation which is to be found in the Convention of 1817 relative to the Western Coast of Africa situated between 5° 12' and 8° south latitude.

This is a confirmation of the way in which the British Government and its Minister in Lisbon understood the reservation made by Portugal of her rights over that portion of the coast.

It was only on the 30th November, 1846, that the Chargé d'Affaires in Lisbon, Mr. Southern, by order of Lord Palmerston, presented to the Portuguese Government a new interpretation of that Convention, declaring that the British Government did not recognize the rights of the Crown of Portugal to the above-mentioned coast, and upheld for British subjects "uma comunicação não restringida" (an unrestricted intercourse) with that same coast. Thus more than nine-and-twenty years had passed since 1817, and during that whole period the two Contracting Parties had noted no discrepancy with regard to the interpretation in question.

This is the place to examine that portion of the note which Lord Clarendon addressed to Count Lavradio on the 26th November, 1853, in which his Lordship observes, referring to that portion of the West African coast comprised between 5° 12' and 8° south latitude, "that the rights which Portugal had acquired by priority of discovery had been long since 'caducado' (suffered to lapse) in consequence of the Portuguese Government having ceased to occupy the countries thus discovered."

As the colonial history of Portugal relative to that part of Africa is but little known, owing to the few books which make mention of it, it is not to be wondered at that Lord Clarendon should be ignorant of the existence of facts contrary to his assertion, which more than prove that Portugal never allowed her right over that portion of the African coast to lapse; and in order to demonstrate this, it is sufficient to indicate that, in the year 1783, a fort was built in the port of Cabinda; that, in 1786, a Convention was celebrated in Madrid between Portugal and France, under the mediation of Spain, relative to the rights of sovereignty of the Portuguese Crown to that coast; that in 1790 and 1791 the King ("Regulo") called Marquez do Mossulo was chastised, and a fort constructed on the margin of the River Logi, a short distance from the port of Ambriz; and that, on the 25th April, 1792, in the city of Loanda, was drawn up an Act of Vassalage to Her Most Faithful Majesty of the Marquez do Mossulo, Sobas and Macotas, his dependants, who for that purpose went to the said city; that in the Treaties celebrated between Portugal and England in 1810, 1815, and 1817 reservation was made of the rights of Portugal to that coast; that in 1838 the Portuguese Government ordered the occupation of Ambriz and other ports of the same coast; that in 1839 the Governor of Angola received tribute from various petty Kings of that coast; and that, in the same year, the Governments of England and Portugal being engaged in drawing up a Treaty for the suppression of the Traffic in Slaves, the Portuguese Government did not forget to insist on the insertion of a reservation of their rights to that same coast, as made in anterior Treaties.

These references are, without doubt, sufficient to demonstrate that Portugal never suffered her right over that part of the African coast to lapse which, by priority of discovery, belonged to her, as Lord Clarendon supposed was the case.

With regard to the second point of the note, namely, that the British Govern-

ment cannot consent to any occupation of Ambriz, the Undersigned has the honour to observe that, in saying that such and such a party does not consent to such and such a thing, or that, being a *fait accompli*, that thing, whatever it may be, should continue to exist, it is necessary that the party who says so should have just motives, otherwise it is the mere manifestation of his will.

This second hypothesis is beyond the province of discussion, the first has therefore only to be dealt with.

The motives which England may think as just for not consenting to the occupation of that port appear to have reference to three eventualities :—

1. An attack on the rights of sovereignty which Great Britain considers she possesses over the territories of Ambriz.

2. Prejudices which might result from the Portuguese occupation to the interests of English subjects established there.

3. Facilities for the increase of the Slave Trade which has always been carried on at that port.

With regard to the first point, England up to the present day has claimed no right of sovereignty over that territory, nor could she do so, considering the Treaties celebrated with Portugal in 1810, 1815, and 1817.

With regard to the second point, the English Government have declared to His Majesty's Government that they intend to keep up "*uma comunicação livre e não restringida*" (a free and unrestricted intercourse) between their subjects and that part of the coast.

It is necessary, then, to examine what is the present state of the relations of English merchants and other Europeans and Americans at the port of Ambriz, what are the measures adopted by the Portuguese authorities at the moment of occupation, and what those which for the future must regulate this business.

The merchants who trade with the port of Ambriz have up to the present moment been subject to various charges and burdens, and among others the following :—

1. They have been obliged to make presents to the petty Kings and negro Chiefs of the country, the amount of which depended on the caprice of those said Kings.

2. To pay duties called there "*costumes*" for every vessel which discharged merchandize at that port, and these "*costumes*" depend likewise on the caprice of the Chiefs.

3. They paid to these Kings extraordinary presents, according as there might be a pretext, one of the most frequent being the entry of vessels of war in the port of Ambriz.

4. They were not allowed by the Chiefs to construct any other dwellings but huts of planks or of straw and matting.

5. They suffered robberies very often at the instigation of the Chiefs, as but lately occurred.

6. They were subjected sometimes to bodily violence and other vexations of different kinds.

7. They were obliged to employ the petty Kings of the country or their dependents in their transactions of buying and selling with the negroes of the interior, no direct intercourse with them being allowed.

This state of things is certainly not what in ordinary language can be styled "*comunicação não restringida*" (unrestricted intercourse), and therefore it never could have existed in the port of Ambriz.

The Governor of Angola, on the occasion of the occupation of Ambriz, offered a military force to the foreign merchants, English as well as others, to protect their factories against the attacks of the negroes, and their attempts to fire them, which actually occurred to some of the Portuguese factories; these merchants accepted the offer of the Governor, who published a "*Portaria*," dated the 26th of last May, to be found in the inclosed Official Bulletin of Angola of the 2nd June, in which the following occurs :—

"Article 1. The port of Ambriz is to be considered as a free port for the foreign commerce of all nations for one year, to commence from the 16th May of the present year, 1855. During this specified year the merchandize imported and exported in foreign ships will not pay duties of any kind, nor will the foreign ships who transport this merchandize be subject to any impositions whatever."

Consequently, it was after the occupation by the Portuguese Government of that port that the commercial communications became free and unrestricted, and certainly not before.

As to the future conduct of the Portuguese Government in this respect there can be no matter of doubt, since it is certain that all the Portuguese colonial ports have been within the last years open to foreign commerce. Ambriz will therefore be accessible to the flags of all nations without exception, merchants and their property will be free of all the vexations from which they have suffered up to the present, and can construct houses, cultivate lands, and do whatever else is permitted among civilized people.

The result will be security of persons and property at Ambriz, and a considerable increase of merchants and merchandize, transactions will multiply, and with them the interests of foreign and Portuguese merchants. The interests of British subjects at Ambriz will derive profit from the Portuguese occupation in proportion to the capital they employ, and thus will be effectually established for the benefit of English and all other traders that free and unrestricted commerce which the British Government desires, but which never certainly existed.

With regard to the third point, it is to be observed that in order to judge of the influence which the Portuguese occupation may have on the increase or diminution of the Slave Trade, it is important to examine previously what has been latterly the state of things at that port with relation to this Traffic.

Since the Decree of the 10th December, 1836, which abolished the Slave Trade in all the Portuguese Colonies, began to be put into execution, the traders of different nations who bought slaves in Angola avoided having any transactions with the ports of the nation, and Ambriz became one of the principal slave-markets.

The Commander of the British naval station on the West Coast of Africa informed, on the 23rd August, 1843, the Provisional Government of Angola that, whilst at Ambriz, he had received exact information that there were three or four barracoons full of slaves situated about 5 or 6 miles from the bay in the interior, waiting to be embarked on ships, and he said that several Portuguese from Loanda resided there who bought slaves, and that the slave-traders had abandoned the immediate territory of Angola and removed to its vicinity.

This information of the Commander of the naval station proves two things: first, that the Traffic was actively carried on and had increased at Ambriz, where there was no Portuguese authority; secondly, that it had diminished in the territory subject to the immediate action of Portuguese authority.

In 1848 the Commander of the Portuguese naval station of Angola, at the request of the British Commodore on the same station, came to Ambriz, where he disembarked and burned several barracoons, in which were found collars and other objects used in the Slave Trade; one of them situated 2 miles from Ambriz, where he found slaves in chains, and further in the interior there were other barracoons, which were destroyed.

In a printed letter addressed to Lord Palmerston on the 17th January, 1853, by Captain Wilmot, of the Royal Navy, who then commanded the British cruisers on the South Coast of Africa, this officer, speaking of the traders established at the ports of that coast, makes the following observations:—

“These are the men who indirectly support the Slave Trade. The American, as well as the Englishman, supplies the articles which the negro Chief requires when he sells his slaves; and although at Ambriz and other places the trade in ivory, &c., is great, yet still it cannot be denied that the white man established in this country is in favour of the Traffic, and does not dare to open his mouth, even if the slaves are embarked under his very eyes, for, in reality, the more active the Slave Trade is, the more he gains by it, as the money given in exchange for slaves returns again to the factory in exchange for goods of all kinds.”

He says also that under the American flag the Slave Trade is extensively carried on on that coast.

Likewise, at that period, according to an official communication forwarded to the Admiralty by the Commander of the British naval station on the 1st April, 1853, there existed at Ambriz an English subject, agent of a commercial house of Liverpool which possessed a ship said to have been employed in the transport of part of a cargo of 600 slaves received on board the “Silenus” at that port.

In 1845 a Portuguese cruizer had captured in the port of Ambriz an English brig “Lady Sale,” suspected of being employed in the Slave Trade, which was condemned by the Mixed Commission of Loanda.

In April 1854 Her Britannic Majesty’s Minister in Lisbon sent to the Portuguese Government a list of names of individuals engaged in the Slave Trade, indicating the places where they carried on their transactions, and one of these was the port of Ambriz.

And latterly the Governor-General of Angola, on the occasion of occupying that port, found there barracoons and a considerable number of slaves destined for embarkation, who in the condition of freed men were sent to Loanda.

From such information—the major part given by British functionaries—it results that the Slave Trade, shackled by the authorities at Angola, was carried on at the port of Ambriz and other points on the north coast; that it was carried on very extensively at Ambriz; that English traders and others established there favoured the Traffic because they made considerable gains in proportion to the development of that said Traffic; that some of these traders helped to carry it on, directly employing their own vessels; and that the American flag covered such transactions.

It results, then, from all this that whilst this state of things prior to the Portuguese occupation existed there were no means of putting a stop to or of impeding the Traffic, because the cruisers of the two nations could only occasionally station there, and they are not allowed to search ships under the American flag.

Considering the circumstances, the Portuguese Government entertain the conviction that one of the most efficacious means of preventing the Slave Trade at Ambriz consists in establishing there responsible authorities, accompanied by a certain police force (“força policial”).

The advantages of this system arise from the fact that the authorities, having acquired a knowledge of the country from continued residence in it, can prevent the traders from keeping depôts of slaves, even in places situated at a considerable distance from the coast, and can prevent the vessels in the harbour from receiving cargoes of slaves, since as local authorities it belongs to them to superintend what goes on in the port, and, consequently, to visit all the vessels, whatever may be the flag under which they sail, and even to capture them should they come under the provisions of the Decree of the 10th December, 1836, which could not be done to American and other slaves.

Thus these authorities, protecting in every way lawful commerce, will be a great obstacle to the Slave Trade.

It is evident, then, that the occupation of Ambriz by the Portuguese authorities ought to become one of the most efficacious means for putting an end to the Slave Trade. Hence, it follows that if Portugal should abandon that port the Traffic will receive a new impulse, and the traders who have factories there, English as well as others, will derive from this Traffic new gains.

These, then, are the persons most interested in not seeing a Portuguese force established there.

Perhaps they may complain that their trade may suffer from such an occupation, and probably they may tell the truth with regard to gains derived from the Slave Trade, but these complaints ought not to deserve more attention than if a slave-dealer were to complain that he was not allowed to ship a cargo of slaves on board his own ship prepared for that purpose in the port.

In the above-mentioned note Mr. Ward observes that Her Britannic Majesty's Government consider the proceedings of the Portuguese Government in this affair as anything but satisfactory.

On a calm examination of what has passed on this business, His Majesty's Government can see nothing which can or ought to be considered as unsatisfactory by the British Government.

In order to see how far there is justice in that complaint, the Undersigned considers it his duty to recapitulate all that has gone before.

The Portuguese Government always upheld its rights to the West Coast of Africa comprised between 5° and 8° south latitude. And the British Government did not deny this right except at the end of 1846, giving a new interpretation to the stipulations of the Treaties. But Portugal never consented to this, and maintained her ancient right. And as the Contracting Parties did not dissent from this interpretation for thirty years, the whole affair should have been regulated accordingly, for one of the Parties has no right to give to Treaty stipulations the meaning it pleases. Consequently, the other party is not obliged to accept it.

Molembo, Cabinda, and the other territories on that coast forming then part of the Portuguese Monarchy, as expressly mentioned in the Portuguese Constitutional Charter, the Government of His Majesty cannot promise to the British Government, or to any other Government, to abstain from exercising in those territories the rights which belong to the Portuguese Crown.

In his note Mr. Ward calls the attention of His Majesty's Government to the contents of the note which Sir Richard Pakenham addressed to the Undersigned on the 17th April of this year relative to the occupation of Molembo, which the Governor-

General of Angola had announced to the Commodore of the British squadron in those seas as about to be carried into effect, and against which occupation the Commodore had protested.

In that note Her Britannic Majesty's Minister says that his Government approved the conduct of the Commodore; that they repeated the declaration that the rights of unrestricted intercourse with that part of the African coast situated between 5° 12' and 8° south latitude must be maintained, and hoped that the Portuguese Government would send immediate instructions to the Governor-General of Angola, directing him not to persist in his intention, and that all danger of misunderstanding between the two Governments on this subject may thus be prevented.

With regard to the declaration relative to unrestricted intercourse with the coast of Africa, the answer will be found thereto in this note; and as His Majesty's Government did not follow up the project of the Governor-General to occupy at that time Molembo, there was no necessity to discuss this point, which is, moreover, likewise examined in this note.

His Majesty's Government are not obliged to consult the British Government about a right which they have and retain, to occupy territories which are theirs; if they did, it would be an indication that they had some doubt respecting those rights.

The English Government, in saying in 1846, and repeating it afterwards, that they did not recognize the right of Portugal to that part of the coast, never claimed for themselves any right of jurisdiction over that same coast.

The logical deduction to be made from the argument which Lord Clarendon makes use of in his note of the 26th November, 1853, saying that Portugal had allowed the right which she possessed to that portion of coast from priority of discovery to lapse because she did not occupy it, is, in the opinion of this Minister of State, that, from the moment that Portugal did actually take possession, her ancient right would be reassumed, saving always the clause respecting the maintenance of a free and unrestricted commerce between British subjects and the natives on that coast.

If the English Government should contest the right of Portugal to actual occupation of certain points of the coast to which she reserved her rights, this would be an exigency contrary to the practice of maritime nations of late years with regard to lands inhabited by barbarians.

On the coast of Africa itself there are numerous examples of this.

The Americans took possession of an extensive portion of coast situated to the north of Cape Palmas, and formed there the Colonies of Liberia and New Maryland. The French built a factory on the margin of the River Caga Mauro in Guinea, between the English and Portuguese Colonies, and took possession on the coast of Mina of the ports of Bassan and Assiuré, and of the great port of Gabão on the south coast, besides other acquisitions.

And with regard to the English, besides the vast acquisitions which they have made since the Peace of 1815 in different parts of the globe, they occupied in Africa, and colonized about twenty years ago, the country of Natal, and in 1848 they increased the Cape Colony beyond its ancient limits, annexing to it vast territories situated to the north of the Orange and Vaal Rivers.

There can be no doubt that the Americans, as well as the French and the English, when they determined to occupy those countries in Africa, although they had not in their favour priority of discovery, did not ask the consent of any foreign Government.

An analogous case will prove that the British Government, in order to be consistent with themselves, ought not to impugn the occupation of Ambriz by Portugal.

The Falkland Islands in the Southern Atlantic, having been discovered in the sixteenth century by English navigators, were not for all that occupied for more than 200 years by the English nation; they were so, however, by the Spaniards; in the meanwhile, the right of priority of discovery having been alleged by the British Government, they took possession of them in 1832, and founded there a Colony, notwithstanding that an establishment existed there dependent on the Argentine Republic.

Now, Portugal discovered the port of Ambriz in the fifteenth century, conquered the country by force of arms, and occupied it with a fortress at the end of the eighteenth century, uniting then those distinctive rights which England considered as sufficient in order to take possession of the Falkland Islands.

But besides this right, Portugal possesses a second, in the King or Chief of that country, the Marquis do Mossulo, having gone expressly to the city of Loanda in the

year 1792, in order to take oath of fealty, and pay homage as vassal to the Portuguese Crown, as proved by the instrument copy of which is annexed.

The Undersigned flatters himself that the contents of this note will prove with the fullest evidence to the British Government (1) that the Portuguese Government having ordered the occupation of the port of Ambriz, proceeded within the limits of their rights; (2) that in the act of occupation, the declaration that that port should remain open to the commerce of all nations for one year, and the protection given to the traders established there, ought to satisfy the desires manifested by the British Government, whilst no measures are taken for the future, but which the Undersigned is convinced will equally satisfy the British Government; (3) that the Portuguese Government, in ordering this occupation, did nothing which ought to be considered as unsatisfactory by the British Government.

His Majesty's Government hope, therefore, that Her Britannic Majesty's Ministers, on a calm examination of what has been here shown, will give due justice to the intentions and proceedings of the Portuguese Government.

The Undersigned thinks it right to add, besides the two documents above mentioned, the following:—

1. A pamphlet intituled "Demonstration of the Rights which the Crown of Portugal has to the Territories situated on the West Coast of Africa between 5° 12' and 8° south latitude, and consequently to the Territories of Molembo, Cabinda, and Ambriz," by Viscount Santarem, whose works on the history of maritime discoveries are well known and appreciated.

2. Authentic copy of a Map of the country of Mossulo, conquered in 1790 and 1791 by the Portuguese, with an indication of the spot where a fortress was built on the margin of the River Loje, at a short distance from the port of Ambriz.

The Undersigned, &c.

(Signed)

VISCOUNT D'ATHOGUIA.

No. 23.

Sir R. Pakenham to the Earl of Clarendon.—(Received October 16.)

My Lord,

London, October 15, 1855.

LATE in the evening immediately preceding my departure from Lisbon I received from the Viscount d'Athoguia the note which I have the honour herewith to lay before your Lordship, purporting to convey the answer of the Portuguese Government to the note which, by your Lordship's orders, I addressed to the Viscount d'Athoguia on the 19th September, and of which a copy was transmitted with my despatch of the 28th September.

The arguments and explanations put forth in this note of the Viscount d'Athoguia do not essentially differ from those contained in his Excellency's note to Mr. Ward, a copy of which was inclosed with Mr. Ward's despatch of the 8th October; nor do I find anything else in the note particularly worthy of your Lordship's attention, except it be the intimation for the first time made on behalf of the Portuguese Government of their intention not to effect any alteration in the state of things still existing at Ambriz with reference to foreign commerce until after the expiration of a year counted from the publication of such an intention in the official Gazette of Lisbon.

I have, &c.

(Signed)

R. PAKENHAM.

Inclosure in No. 23.

Viscount d'Athoguia to Sir R. Pakenham.

(Translation.)

Palace, October 4, 1855.

THE Undersigned, Minister and Secretary of State for Foreign Affairs, has received the note which Sir Richard Pakenham, &c., addressed to him on the 19th day of September last, in which he states that, his official relations with the Portuguese Government being about to close, he is directed to request the Undersigned to give his most serious attention to the state of things now existing on the western coast of Africa in consequence of the extraordinary step taken by the Governor-General of Angola of sending an expedition to Ambriz in order to occupy that point with the manifest intention of annexing it to the dominions of the Crown of Portugal, all which

had been done, as the said Governor-General stated, in furtherance of orders from the Government of His Most Faithful Majesty.

You add that Mr. Ward, Chargé d'Affaires of England, in an official communication to the Undersigned of the 8th of the same month of September, had fully explained the view which the British Government had taken of the proceedings of the Governor-General of Angola.

You say further that subsequent intelligence has made known to Her Britannic Majesty's Government the unpleasant fact that the expedition mentioned in the above note of Mr. Ward has actually been carried into effect, and the town of Ambriz occupied by a Portuguese force, and on that occasion, as might have been expected, great confusion took place, and acts of violence were committed, to the terror of Her Britannic Majesty's subjects, a considerable amount of property having been destroyed.

You observe that it is not necessary to point out to the Undersigned the disagreeable consequences which matters of this sort are likely to produce in the relations between the two countries; that Her Britannic Majesty's Government have frequently warned the Government of His Most Faithful Majesty that England does not recognize the right of Portugal to dominion over that part of the coast of Africa which lies between $5^{\circ} 12'$ and 8° south latitude, and that she must maintain there her right of unrestricted communication; that this determination on the part of England was fully expressed in the Earl of Clarendon's note to the Count de Lavradio dated the 26th November, 1853; that it is therefore with very great concern that the Government of Her Britannic Majesty has received information of the acts of the Portuguese authorities of the Province of Angola, done, moreover, in furtherance of express orders from the Government of His Most Faithful Majesty, tending to disturb the state of things hitherto existing in that part of the world, and to bring the question of dominion, so long in abeyance, to a summary solution; and that so unfriendly a mode of proceeding on the part of His Most Faithful Majesty's Government caused the greater regret to Her Britannic Majesty's Government, because it felt itself thereby compelled, at the moment of His Majesty the King's accession to the throne, to take steps for the protection of British property and interests against Portuguese encroachment.

You end your letter by saying that, under these circumstances, you have orders to express to the Undersigned the ardent hope of the British Government that the Government of His Most Faithful Majesty will, by the withdrawal of the Portuguese force from Ambriz, prevent any disturbance of the amicable relations existing between the two countries.

The Undersigned, in his note of the 3rd instant to Mr. Ward, has already referred to some of the points treated in your communication of the 19th September, and therefore he thinks it unnecessary to come again to the same matter. But, in replying to the other parts of your note, he has the honour to say that the following are the views by which His Majesty's Government has been actuated in ordering the port of Ambriz to be occupied:—

1. To punish the petty Chiefs of the country for the insults offered and the robberies committed on Portuguese property, and for the insolence with which they have treated the warnings and intimations of the Governor-General of Angola.
2. To abolish the Slave Trade, which has been carried on through that port on a large scale.
3. To protect and foster lawful commerce.
4. To exercise the right of sovereignty which the Crown of Portugal possesses over that territory.

The punishment of offences committed by the petty Chiefs would be useful not only for Portuguese traders, but also to English traders and others who have suffered their insults and robberies, as it happened in the month of November 1849, when the negroes of Ambriz burned two barracoons with the goods contained in them belonging to a Liverpool house, whose loss, as the British Consul in Lisbon stated to the Minister of Foreign Affairs in February 1850, was calculated at 10,000*l.*; and as it was also the case in the month of March of the present year, the Chief taking away from the factors the servants with whom they were content, and compelling them to take others whom they had no confidence in, the result of which act was, besides other excesses, that ninety-nine barrels of powder were stolen from one English factory.

To bring this Chief to reason, the Commandant of the Portuguese naval station, with the Commander of the American sloop "Dale," and the Commander of the English brig "Linnet," went to speak with him and admonish him, but without any satisfactory result.

All this appears from a letter of the Commandant of the Portuguese naval station of the 20th March last, in which he states the necessity of inflicting an exemplary punishment upon the Chief for those and other outrages and robberies which he had recently committed.

Other warnings were given to the same Chief by the Governor-General of Angola without any effect, things reaching such a pitch that some officers of the Portuguese navy were insulted who were going officially to the place of residence of this Chief.

Besides these, the Chief had committed many other offences against the Portuguese subjects who reside in Ambriz, and the house of one of them was destroyed not long ago under the pretext that it was a fortress.

The extinction of the Slave Trade in Ambriz, which for some years past has been one of the greatest markets of slaves in West Africa, is an object of the greatest importance for the prosperity of the Province of Angola, because that market fosters there the not extinct inclination for the Trade, and so far draws away the attention and the capital of traders, who else would employ it in lawful transactions.

Now, the Portuguese and English cruizers cannot put an end to the Traffic in Ambriz, because it is carried on there in ships which, until the convenient moment, are under the American flag. And, moreover, all the European and American residents in that port are interested in the Traffic being carried on there on the largest scale possible, or rather, to speak with accuracy, they all favour and facilitate it, as it is proved by the information sent by the British functionaries themselves; and when the Portuguese occupation was effected, a considerable number of slaves were found, intended for embarkation, whom the Governor-General sent to Loanda in the condition of "libertos."

The only means of putting an end to the Traffic in Ambriz is, therefore, to establish Portuguese authorities there, with the police force required to help them in destroying it.

To restore matters there to the condition in which they were previously to the Portuguese occupation would be tantamount to favouring the continuation of the Slave Trade, and this without any advantage to the lawful commerce of England.

As to the value of lawful trade in Ambriz, it cannot be calculated with any probability of accuracy for want of data; but if we have recourse to information received, we find the following in a letter addressed to the Earl of Clarendon by the British Commissioners of the Mixed Commission in Loanda, dated the 26th December, 1853 (Blue Book, "Slave Trade, 1854") :—

"But few British merchants have as yet resorted to Ambriz for legitimate trade, and the natives of that place have not, we are told, met with any very liberal encouragement to pursue licit commerce of any kind; and it is very much to be feared that, whilst the slave-dealers find they can with impunity collect their living cargoes in readiness for shipment, aided and shielded as they are by the local Chiefs, who have hitherto resisted all attempts to engage them in a different course, it will be a most difficult matter entirely to eradicate the Slave Trade in that quarter, more particularly so long as there shall remain any flag to shelter their inhuman operations in the manner in which that of the United States is now again used."

This information shows that legitimate trade in Ambriz is unimportant.

It is seen, from other sources, that at the time when the Portuguese force took possession of Ambriz there were eleven factories in the place; of these, six were Portuguese, two English, two American, and one French.

That one of the Portuguese factories was the most important of the whole; after it the two Americans united, and then the English ones united.

The value of the articles of different kinds given as presents to the Chiefs and their subordinates for permission to trade was generally estimated to be equivalent to 5 or 6 per cent. on the value of the goods sold; and when the trade was in slaves, the value of these presents rose to 8 or 9 per cent. But this was not all, for when the Chiefs wanted extraordinary presents, and the factors did not give them, they accused them of some crime, which they invented, and which they call "cabala," and demanded fines for the supposed crimes, and if these were not paid, they met together to the number of 100 individuals, and with loud cries and threats of setting fire to the factories they got at last what they wanted; and the value of these fines amounted sometimes to 200 milreis.

Moreover, the negroes of the interior, who brought articles to sell to the factors of Ambriz, could not do so directly to them. They were compelled to remain in certain places distant from the port, and give up the goods to certain negroes subject to the Chief, a kind of brokers, called in the country "linguists," to sell them to the factors.

This was the way in which legitimate trade was carried on in Ambriz between the Europeans and the natives, and this certainly cannot be termed "free and unrestricted intercourse."

The state of things is now very different there. Trade was declared free from all dues for one year; and His Majesty's Government, having it in view to give to the merchants of all nations who have anything to do with Ambriz time enough to proceed according to their own interests, commanded the Governor-General of Angola to publish in the Official Bulletin of that province that the term of one year after which the importation and exportation of goods in the harbour of Ambriz might be subject to the payment of some duty should be reckoned only from the day on which the Government in Lisbon should cause its new determination to be published in the "Diario do Governo."

The extinction of the Slave Trade and the security of lawful commerce in Ambriz are objects of much importance and of great advantage for the cause of humanity and civilization, as well as for the interests of Portugal and England; and for this reason His Majesty's Government, in taking efficacious means to secure these objects, was persuaded that its proceeding would obtain the moral support of the British Government. It was therefore with the deepest concern that, by the communications of Mr. Ward of the 8th September and of Sir Richard Pakenham of the 19th, it was informed that Her Britannic Majesty's Government had not done to its intentions the justice which it deserved. It hopes, however, on account of what has been stated, that this justice will be done to it.

With regard to what you have stated relative to acts of violence committed on the occasion of the occupation of Ambriz by the Portuguese force, the destruction of property, and the terror felt by the British subjects residing there, the Undersigned will reply by the following extract from a letter from the Governor-General of Angola, addressed to the Minister of Marine and Colonies, dated at Ambriz, the 21st May of this year:—

"I landed at Ambriz on the 15th, with the Commandant of the naval station and fifty men.

"The factors wished to flee, from fear of the blacks. I succeeded in tranquillizing them.

"The blacks uttered loud cries at a great distance.

"16th.—The blacks came to their business as usual, but they showed signs of great vexation.

"I wrote to the Chief.

"18th.—The blacks appeared in considerable force, and in attitude of war, with flags displayed, and uttering loud cries.

"They kept themselves at a distance; but some of them, without being seen, were able to approach towards three houses out of our line and set fire to them; as they were all built of dry wood, lined with mats, and covered with straw, it was impossible to put out the fire, although we went with armed force to do so, upon which all the force of the negroes retired.

"At night the fire appeared in another factory.

"The losses by those fires were lessened because the owners had taken precautions for the best of them, and the armed force was able to save a part of the others.

"Having requested the American and English houses established here not to exchange gunpowder with the blacks on this occasion, they answered me with a polite negative; the person in charge of the French house here agreed at once. I required their refusal by offering to guard their houses for them by soldiers, in order to hinder the blacks from coming to set fire to them by surprise. They accepted it with many thanks.

"The houses burned were Portuguese factories."

From the preceding extract Sir Richard Pakenham will be able to appreciate what is called the "terror" felt by the British subjects residing in Ambriz. It being certain that the Portuguese expedition landed without opposition, that the Governor-General offered them soldiers to protect their houses (an offer which they accepted), and that they continued, notwithstanding the request of the Governor-General, to carry on trade in gunpowder with the negroes who were in arms against the Portuguese, it is evident, then, that the feeling of terror which the fact of the occupation is said to have produced in the minds of persons accustomed to treat with African negroes could not, under the circumstances considered, be very considerable.

As to what is said in regard to the destruction of property, this was caused by the rebel negroes in houses and goods belonging to Portuguese subjects.

You say that the proceeding of the Portuguese Government, in commanding the occupation of Ambriz, has a tendency to give a summary solution to the question of dominion, which has so long remained in abeyance.

The Undersigned, in his reply of the 3rd instant to the communication of Mr. Ward of the 8th September last, has already shown with the plainest evidence that the right of Portugal to that part of the coast cannot, on just grounds, be contested. He will now merely say that if a debate could be raised relative to the dominion of Ambriz, it could only be between Portugal and the King of Congo or the Chiefs of the land, and that England could have no part in such discussion, because she has not at any time had jurisdiction over that territory.

To finish the reply to your note the Undersigned has nothing further than to consider that part of the note in which you say that the British Government regrets it is compelled, by the fact of the occupation of Ambriz at the time of the accession of His Majesty the King to the throne, to take measures for the protection of British interests against *Portuguese encroachment*,* and that it hopes the Portuguese Government will cause the force sent to that point to be withdrawn.

The Undersigned cannot but observe to Sir Richard Pakenham that the words underlined are by no means appropriate to the present case, especially when used in the name of Her Britannic Majesty's Government, which, in concluding the Additional Convention of the 28th July, 1817, recognized the rights of the Portuguese Crown to this part of the African coast.

Any one, indeed, who may compare in the map of the world the extent of the colonial possessions which Great Britain held in the beginning of the nineteenth century with what she now holds in the middle of the same century, and who knows the diversified modes in which these immense acquisitions have been made, may doubtless wonder that she has not a certain scruple of conscience in accusing Portugal of an act of encroachment upon a sickly place called the harbour of Ambriz, in which all the interests of Britain comprise two commercial factories, established in huts built of wood and straw, which for their own trade favour and facilitate the Slave Trade, and draw from thence a profit in proportion to the greater or less development of the same.

The Government of His Majesty is convinced that it has acted through the whole of this affair within the limits of its right, without offending against any of the rights or interests of Great Britain, or of any other Power, as it is clearly manifested in this and the preceding note of the Undersigned, in which he reviews the whole of this affair; and in view of the reasons stated, the Government could not withdraw from Ambriz the little force which it has sent there for the repression of the Slave Trade and the protection of lawful commerce.

In regard to what you have stated in relation to the feeling of regret experienced by the British Government at finding itself, in its opinion, compelled to take certain measures on the occasion of His Majesty the King's accession to the throne, the Undersigned fulfils a painful duty in certifying to you that it was with the utmost pain that His Majesty's Government received your unexpected note of the 19th September, immediately following the days of the acclamation of the august person to whom you had just addressed, in the name of the Queen of Great Britain, a communication expressing the feelings of friendship and consideration which actuate your august Sovereign towards the person of His Majesty the King, and in which also you record the feelings of friendship and good-will arising from their ancient and honourable alliance which still exist in England in all their force.

The Undersigned, in calling your communication unexpected, founds his opinion upon the consideration that almost at the same moment in which you addressed to His Majesty words expressive of so much interest for his august person, you expressed in that communication the hope that the withdrawal from the harbour of Ambriz of the small force sent there would be ordered without delay, the execution of which on this occasion, and under present circumstances, would bring upon Her Majesty's Ministers the responsibility of an act of discredit to the Government of His Majesty the King as a result of the first transactions of foreign policy of the new reign.

The two notes of the Undersigned upon the affair in question will furnish the British Government with data, which it could not have possessed, in view of which it may form a just opinion. His Majesty's Government therefore hopes that, after an attentive examination of the contents of those notes, it will not fail to admit that the

* Printed in *italic*.

Portuguese Government, in all the circumstances of this affair, has not departed in any way from what is required by the relations of friendship which connect it with the Government of Her Britannic Majesty.

The Undersigned, &c.

(Signed)

VISCOUNT D'ATHOGUIA.

No. 24.

The Earl of Clarendon to Mr. Howard.

(Extract.)

Foreign Office, March 6, 1856.

I TRANSMIT herewith, for your information, a copy of a Project of Convention between Great Britain and Portugal respecting the Portuguese occupation of Ambriz, which Project has been sent to me by Count Lavradio.

I inclose also copies of a Counter-Project and of a Memorandum which Lord Wodehouse, by my direction, placed in Count Lavradio's hands on the 23rd ultimo.

Inclosure 1 in No. 24.

Draft of a Convention for the Regulation of the Trade of Her Britannic Majesty's Subjects at Ambriz.

Preamble.

THE Government of His Most Faithful Majesty the King of Portugal having found it necessary, in the course of last year, to send an armed force from Angola to the town of Ambriz, on the Western Coast of Africa, in order to repress some vexatious proceedings of the Chief of that town against European merchants established there, and in order to obtain satisfaction for insults offered by the people of Ambriz to a pacific Mission which had been sent thither by the Governor-General of Angola: And the said Portuguese armed force having proceeded in May 1855 to take possession of the town and port of Ambriz in the name of the King of Portugal, their Majesties the Queen of the United Kingdom, &c., and the King of Portugal, &c., have judged it expedient to define, by means of a Convention, the limits of the said territory; to make arrangements for the uninterrupted continuance of the intercourse and trade which Her Britannic Majesty's subjects have, for some time past, carried on at Ambriz, and to provide for the extinction of slavery in that territory; and their said Majesties have, for this purpose, named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom, &c.

And the King of Portugal, &c.

ARTICLE I.

It is agreed that the south bank of the River Loge shall form the northern limit of the territory of Ambriz, and that the navigation of the said river by Her Britannic Majesty's subjects shall be regulated according to the principles relative to the navigation of rivers laid down in the Treaty of Vienna.

ARTICLE II.

The subjects of Her Britannic Majesty shall, in the territory of Ambriz, enjoy all the privileges, immunities, and protection enjoyed by the subjects of His Most Faithful Majesty, and they shall enjoy in general, with regard to their persons, their dwellings, their trade, and their property, the same advantages which are secured to them by the Treaty of Commerce and Navigation concluded between Great Britain and Portugal on the 3rd July, 1842.

ARTICLE III.

During a period of twelve months, to be reckoned from the day on which the ratifications of this Convention shall be exchanged, the trade of Her Britannic Majesty's subjects with the territory of Ambriz shall be free, and, after the expiration of that period, all articles being the growth, produce, or manufacture of the United Kingdom of Great Britain and Ireland, and of its dependencies, and all merchandize of whatsoever description, embarked in British vessels, and being the property of British subjects, shall be admitted into Ambriz on the payment of per cent. duty, calculated upon the value of such articles, and no restriction or prohibition shall be imposed upon



the exportation from Ambriz to the United Kingdom and to its dependencies of the goods and produce of Africa.

ARTICLE IV.

His Most Faithful Majesty engages that, upon the expiration of eight months after the exchange of the ratifications of this Convention, the state of slavery shall be abolished in the territory of Ambriz.

Inclosure 2 in No. 24.

Memorandum to accompany Draft of Convention respecting Ambriz.

IT is understood that if the accompanying draft of Convention is signed on the part of Great Britain, the Portuguese Government will, at the time of signature, give to the British Government an assurance that they will not extend their occupation of territory on the Western Coast of Africa to the north of the territory of Ambriz.

Inclosure 3 in No. 24.

Draft Convention communicated by Count Lavradio.

SA Majesté le Roi de Portugal et des Algarves ayant jugé convenable de rétablir son autorité dans ses domaines de l'Ambriz, et d'y faire construire des fortifications pour sa défense, et voulant à cette occasion donner une démonstration du constant désir qui l'anime de continuer à coopérer de la manière la plus efficace avec Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et de l'Irlande, non seulement pour la totale extinction de la pratique infâme et piratique de transporter sur mer les Africains pour les réduire à l'état d'esclavage, mais aussi pour donner le possible commencement à l'abolition graduelle de l'état d'esclavage dans tous ses domaines ; et ayant communiqué à Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et de l'Irlande ces importantes résolutions, ainsi que quelques autres favorables au développement, liberté, et sûreté du commerce avec une partie des possessions Portugaises d'Afrique, Sa Majesté Britannique ayant manifesté à son auguste allié le désir que toutes ces résolutions fussent consignées dans une Convention, et Sa Majesté Très Fidèle ayant cru devoir accéder aux désirs manifestés par Sa Majesté Britannique, les deux augustes Souverains nommeront à cet effet leurs Plénipotentiaires, savoir, &c.

Lesquels, après avoir, &c., sont convenus, &c.

ARTICLE I^{er}.

Sa Majesté le Roi de Portugal s'engage, huit mois après la ratification de la présente Convention, à proclamer l'extinction de l'état de l'esclavage dans tout le territoire de l'Ambriz.

Si, pour effectuer cette aussi humaine que libérale résolution, Sa Majesté Très Fidèle trouve avoir besoin du secours des forces navales Britanniques employées dans les mers de l'Afrique Méridionale pour empêcher la Traite des Esclaves, Sa Majesté Britannique s'engage à faire donner des ordres aux Commandants de ses susdites forces navales de prêter tout le secours qui leur sera demandé par le Gouverneur-Général d'Angola, ou par quelque autre autorité Portugaise dûment autorisée.

ARTICLE II.

Sa Majesté Très Fidèle s'engage à maintenir la concession faite lors du rétablissement de son autorité dans l'Ambriz, de conserver libre pour toutes les nations, pendant une année, le commerce avec l'Ambriz.

A la fin de l'année accordée pour le libre commerce de toutes les nations avec l'Ambriz, Sa Majesté Très Fidèle s'engage à établir un Tarif pour les Douanes de l'Ambriz, dont le "maximum" ne pourra pas excéder ce que les marchands étrangers étaient forcés de payer avant le rétablissement de l'autorité de Sa Majesté Très Fidèle (les présents y compris) aux Chefs indigènes, sujets de la Couronne de Portugal.

De cette règle générale seront exceptés, les vins, les eaux-de-vie, les vinaigres, et le sel. Pour ces quatre objets Sa Majesté se réserve le droit de fixer, comme elle le trouvera convenable, le montant de ce qu'ils devront payer, sans que les règles et les droits établis pour l'admission de ces quatre produits, provenant soit du Portugal,

soit de ses îles, puissent être invoqués pour l'admission de produits semblables provenant des pays étrangers.

ARTICLE III.

Lorsque Sa Majesté Très Fidèle jugera convenable de rétablir son autorité à Cabinda, Molembo, ou dans quelque autre partie que ce soit de la Côte Occidentale de l'Afrique Méridionale entre le 5° 12' et le 8° de latitude méridionale appartenant à ses domaines, Sa Majesté Très Fidèle s'engage à y proclamer l'abolition de l'état de l'esclavage, en suivant les mêmes règles établies pour l'Ambriz dans l'Article I^{er} de la présente Convention, et à faire aussi au commerce étranger toutes les concessions consignées dans l'Article II.

Il est expressément déclaré que les exceptions de l'Article II seront applicables à Cabinda, Molembo, et à toute autre partie de l'Afrique Méridionale où l'autorité de Sa Majesté Très Fidèle viendra à être rétablie.

Sa Majesté Britannique déclare que le secours des forces maritimes qu'elle a promis à Sa Majesté Très Fidèle, en cas de besoin et de réquisition dans l'Article I^{er} de la présente Convention, pour l'aider à l'extinction de l'état d'esclavage dans l'Ambriz, lui sera prêté toutes les fois que Sa Majesté Très Fidèle voudra proclamer, dans quelque partie que ce soit de ses domaines, l'extinction de l'état d'esclavage.

No. 25.

Mr. Howard to the Earl of Clarendon.—(Received April 19.)

My Lord,

Lisbon, April 9, 1856.

I HAVE the honour of inclosing herewith two copies, which have been presented to me by Viscount d'Athoguia, of a French translation of Viscount Sá da Bandeira's pamphlet relative to the claims of Portugal to the territories of Molembo, Cabinda, and Ambriz, on the West Coast of Africa, of which the Portuguese text was transmitted in my despatch of the 28th December last.

I have, &c.

(Signed)

HENRY F. HOWARD.

Inclosure in No. 25.

Pamphlet entitled "Faits et Considérations relatifs aux Droits du Portugal sur les Territoires de Molembo, de Cabinde, et d'Ambriz, et autres lieux de la Côte Occidentale d'Afrique, située entre le 5° Degré 12 Minutes et le 8° Degré de Latitude Australe." Par le Vicomte de Sá da Bandeira.—Lisbonne : Imprimerie Nationale, 1855.

No. 26.

The Earl of Clarendon to Mr. Howard.

Sir,

Foreign Office, May 26, 1856.

ALTHOUGH it does not appear that the Portuguese Government have formally adopted, as the statement of their claim to the occupation of Ambriz, the pamphlet written by Viscount Sá da Bandeira which accompanied your despatch of the 9th April, yet, as many of the arguments used by the Viscount de Sá are merely a repetition of those put forward by the Portuguese Government in their notes upon this question, I think it right that you should point out to the Portuguese Minister for Foreign Affairs that some of the facts admitted by Viscount de Sá have an important bearing upon the discussion which is now pending between the two Governments with respect to the territories to the north of Angola.

In the first place, it appears that the Viscount de Sá has not been able to adduce any act of occupation or sovereignty on the part of Portugal earlier than the expulsion of the Dutch in 1648 (mentioned at p. 6 of his work), and this does not seem to have applied to Ambriz; but an entire abandonment of all possession north of Loanda is subsequently admitted (p. 6), the date of which is withheld.

Ambriz, therefore, now appears to have remained unoccupied and open to all nations from its first discovery until the erection of a fort by the Captain-General of Angola and the formal taking possession in 1790 in the course of an expedition against some native Chiefs mentioned at p. 12.

But it does not appear that any garrison was left in the fort, or that it was ever afterwards occupied, nor is it said what became of the fort.

At this time, however, it appears that English factories existed at Ambriz, and that the French and English enjoyed entire freedom of trade there. This was not in any manner interfered with by the Portuguese; they not only did not exercise in practice any sovereignty whatsoever over Ambriz, having apparently marched out as they had marched in, in pursuit of the natives, but from the explanation of the motives and objects of that expedition given by Portugal to Great Britain in 1791, and referred to at p. 14 of Viscount de Sá's work, it is obvious that it was not then contended by Portugal that Ambriz formed a portion of its dominions, and had been formally reoccupied as such, or that the Portuguese Government meant to revive or reassert the alleged ancient Portuguese right of possession by discovery; on the contrary, Ambriz was alluded to as if forming part of the territory of independent native tribes, who had been attacked, defeated, and chastised, but who had not been incorporated into the Portuguese dominions or formally annexed thereto by conquest.

The fact admitted by Viscount de Sá at p. 33, that a British naval force in 1849 obtained, under threat of blockade, compensation from the native Chiefs at Ambriz for the burning of some British property, and that this was accomplished apparently without objection by Portugal, is also inconsistent with Ambriz being then considered or treated by Portugal as a portion of its dominions; but that fact is quite consistent with all that had previously occurred, and with the circumstance of Ambriz being considered as forming part of the territory of the native Chiefs.

You will have learnt by the drafts of a Convention, and of a Memorandum which accompanied my despatch to you of the 6th March, that Her Majesty's Government have been willing to admit that the differences between the two Governments respecting Ambriz might be arranged upon the following conditions:—

1. That it shall be clearly understood that acquisition by conquest and actual occupation is the only title on the part of Portugal to Ambriz which Her Majesty's Government can recognize;

2. That the boundaries of the territory of Ambriz shall be defined as not extending beyond the south bank of the River Loge;

3. That the interests of British merchants, especially those already established at Ambriz, shall be secured; and

4. That the Portuguese Government will bind themselves to abolish slavery in the territory of Ambriz.

But while this arrangement has been under discussion, Her Majesty's Government have seen, with much regret, that a Project of Law has been presented to the Portuguese Chamber of Deputies which professes to provide for the abolition of slavery, not only in the district of Ambriz, which is assumed to extend as far north as the Congo River, but also in the territories of Cabinda and Molembo.

If this Project of Law had related to those possessions of Portugal on the West Coast of Africa to the south of the Equator which are situated between 8° and 18° latitude, Her Majesty's Government would, of course, have looked forward with satisfaction to the success of any measure calculated to carry out the laudable desire which the Portuguese Government have on former occasions professed to abolish slavery in the African dominions of His Most Faithful Majesty.

But as the Government of His Most Faithful Majesty are well aware that in November 1846, and on other occasions since that time, Her Majesty's Government have frequently and formally refused to admit the claim of Portugal to exercise a right of sovereignty over that portion of the West Coast of Africa which lies between 5° 12' and 8° south latitude, and as the grounds of that refusal have been fully explained to the Government of His Most Faithful Majesty, Her Majesty's Government cannot pass over without comment the fact that by this Project of Law the Portuguese Government now claim the sovereignty, not only over Ambriz, but also over Cabinda and Molembo.

I have to instruct you to point out to the Government of His Most Faithful Majesty the embarrassments in which they will be involved by any attempt to interfere with the rights which British subjects have for a long series of years enjoyed of carrying on a free commercial intercourse with the natives of the districts to the north of Angola. And you will say that, without prejudging the question now under discussion between the British and Portuguese Governments as to Ambriz, and without implying any acquiescence in the occupation of that district by the Portuguese authorities, Her Majesty's Government deem it right to warn the Government of His Most Faithful Majesty that any attempt of the Portuguese authorities in Africa to

extend that occupation will be opposed by Her Majesty's naval forces; and you will add that, this warning having been given, the responsibility of any consequences which may follow a disregard of it will rest upon the Government of Portugal.

I am, &c.
(Signed) CLARENDON.

No. 27.

Mr. Howard to the Earl of Clarendon.—(Received June 9.)

My Lord,

Lisbon, June 3, 1856.

INCLOSED I have the honour of transmitting to your Lordship the copy of a note which I yesterday addressed to Viscount d'Athoguia, in execution of your Lordship's instructions, embodying the contents of your Lordship's despatch to me of the 26th ultimo, commenting upon Viscount de Sá's pamphlet relative to the claims of Portugal to the territories of Molembo, Cabinda, and Ambriz, on the West Coast of Africa, and instructing me to warn the Government of His Most Faithful Majesty that any attempt of the Portuguese authorities in Africa to extend their occupation of the district of Ambriz will be opposed by Her Majesty's naval forces.

On my referring, in conversation with Viscount d'Athoguia to-day, to the subject of that note, his Excellency remarked that, having in the meantime, with his colleagues, given in his resignation, which had been accepted by the King, and only continuing in office until his successor should be appointed, it would be for the latter to reply to it.

I have, &c.
(Signed) HENRY F. HOWARD.

Inclosure in No. 27.

Mr. Howard to Viscount d'Athoguia.

Sir,

Lisbon, June 2, 1856.

I HAVE the honour of informing your Excellency that, having transmitted to the Earl of Clarendon the copies which accompanied your letter to me on the 29th March last of the French translation of Viscount Sá de Bandeira's pamphlet relative to the claims of Portugal to the territories of Molembo, Cabinda, and Ambriz, and other places situated between 5° 12' and 8° south latitude, I have received a despatch from his Lordship, dated the 26th ultimo, in which he observes that, although it does not appear that His Most Faithful Majesty's Government have formally adopted that pamphlet as the statement of their claims to the occupation of Ambriz, yet, as many of the arguments used by the Viscount de Sá are merely a repetition of those put forward by His Most Faithful Majesty's Government in their notes upon this question, he thinks it right that I should point out to your Excellency that some of the facts admitted by Viscount de Sá have an important bearing upon the discussion which is now pending between the two Governments with respect to the territories to the north of Angola.

In the first place, the Earl of Clarendon remarks, it appears that the Viscount de Sá has not been able to adduce any act of occupation or sovereignty on the part of Portugal earlier than the expulsion of the Dutch in 1648 (mentioned at p. 6 of his work), and this does not seem to have applied to Ambriz; but an entire abandonment of all possession north of Loanda is subsequently admitted (p. 6) the date of which is withheld.

Ambriz, therefore, now appears to have remained unoccupied and open to all nations from its first discovery until the erection of a fort by the Captain-General of Angola, and the formal taking possession in 1790, in the course of an expedition against some native Chiefs, mentioned at p. 12.

But it does not appear that any garrison was left in the fort, or that it was ever afterwards occupied, nor is it said what became of the fort.

At this time, however, it appears that English factories existed at Ambriz, and that the French and English enjoyed entire freedom of trade there; this was not in any manner interfered with by the Portuguese; they not only did not exercise in practice any sovereignty whatsoever over Ambriz, having apparently marched out, as they marched in, in pursuit of the natives; but from the explanation of the motives and objects of that expedition given by Portugal to Great Britain in 1791, referred to at p. 14 of Viscount de Sá's work, it is obvious that it was not then contended by

Portugal that Ambriz formed a portion of its dominions, and had been formally reoccupied as such, or that the Portuguese Government meant to revive or reassert the alleged ancient Portuguese right of possession by discovery; on the contrary, Ambriz was alluded as if forming part of the territory of independent native tribes, who had been attacked, defeated, and chastised, but who had not been incorporated into the Portuguese dominions, or formally annexed thereto by conquest.

The fact admitted by Viscount de Sá at p. 33, that a British naval force, in 1849, obtained, under threat of blockade, compensation from the natives Chiefs at Ambriz for the burning of some British property, and that this was accomplished apparently without objection by Portugal, is also inconsistent with Ambriz being then considered or treated by Portugal as a portion of its dominions, but that fact is quite consistent with all that had previously occurred, and with the circumstance of Ambriz being considered as forming part of the territory of the native Chiefs.

The Earl of Clarendon proceeds to state that I shall have learnt, by the drafts of a Convention and of a Memorandum transmitted to me by his Lordship in March last, that Her Majesty's Government have been willing to admit that the differences between the two Governments respecting Ambriz might be arranged upon the following conditions:—

1. That it shall be clearly understood that acquisition by conquest and actual occupation is the only title on the part of Portugal to Ambriz which Her Majesty's Government can recognize;

2. That the boundaries of the territory of Ambriz shall be defined as not extending beyond the south bank of the River Loge;

3. That the interests of British merchants, especially those already established at Ambriz, shall be secured; and

5. That His Most Faithful Majesty's Government will bind themselves to abolish slavery in the territory of Ambriz.

But while this arrangement has been under discussion, Her Majesty's Government have seen with much regret that a Project of Law has been presented to the Portuguese Chamber of Deputies which professes to provide for the abolition of slavery, not only in the district of Ambriz, which is assumed to extend as far north as the Congo River, but also in the territories of Cabinda and Molembo.

If this Project of Law had related to those possessions of Portugal on the West Coast of Africa to the south of the Equator which are situated between 8° and 18° south latitude, Her Majesty's Government would, of course, have looked forward with satisfaction to the success of any measure calculated to carry out the laudable desire which the Portuguese Government have on former occasions professed, to abolish slavery in the African dominions of His Most Faithful Majesty.

But as the Government of His Most Faithful Majesty are well aware that in November 1846, and on other occasions since that time, Her Majesty's Government have frequently and formally refused to admit the claim of Portugal to exercise a right of sovereignty over that portion of the West Coast of Africa which lies between 5° 12', and 8° south latitude, and as the grounds of that refusal have been fully explained to the Government of His Most Faithful Majesty, Her Majesty's Government cannot pass over without comment the fact that, by this Project of Law, the Portuguese Government now claim the sovereignty, not only over Ambriz, but also over Cabindo and Molembo.

The Earl of Clarendon therefore instructs me to point out to the Government of His Most Faithful Majesty the embarrassments in which they will be involved by any attempt to interfere with the rights which British subjects have for a long series of years enjoyed of carrying on a free commercial intercourse with the natives of the districts to the north of Angola. And his Lordship further instructs me to say that, without prejudging the question now under discussion between the British and Portuguese Governments as to Ambriz, and without implying any acquiescence in the occupation of that district by the Portuguese authorities, Her Majesty's Government deem it right to warn the Government of His Most Faithful Majesty that any attempt of the Portuguese authorities in Africa to extend that occupation will be opposed by Her Majesty's naval forces; and his Lordship directs me to add that, this warning having been given, the responsibility of any consequences which may follow a disregard of it will rest upon the Government of Portugal.

In fulfilling, by this communication, the instructions which I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, I avail, &c.

(Signed) HENRY F. HOWARD.

No. 28.

Mr. Howard to the Earl of Clarendon.—(Received July 24.)

My Lord,

Lisbon, July 18, 1856.

I HAVE the honour of transmitting herewith a translation of the Law, as promulgated by the King in an Ordinance dated the 5th instant, and published in the official Gazette of the 15th instant, for the eventual abolition of slavery in the district of Ambriz, and in the territories of Cabinda and Molembo, on the West Coast of Africa.

Your Lordship will perceive from this Law that Viscount d'Athoguia's Bill, of which I had the honour of inclosing a translation in my despatch of the 18th April last, has passed without alteration.

I have, &c.

(Signed) HENRY F. HOWARD.

Inclosure in No. 28.

Law abolishing Slavery in certain Territories of the Province of Angola.

(Translation.)

DOM PETER, by the Grace of God, King of Portugal and the Algarves, &c.

We hereby make known to all our subjects that the General Cortes have decreed, and we confirm, the following Law:—

Article 1. The condition of slavery is hereby abolished in the following territories of the Province of Angola:—

(1.) In the district of Ambriz, from the River Lifune to the River Zaire.

(2.) In the territories of Cabinda and Molembo.

Art. 2. This Law shall come into execution in the district of Ambriz at the expiration of six months from the date of its publication in the "Boletim Oficial" of Angola, and in the other territories mentioned in the preceding Article six months from the establishment in each by the Government of administrative and military authorities.

Art. 3. All legislative enactments to the contrary are hereby revoked.

We therefore command all the authorities to whom the knowledge and execution of the above Law appertains to carry it out, and cause it to be carried out and observed fully as therein contained. The Minister and Secretary of State for Marine and Colonial Affairs shall cause it to be printed, published, and circulated.

Given at the Palace of Necessidades on the 5th July, 1856.

(Signed) KING.

(Countersigned)

VISCOUNT SA DA BANDEIRA.

No. 29.

The Earl of Clarendon to Mr. Howard.

Sir,

Foreign Office, July 26, 1856.

WITH reference to your despatch of the 18th instant, inclosing a translation of the Law which has been promulgated by the Portuguese Government for the abolition of slavery in the district of Ambriz and in the territories of Molembo and Cabinda, I have to instruct you to state to the Marquis de Loulé that, whatever may be the satisfaction with which Her Majesty's Government must regard any measures having for their object the extinction of slavery, they have read with regret this Law which contemplates the extension of Portuguese authority to Cabinda and Molembo, but after the due warning that has been given, Her Majesty's Government must hold themselves absolved from all responsibility as to the consequences which may arise if this contemplated extension of Portuguese dominion on the coast of Africa should be carried into effect.

I am, &c.

(Signed) CLARENDON.

No. 30.

Mr. Howard to the Earl of Clarendon.—(Received August 11.)

My Lord,

Lisbon, August 4, 1856.

WITH reference to your Lordship's despatch of the 26th ultimo, instructing me as to a statement to be made by me to the Marquis de Loulé concerning the Law recently promulgated by the Portuguese Government for the abolition of slavery in the district of Ambriz and in the territories of Molembo and Cabinda, which Law Her Majesty's Government have read with regret, contemplating, as it does, the extension of Portuguese dominion to the latter territories, I have the honour of informing your Lordship that I carried out your Lordship's instructions on the 2nd instant by reading that despatch to his Excellency, and by placing in his hands the note of the same date, of which the inclosed is a copy, embodying its contents.

The Marquis de Loulé not making any observation in reply, I remarked to him that much correspondence would be avoided if he would authorize me to state that the Portuguese Government did not actually intend to extend their occupation beyond the port of Ambriz. His Excellency answered that a renunciation of rights was too serious a decision to take; upon which I rejoined that there was a great distinction between a renunciation of rights and a desistance from endeavouring to give effect to them, and that it was the latter I asked; but his Excellency said that that was likewise a most serious resolution to adopt. In fact, I found him unwilling to commit himself by any declaration on the subject.

I then referred to the statement which Viscount d'Athoguia had formerly made to me that, failing an agreement upon the main question, Count Lavradio was to be instructed to endeavour to arrive at an understanding with your Lordship on commercial points connected with Ambriz, and I asked the Marquis his opinion as to the expediency of setting such an understanding on foot. His Excellency replied that your Lordship had expressed to Count Lavradio a wish to let the question rest for the present. I then allowed the conversation to drop.

I have, &c.

(Signed) HENRY F. HOWARD.

Inclosure in No. 30.

Mr. Howard to the Marquis de Loulé.

Sir,

Lisbon, August 2, 1856.

I HAVE the honour to acquaint your Excellency that, having transmitted to Her Majesty's Principal Secretary of State for Foreign Affairs a copy of the Law of the 5th ultimo, promulgated by His Most Faithful Majesty's Government, and published in the "Diario do Governo" of the 15th of that month, providing for the abolition of slavery in the district of Ambriz and in the territories of Molembo and Cabinda, I have received a despatch from the Earl of Clarendon of the 26th of the same month, instructing me to state to your Excellency that, whatever may be the satisfaction with which Her Majesty's Government must regard any measures having for their object the extinction of slavery, they have read with regret this Law, which contemplates the extension of Portuguese authority to Cabinda and Molembo, but after the due warning that had been given, Her Majesty's Government must hold themselves absolved from all responsibility as to the consequences which may arise if this contemplated extension of Portuguese dominion on the coast of Africa should be carried into effect.

I avail, &c.

(Signed) HENRY F. HOWARD.

No. 31.

The Earl of Clarendon to Mr. Howard.

Sir,

Foreign Office, August 15, 1856.

WITH reference to the difficulties of arriving at a satisfactory settlement of the differences with the Portuguese Government regarding their claim to extend the Portuguese dominion over the territories of Molembo and Cabinda, on the coast of Africa, I have to state to you that Her Majesty's Government desire that things should remain in their present state, and the best way of securing this will probably

be a conviction on the part of the Portuguese Government that any attempt at territorial extension will be resisted by force.

I am, &c.
(Signed) CLARENDON.

No. 32.

Count Lavradio to the Earl of Clarendon. — (Received September 26.)

(Translation.)

London, September 24, 1856.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty, has had the honour to receive, and is about to transmit to his Government, the printed collection of papers relative to the Slave Trade which has recently, by order of Her Britannic Majesty's Government, been laid before the two Houses of Parliament, and which his Excellency the Earl of Clarendon, &c., has had the kindness to send to the Undersigned.

Among the above-mentioned papers, that one could not but claim the particular attention of the Undersigned which is found under p. 129, Class A, by the title of "Engagement with the Chiefs of Ambrizette." The Undersigned had already received a copy of this paper, but he had not given a serious attention to it, because he had looked upon it as apochryphal, inasmuch as Ambrizette constituting a part of the territory which the Crown of Portugal possesses on the west coast of Southern Africa, the Undersigned could not believe that the Commander of a man-of-war of Her Britannic Majesty's navy would venture to perform an act which the Undersigned cannot but consider as an offence done to the rights of the King his august Sovereign, and a manifest violation of the law of nations.

The Undersigned, awaiting the commands of his august Sovereign, abstains, until he shall receive the same, from analyzing the so-called Contract of Captain Henry Need with the so-called Chiefs of Ambrizette, and from addressing to his Excellency the Earl of Clarendon the fit remonstrances against that act, and against the publication of the same.

The Undersigned, however, begs leave to transmit to your Excellency, as a proof of the inconsiderate way in which Captain Need proceeded, the inclosed document, which his Excellency may compare with the so-called Contract, and that alone would be sufficient, if there were not many other stronger arguments, to demonstrate the invalidity of the act performed by Captain Need.

The Undersigned, &c.

(Signed) LAVRADIO.

No. 33.

The Earl of Clarendon to Count Lavradio.

Foreign Office, October 8, 1856.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note addressed to him on the 24th ultimo by the Count de Lavradio, &c., stating that the Treaty which was concluded by Commander Need, of Her Majesty's ship "Linnet," with the Queen and Chiefs of Ambrizette, on the 17th September, 1855, was a violation of the rights of the King of Portugal, inasmuch as Ambrizette forms a part of the territory which the Crown of Portugal possesses on the West Coast of Africa.

The Undersigned has the honour to remind Count Lavradio that the British Government have frequently declared to the Portuguese Government that Great Britain denies the existence of any such state of possession on any part of the coast of Africa which lies between 5° 12' and 8° south latitude, and the British Government have maintained that Portugal, having suffered the rights acquired by prior discovery in the fifteenth century to lapse by non-occupation, Her Majesty's subjects have a clear right to enjoy an unrestricted intercourse with that part of the coast.

The Undersigned begs leave to renew that declaration on the present occasion, and he has to observe that the document inclosed in Count Lavradio's note tends to disprove the fact of possession claimed by the Government of His Most Faithful Majesty.

For it is remarkable that in this Declaration, apparently drawn up by a Portuguese, the Chiefs in whose name it runs do not even allege that they are subjects of the Crown of Portugal, but, on the contrary, they not only say that their new King

is soon about to take the cap ("barrete"), but they also declare that they are ready to receive any white men, of whatever nation they may be, who may settle in their land.

The Undersigned, &c.

(Signed)

CLARENDON.

No. 34.

Count Lavradio to the Earl of Clarendon.—(Received October 14.)

(Translation.)

London, October 11, 1856.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of Her Most Faithful Majesty, has the honour to acknowledge receipt of the note which his Excellency the Earl of Clarendon, &c., sent to him on the 8th instant, in reply to the note which the Undersigned had the honour to address to his Excellency on the 24th September last, containing some observations on the document entitled "Engagement with the Chief of Ambrizette," which forms a part of the collection of papers on the Slave Trade presented this year to the two Houses of Parliament by order of Her Britannic Majesty's Government.

His Excellency observes in the above-mentioned note that, although the Portuguese discovered in the fifteenth century the part of the African coast which is situated between $5^{\circ} 15'$ and 8° south latitude, as the Portuguese Government does not actually occupy any part of the said coast, British subjects enjoy the right of trading with the inhabitants of that coast without any restriction.

His Excellency further observes that the document which accompanied the above-mentioned note of the Undersigned ought to be considered as an argument *contra producentem*.

The Undersigned does not think it fitting to enter, on this occasion, into a discussion on the substantial part of the important question lately raised by Her Britannic Majesty's Government upon the rights of the Crown of Portugal to that part of the African coast which lies between $5^{\circ} 12'$ and 8° south latitude; rights not questioned by any other than the British Government, and by some solemnly recognized by Treaties. If, then, the Undersigned takes the liberty of making some brief reflections on the above-mentioned note of his Excellency, it is solely to prevent its being inferred, from the silence of the Undersigned, that he assents, directly or indirectly, to his Excellency's statement, and to the consequence which his Excellency would draw from it, a consequence opposed to the right admitted by all civilized nations, and even, a little more than twenty years ago, invoked by the British Government itself, when it thought proper to take possession of the Falkland Islands, grounding its right solely on the prior discovery of those islands.

The Undersigned begs leave to observe that the statement is not correct that the Portuguese Government is not actually in possession of any portion of the African coast situated between $5^{\circ} 12'$ and 8° south latitude; but even if the statement were correct, the right would remain in all its force, and the consequence which his Excellency would draw from his assertion could not be admitted. But the Undersigned will urge no further in proof of rights which have already been abundantly demonstrated in the two notes which the Viscount d'Athoguia, then His Most Faithful Majesty's Secretary of State in the Foreign Department, addressed on the 3rd and 4th October, 1855, the first to Mr. Ward, then Her Britannic Majesty's Chargé d'Affaires at the Court of Lisbon, and the second to Sir Richard Pakenham, Minister Plenipotentiary of Her aforesaid Majesty, as well as by a Memoir published in the Portuguese language, and afterwards translated into English and French, which the Undersigned in due time had the honour to offer to his Excellency, and of which he again takes the liberty of offering another copy, which accompanies the present note, requesting his Excellency to consider the three documents which the Undersigned has just referred to, as annexes to the present note.

It is, however, incumbent on the Undersigned to declare, in order that the intentions of his august Sovereign may not be misunderstood, that the Government of His Most Faithful Majesty, in supporting the rights which the Crown of Portugal possesses in the above-mentioned part of the coast of Africa, does not in any way pretend to impede existing commercial relations, or such as may be established between the inhabitants of that coast, and the subjects of Great Britain, or of any other nation; on the contrary, what His Most Faithful Majesty's Government desires sincerely is to foster by all the means in its power the increase of that commerce, which it will do

when it finds no impediments to the re-establishment of protecting authorities on all the points of that coast.

In regard to the document which accompanied the note which the Undersigned had the honour to address to his Excellency on the 24th September last, the Undersigned begs leave to observe to his Excellency that the production of that document was not intended, as his Excellency appears to have supposed, to prove any right, but to show how inconsiderately Commander Need had acted, and to prove the invalidity of the act performed by him, even if that act had not been in violation of the rights of His Most Faithful Majesty.

The Undersigned, confining himself to the brief considerations above written, protests anew against the act performed by Commander Need, and all acts injurious to the rights of His Most Faithful Majesty previously performed by other officers of the Royal British Navy, in divers points of Southern Africa which make part of the dominions of the Crown of Portugal.

It appears to the Undersigned to be now the time to profit by this opportunity of renewing the declaration made many times to his Excellency, that His Most Faithful Majesty ardently desiring, not only to maintain the uninterrupted alliance which has subsisted so many ages between Portugal and England, to the obvious advantage of the two Monarchies, but to draw it still closer, if possible, is anxious to see the unpleasant questions raised in recent years by Her Britannic Majesty's Government respecting the rights possessed by the Crown of Portugal to that part of the coast of Africa which lies beyond 8° south latitude, terminated in a manner worthy of the two Governments. The Undersigned a long time ago had the honour to inform his Excellency that he was furnished with full powers to treat with Her Britannic Majesty's Government on the mode of putting an end to those disagreeable doubts, extremely inconvenient to the interests of Portuguese and British subjects, without detriment, however, to the dignity of the Portuguese Crown, and within the limits of the fundamental law of the Portuguese Monarchy. The Undersigned, submitting these considerations to his Excellency's judgment, declares himself ready to renew the negotiation, long ago entered upon, so soon as his Excellency shall think fit.

The Undersigned, &c.

(Signed) LAVRADIO.

No. 35.

Count Lavradio to Lord J. Russell.—(Received June 30.)

(Translation.)

Excellency,

Portuguese Legation, London, June 29, 1860.

I HAVE the honour to inform your Excellency that, on the 27th instant, the English ship "Sverige," of 111 tons, carrying, besides other articles, some gunpowder, departed from Liverpool bound for Ambriz, a Portuguese possession on the West Coast of Southern Africa.

The said ship did not take her papers ("despachos") in the Portuguese Consulate, probably with a view to conceal that she carried powder, the entry of which, in order to satisfy the just claims of Her Britannic Majesty's Government, has been prohibited in the ports of Portuguese Africa, because that article was used by the slavers for their criminal purposes.

I shall not delay to make known to my Government the departure of the ship "Sverige" from Liverpool for Ambriz without the proper papers from the Portuguese Consulate, carrying gunpowder on board, and I am assured that His Most Faithful Majesty's Government will proceed with the utmost severity against the known violator of the Portuguese laws, and who, there is well-founded reason to suspect, proposes to engage in the infamous Traffic in Slaves.

His Most Faithful Majesty's Government will continue, so far as it depends on it, to fulfil scrupulously all the stipulations of the Treaty of the 3rd July, 1842, and I cannot doubt that Her Britannic Majesty's Government will proceed in the same manner; and consequently, I am assured that your Excellency will disappoint all the attempts of the Manchester and Liverpool speculators. It is from the latter place that goods made up in Manchester to be used in the infamous Traffic usually depart.

If the meeting should take place of the Conference proposed by your Excellency, and promptly assented to by the Government of His Most Faithful Majesty, the

Plenipotentiaries cannot fail to inquire into the influence that Liverpool and Manchester have had on the maintenance of the Traffic.

Accept, &c.
(Signed) LAVRADIO.

No. 36.

Count Lavradio to Lord J. Russell.—(Received July 10.)

(Translation.)

Excellency,

Portuguese Legation, London, July 9, 1860.

ON the 29th June last I had the honour to inform your Excellency that the English ship "Sverige" had quitted Liverpool for Ambriz without having taken her papers in the Portuguese Consulate, carrying some gunpowder; but now I have ascertained that the said vessel cleared not for Ambriz but for Kinsembo, or rather Quicembo, which also appertains to the Crown of Portugal, and that she carried 28,000 pounds ("arrateis") of gunpowder and 800 arms.

I afterwards received information that the English ship "Margaret" also had departed from the said port of Liverpool, on the 26th June last, for the said port of Quicembo, without taking her papers in the Consulate of Portugal.

I understand that four more ships are preparing in Liverpool to convey munitions of war to different parts of Southern Africa, where some negroes are in rebellion against the authorities of Portugal.

Having the honour to bring these facts to your Excellency's notice, I am sure that your Excellency will direct the necessary inquiries to be made, and will prevent the English flag from serving as a cloak to the criminal speculation of supplying arms to the enemies of the most ancient and most intimate ally of Great Britain.

To the above communications your Excellency will permit me to add the following: That the ship "Margaret" carried, in addition to the casks required for her own use, seventy others in pieces, which does not appear to me to be very consistent with the Treaty of 1842, unless it be proved that they were intended for legitimate use.

I have, &c.
(Signed) LAVRADIO.

No. 37.

Lord J. Russell to Count Lavradio.

M. le Comte,

Foreign Office, July 28, 1860.

I HAVE the honour to acknowledge the receipt of your letters of the 29th ultimo and 9th instant.

In the former of those letters you state that the British ship "Sverige" sailed from Liverpool on the 27th June last, bound for Ambriz, a Portuguese possession on the West Coast of Africa, carrying, among other articles, a quantity of gunpowder and arms, the importation of which is prohibited in the ports of Portuguese Africa; and you state, moreover, that the master of the "Sverige" was not furnished with the proper papers from the Portuguese Consulate at Liverpool, and that there is good reason to suspect that this vessel is destined for the Slave Trade.

In your letter of the 9th instant you state that you have ascertained since writing your letter of the 29th June that the "Sverige" cleared not for Ambriz, but for Kinsembo, or Quicembo, which also appertains to the Crown of Portugal, and that she carried 28,000 lbs. of gunpowder and 800 stand of arms; and you add that you have received information to the effect that the English ship "Margaret" also sailed from Liverpool on the 26th June for Kinsembo without taking her papers in the Consulate of Portugal, and that four other ships are preparing in Liverpool to convey munitions of war to different parts of Southern Africa, where some negroes are in rebellion against the authorities of Portugal.

I beg leave to acquaint you that immediately on the receipt of your first letter I caused the necessary steps to be taken with the view to ascertain what foundation there was for the Report which had reached you with reference to the "Sverige" being destined for the Slave Trade.

I have not yet received any information on this subject, but I cannot omit to

notice at once the statement in your letter of the 9th instant, that Kinsembo appertains to the Crown of Portugal.

You must be aware that Her Majesty's Government have invariably resisted this claim, and I need only refer in proof of this to the correspondence which took place in 1855 between Her Majesty's Government and the Government of His Most Faithful Majesty on this subject.

The Portuguese Government was then distinctly informed that although Her Majesty's Government acquiesced in the Portuguese occupation of Ambriz, any attempt to extend that occupation to other ports of the coast would be opposed by Her Majesty's naval forces. Instructions in this sense were given at the time to the Commanders of Her Majesty's cruisers on the West Coast of Africa, and the Portuguese authorities at Ambriz and at Angola have, on more than one occasion since 1855, been informed by British officers of the existence of such instructions where questions have been raised with regard to the extent of Portuguese jurisdiction.

Those instructions are still in force, and I can therefore only express my hope that no attempt will be made, either by the Commanders of any Portuguese ships of war, or by the authorities at the neighbouring port of Ambriz, to interfere with any British vessels trading to Kinsembo, or with British subjects settled at that place, as such interference would be opposed by Her Majesty's naval forces.

Since writing the foregoing, I have received a Report from the Commissioners of Customs with reference to the ship "Sverige." It appears that this vessel is the property of the firm of Hatton and Cookson, highly respectable merchants and ship-owners at Liverpool, who are extensively engaged in the African trade, and that she has been for some time past employed as a regular trader between this country and Africa. In October 1859 the "Sverige" arrived at Liverpool from Loango with a cargo of palm oil, copper ore, ivory, and gum, and she sailed from thence on the 22nd of the following month with a cargo similar to that which she carries on the present occasion.

The "Sverige" returned again to the port of Liverpool on the 26th April last with a cargo of palm oil and other articles, and I cannot but think, from the known respectability of the owners of this vessel, that the suspicions entertained by you with regard to her being destined for the Slave Trade are devoid of any foundation.

I am, &c.

(Signed) J. RUSSELL.

No. 38.

Count Lavradio to Lord J. Russell.—(Received August 14.)

(Translation.)

Legation of Portugal, London, August 13, 1860.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty, has the honour to acknowledge the receipt of the note, which Lord John Russell, &c., addressed to him on the 28th July last, replying to two notes which the Undersigned had the honour to address to his Excellency on the 29th June and 9th July last.

His Excellency Lord John Russell, referring to the first of these notes of the Undersigned, informs him that he has directed the necessary inquiries to be made relative to the ship "Sverige," replies to which, as appears from the postscript of his Excellency's note, were not received till the 28th of July last.

From the information received by his Excellency, it appears that the ship "Sverige" is the property of a very respectable firm of Liverpool. It appears also that that ship arrived at the said port in October 1859 from Loango with a cargo of palm oil, copper, &c., and that on the 22nd November of that year she departed from Liverpool with a cargo similar to the one which she carried recently, viz., arms and gunpowder, arriving again at the said port on the 26th April of the present year. His Excellency concludes that, looking to the respectability of the owners of the "Sverige," that vessel could not be suspected of being employed in the Slave Trade, and therefore the apprehensions expressed by the Undersigned were destitute of any foundation.

As to the ship "Margaret," which was treated of in the note of the Undersigned, dated the 9th July last, his Excellency gives no information, probably because he has received none from the custom-house of Liverpool.

Lastly, his Excellency thought he might profit by the opportunity of replying to the two notes aforesaid to make allusion to a certain correspondence which took place

in 1855 between the Government of His Most Faithful Majesty and that of Her Britannic Majesty relative to the rights of the Crown of Portugal to divers territories of the Western Coast of South Africa to the northward of Ambriz.

To this important though incidental part of his Excellency's note, the Undersigned begs leave to reply, after making some observations upon the destination of the cargo of the ship "Sverige."

The Undersigned, in view of the declarations of his Excellency, does not pretend to discuss the respectability or non-respectability of the owners of the "Sverige;" he has nothing to do with this, but it is his duty to maintain that his statement of the facts was correct, and that the consequences were logical which he inferred from those facts.

His Excellency does not deny that the "Sverige" was dispatched for Quicembo, nor does he deny that weapons of war and gunpowder formed a considerable part of the cargo of that ship. But his Excellency, renewing his assertions of the respectability of the owners of the "Sverige," considers the suspicions of the Undersigned to be "devoid of any foundation."

It may be that the Undersigned was deceived, but what he cannot admit is that his suspicions were unfounded, "devoid of any foundation." The Undersigned rejects this phrase, limiting himself to characterizing it as improper.

The Undersigned does not hesitate to admit, in view of the assertions of his Excellency, that the "Sverige," and also the "Margaret," and even the other vessels which have already departed, and are preparing to depart, from Liverpool for the coast of Africa, carrying arms and gunpowder, may not be intended for the Slave Trade; but in this case it is necessary that his Excellency should admit that they are going to carry arms and munitions of war to the enemies of Portugal, for his Excellency is well aware that those goods carried to that part of Africa can only be intended for one or other of these two objects.

This being the case the Government of His Most Faithful Majesty has an indisputable right, and it is its rigorous duty to confiscate the munitions and the ships. Moreover, it appears to the Undersigned that Her Britannic Majesty's Government, not being ignorant of the fatal events which occurred at the beginning of the present year in the neighbourhood of Ambriz, ought to prevent her subjects from supplying arms to the enemies of an ally, whom the Government of Her Britannic Majesty is bound by Treaties to defend.

The Undersigned would not consider himself obliged to reply to the reference made by his Excellency to a certain correspondence which took place in 1855 between the Government of His Most Faithful Majesty and that of Her Britannic Majesty, or to the observations which his Excellency has thought proper to add to such reference; but the Undersigned would be wanting to the fulfilment of his duty if he did not, before everything, remind his Excellency that, in the said correspondence, His Most Faithful Majesty's Government demonstrated with the utmost clearness the right of the Crown of Portugal to the dominion of the Western Coast of Africa as far as to Molembo inclusively. The Undersigned protested at that time, in the name of his Sovereign, and he now protests again against the unfounded pretensions and demands, unprecedented in other countries, of Her Britannic Majesty's Government.

The rights of the Crown of Portugal to the territory mentioned, as it has been already abundantly proved, are founded: (1stly) on priority of discovery; (2ndly) on possession taken and kept for ages; (3rdly) on the introduction of civilization, based upon the propagation of Christianity; (4thly) on conquest; (5thly) finally, on the recognition and cession made by the Chiefs who ruled there, and confirmed by their successors.

And is the dominion of Britain over her Colonies founded on any better titles?

To these titles the Undersigned may add, if there were any necessity for it, the recognition of all the nations of Europe, and very explicitly that of Great Britain, inserted in the Convention of the 28th July, 1817, and of France and Spain in the Convention of the 30th January, 1786.

Notwithstanding all this, his Excellency does not hesitate to declare, in his above-mentioned note, in harsh terms, rarely used in diplomatic correspondence, that "any attempt to extend that occupation to other parts of the coast would be opposed by Her Majesty's naval forces. Instructions in this sense were given at the time to the Commanders of Her Majesty's cruisers on the West Coast of Africa, and the Portuguese authorities at Ambriz and at Angola have, on more than one occasion since 1855, been informed by British officers of the existence of such instructions, when questions have been raised with regard to the extent of Portuguese jurisdiction. Those

instructions are still in force, and I can therefore only express my hope that no attempt will be made, either by the Commanders of any Portuguese ships of war, or by the authorities at the neighbouring port of Ambriz, to interfere with any British vessels trading to Kinsembo, or with British subjects settled at that place, as such interference would be opposed by Her Majesty's naval forces."

The Undersigned repels with indignation the above-quoted declaration of his Excellency as being offensive ("attentatorio") to the dignity of his august Sovereign, and to the independence of the Portuguese nation, and more than this, as a violation of the Treaties existing between the Crowns of Portugal and Great Britain, and above all, as a violation of the law of nations, on which chiefly the Undersigned, in accordance with the opinion of the most esteemed jurists, bases the rights of the Crown of Portugal, which his Excellency pretends to dispute.

The Undersigned, moreover, observes that it is his opinion that His Most Faithful Majesty's Government may, if it should think it expedient, employ all the means in its power to maintain its indisputable rights.

The Undersigned admits that the abuse of power may result in oppression, but never in a right; and therefore the Undersigned hopes that his Excellency, on better reflection, will not hesitate to withdraw his offensive declarations, or rather threats, which force may carry into effect, but which will be condemned by the opinion of civilized nations, by justice, and by law.

The Undersigned cannot persuade himself that Her Britannic Majesty's Government would desire to attack or oppress her most ancient and always faithful ally. The celebrated statesman, George Canning, said, in one of his eloquent speeches, "Portugal has been, is, and always will be, the best *point d'appui* of England on the Continent."

The Undersigned, &c.

(Signed)

LAVRADIO.

No. 39.

Lord J. Russell to Count Lavradio.

Foreign Office, October 13, 1860.

THE Undersigned, &c., has the honour to acknowledge the receipt of the note addressed to him on the 13th ultimo by Count Lavradio, replying to a communication addressed by the Undersigned to the Count Lavradio on the 28th July last.

It is not the intention of the Undersigned to enter on the present occasion into any discussion on the validity of the territorial claims of Portugal on the West Coast of Africa. The views which Her Majesty's Government entertain with respect to those claims have been fully set forth in the correspondence which took place between the two Governments in the years 1855 and 1856, and there is nothing stated in Count Lavradio's note of the 13th ultimo which in any way alters the opinions already expressed by Her Majesty's Government on this subject.

The Undersigned cannot, however, avoid expressing his regret that Count Lavradio should have taken exception to the terms of the communication addressed to him by the Undersigned on the 28th July last.

The paragraph which Count Lavradio characterizes as being couched in harsh terms, rarely used in diplomatic correspondence, and as offensive to the dignity and independence of the Portuguese nation, is the following:—

"Any attempt to extend that occupation to other parts of the coast would be opposed by Her Majesty's naval forces. Instructions in this sense were given at the time to the Commanders of Her Majesty's cruisers on the West Coast of Africa, and the Portuguese authorities at Ambriz and at Angola have, on more than one occasion since 1855, been informed by British officers of the existence of such instructions when questions have been raised with regard to the extent of Portuguese jurisdiction. Those instructions are still in force, and I can therefore only express my hope that no attempt will be made, either by the Commanders of any Portuguese ships of war, or by the authorities at the neighbouring port of Ambriz, to interfere with any British vessels trading to Kinsembo, or with British subjects settled at that place, as such interference would be opposed by Her Majesty's naval forces."

The Undersigned disclaims on his own part, and on that of Her Majesty's Government, any intention in what is stated in the paragraph above quoted to offend the dignity or the independence of the Portuguese Crown, nor does he think that when the circumstances are considered under which it was written, that it will bear the interpretation put upon it by Count Lavradio.

Count Lavradio cannot but be aware that a communication in terms identical with those now complained of was made to the Portuguese Government in 1856, by Her Majesty's Minister at Lisbon, without its having been taken exception to by the Portuguese Government, and if the Undersigned again referred to that communication in his letter of the 28th July, he did so only because Count Lavradio in his note of the 9th July last stated that Kinsembo appertained to the Portuguese Crown, and appeared to intimate that the British ship "Sverige" and other British vessels trading to that port with arms and ammunition would be liable to be seized and confiscated by Portuguese authorities.

If these statements had been left unnoticed by the Undersigned, his silence might have been interpreted as implying acquiescence on the part of Her Majesty's Government in a claim which this country has hitherto invariably denied, and it was with a view to prevent the complications that might arise from the seizure by the Portuguese authorities of British vessels trading with ports over which Her Majesty's Government do not admit the right of Portugal to exercise jurisdiction, that the Undersigned reminded Count Lavradio of the nature of the instructions with which the Commanders of Her Majesty's cruisers on the African coast have been and still are furnished, and the Undersigned cannot but express his disappointment that Count Lavradio should have put so harsh a construction upon a warning which was given in a friendly spirit towards the Portuguese Government.

Having made this disclaimer, the Undersigned will now offer a few observations with regard to that part of Count Lavradio's note of the 13th ultimo in which Count Lavradio maintains that because part of the cargo of the ship "Sverige" was composed of arms and ammunition, therefore that vessel, and others with similar cargoes, which have already departed, or are about to sail from Liverpool for the African coast, must either be intended for employment in the Slave Trade, or to carry arms and ammunition to the enemies of Portugal.

In this latter case, Count Lavradio states that the Government of His Most Faithful Majesty has an indisputable right to confiscate such vessels and their cargoes; and Count Lavradio adds, that Her Majesty's Government, in view of the events that have taken place near Ambriz at the beginning of this year, ought to prevent British subjects from sending such supplies of arms.

The Undersigned cannot admit the conclusions arrived at by Count Lavradio.

It may doubtless be true that arms and ammunition are bartered away by the European and American slave-dealers in exchange for slaves, but the same may be said of nearly every other article imported into Africa; and a vessel carrying an assorted cargo of Manchester or American goods might, with equal justice, be accused of being destined for the Slave Trade, because such goods are extensively used by the slave-dealers in the purchase of slaves.

Moreover, it is to be observed that the importation of such articles is not confined to the port of Kinsembo, but that such articles form a large portion of the trade with Africa even at places where the Slave Trade no longer exists; and, although it cannot be denied that the possession of arms by the natives not unfrequently leads to unfortunate results, it cannot be expected that Her Majesty's Government should interfere to stop an important branch of commerce, carried on by British merchants with independent native territories, merely because it may happen that the arms exported to those territories may in the course of trade find their way into the hands of tribes hostile to Portugal.

The Undersigned, in conclusion, has the honour to state that he must repudiate the charge of abuse of power and oppression towards a faithful ally which Count Lavradio brings against Her Majesty's Government, on account of their refusal to acknowledge what Her Majesty's Government consider the unfounded territorial claims of Portugal on the West Coast of Africa; and he cannot help adding that, in the opinion of Her Majesty's Government, the interests of Portugal would be far better consulted by developing the resources of the vast territories which she already possesses in Africa, than by seeking to extend a barren sovereignty over further tracts of country on that Continent, which can only be acquired by violence and bloodshed.

The Undersigned, &c.

(Signed)

J. RUSSELL.

Count Lavradio to Lord Stanley.—(Received August 20.)

(Translation.)

Portuguese Legation, London, August 20, 1867.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty, by virtue of the orders which he has received from his Government, has the honour to bring under the notice of his Excellency Lord Stanley, Principal Secretary of State to Her Britannic Majesty in the Department of Foreign Affairs, the events which occurred in February last at Mangue Grande.

Mangue Grande is a village situated on the Western Coast of Africa, in the territory belonging to the Crown of Portugal, to the north of Ambriz, but whose inhabitants, excepting those of the four factories belonging to the Portuguese, are blacks.

On the 23rd February last the war-steamer "Antelope," belonging to Her Britannic Majesty's navy, was anchored before Mangue Grande, and a barge put off from her on that day from which three officers landed, one of them being John Bruce, the commander of the vessel. These officers, after having been received in a very friendly manner by some of the Portuguese merchants residing there, betook themselves to the natives in order to obtain from them the provisions which they needed. A pig and some sheep were, in fact, brought to them, for which the English officers wanted to pay with a lot of empty bottles, which the blacks would not accept, and they refused to deliver the provisions in exchange for things that were of no value to them. Notwithstanding some accounts which the Undersigned has before him, he does not venture to assert that the English officers used violence to get possession of the pig which the blacks had first offered to them, and that that was the cause of the unfortunate quarrel which took place between the English and the blacks. What seems certain is, that the English officers, finding that they could not get the empty bottles accepted, resolved to return on board the "Antelope;" but when the barge was turning it upset, and the blacks, seeing the English busy in saving the barge, tried, as it seems, to get hold of some of the things that the sea was washing ashore. On this a terrible conflict arose between the English and the blacks, provoked by one of the English officers, who killed a black man, son of one of the principals of the village, who was running away with a carpet belonging to the barge, and one of the three English officers was slightly wounded by the blacks.

On the following day, the 24th February, five armed boats put off from the steamer "Antelope," and they broke out into a destructive fire on the village as they approached the shore, subsequently landing a force, which succeeded in destroying and burning the village, including two out of the four Portuguese factories which were established there. The resistance made by the blacks to this unjust and unexpected attack was very feeble.

Besides the two Portuguese factories burnt by the English, there were two others which were spared by them, but which afterwards came to destruction, whether by the blacks or the English is not known; it is stated by one, that the latter, before destroying the factories, carried off the merchandize that was in them to take it on board the "Antelope." The fact is unquestionable that from the groundless provocation given by the Commander of the steamer "Antelope," the result was the entire destruction of the four Portuguese factories, the value of which, according to the accompanying document, was 66,000,000 reals, or 14,500*l.*, little more or less. It is possible that this may be an exaggerated valuation, and therefore the Undersigned, in claiming from Her Britannic Majesty's Government, in the name and by order of the Government of His Most Faithful Majesty, an equitable indemnification for the Portuguese subjects whose property has been destroyed at Mangue Grande by a series of outrages perpetrated by the Commander of the steamer "Antelope," does not venture to fix the *quantum* of the indemnification, which can only be done after obtaining more circumstantial information.

No doubt Her Britannic Majesty's Government will have been already informed of the letter which the Commander of the steamer "Antelope" addressed on the 16th March to the Commander of the Portuguese schooner "Conde de Penha firme;" nevertheless, the Undersigned takes the liberty of sending his Excellency Lord Stanley a copy of that letter, because it is deduced from the said Commander's own statements: 1, that he burnt and destroyed Mangue Grande, where four Portuguese factories were established, without previous notice to those factories of his furious determination; 2, that when he landed the first time, the Portuguese could not ask

him for protection, because they could not foresee the conflict which he provoked; 3. that as the Commander found all the Portuguese factories destroyed immediately after the bombardment of the village, it is not credible that that destruction could have been effected by the blacks, who could not even have returned to the place where Mangue Grande had been; 4. that after the bombardment, the Portuguese, who not only had already lost their property, but had fled, could not ask for help from the English force.

These considerations appear to the Undersigned worthy of the serious attention of Lord Stanley, and the Undersigned, knowing the justice with which Her Britannic Majesty's Government is in the habit of proceeding, is sure that it will hasten to acknowledge the right which the Portuguese subjects have to indemnification from Her Britannic Majesty's Government for the value of their property, which has been unjustly and violently destroyed by the Commander of the steamer "Antelope," of Her Britannic Majesty's navy.

The Undersigned, &c.

(Signed) LAVRADIO.

Inclosure 1 in No. 40.

MM. de Amarante, Rangel, de Gouvêa, and da Silva to the Governor-General of the Province.

(Translation.)

Illustrious and Excellent Senhor,

Loanda, March 12, 1867.

TO your Excellency, as Delegate of the Royal Power, and as Governor-General of this Province of Angola, the Undersigned, Portuguese subjects, merchants established on the coast to the north of this city at the place called Mangue Grande, territory belonging to the Crown of Portugal, respectfully come to present the accompanying protest, which the petitioners have made with the legal formalities against the Commander, officers, and crew of the war-steamer "Antelope," belonging to Her Majesty the Queen of the United Kingdom of Great Britain, for losses and damages caused to the petitioners by the said Commander, officers, and crew on the morning of the 24th February last, when, without the respect due to the Portuguese flag (which the petitioners immediately hoisted), and against the most sacred law of nations, they attacked, burned, and entirely destroyed the four establishments for lawful commerce which the petitioners, with the sanction of this General Government, had established at the aforesaid place, Mangue Grande.

The petitioners had not given the slightest cause, nor had they in any way provoked such an unheard-of and unjust outrage. They do but just know that the cause of such proceedings may have been a quarrel or disagreement between an officer and some seamen of the aforesaid steamer and the black natives on the afternoon of the day before the 24th, a quarrel in which neither the petitioners nor their servants took part, nor were even present.

The petitioners seeing the attack directed by the disembarked force against the native villages, which were at a little distance from their establishments, could hardly suppose that they would be afterwards the expiatory victims for the crime of those natives, if crime there were, and that their valuable establishments would be entirely destroyed and burned by the forces of a vessel of war belonging to a friendly nation, the ancient ally of Portugal. This, too, without previous intimation or notice, though it is certain that the Commander knew very well that the factories burned and destroyed belonged to Portuguese subjects, for on the day before he had been in one of them, and had been well received and entertained there. And so sudden was the attack that the petitioners, to escape death, precipitately abandoned their respective establishments, hardly carrying with them the ordinary clothes which they wore, and were thus reduced to misery. The petitioners knowing that your Excellency, as soon as you had information of this lamentable occurrence, very providently sent a confidential person to take official proceedings in the matter, therefore abstain, for fear of being charged with partiality, from relating in this short statement what they saw and were present at.

The petitioners send a duplicate of the protest in case your Excellency should consider that it ought to be communicated to Her Britannic Majesty's Consul, seeing that the petitioners cannot give intimation of it, with the legal formalities, to the Commander, officers, and crew of the steamer "Antelope," because that ship belongs to the English cruisers on this coast.

Wherefore the petitioners request and beg that your Excellency may be pleased

to lay this Petition and the accompanying protest before His Majesty the King, in order that by legal and proper means there may be demanded from whomsoever is liable the sum of 66,000,000 reals, as indemnification for injuries, losses, and damages, with interest thereon to the time of liquidation, to all which the petitioners consider themselves entitled.

(Signed)

ANTONIO TEIXEIRA DE AMARANTE.
IGNACIO DAS CHAGAS MOREIRA RANGEL.
ANTONIO DE GOUVÊA.
CAETANO MONTEIRO DA SILVA.

Inclosure 2 in No. 40.

Protest made by Antonio Teixeira Amarante, Antonio de Gouvêa, for himself and for his partner, José Gomes Netto, Ignacio das Chagas Moreira Rangel, for himself and as agent of the English subject, John Joachim Monteiro and Caetano Monteiro da Silva, against the present Commander, officers, and crew of the English war-steamer "Antelope," all as hereunder declared :*

KNOW all who see this public instrument of protest, or whatever it may be better called by law, that, in the year from the birth of our Lord Jesus Christ, one thousand eight hundred and sixty-seven, on the sixth day of the month of March in the said year, in this city of San Paulo d'Assumpção de Loanda, Province of Angola, and in my office, established in one of the chambers of the house, which serves for the Judicial Court of First Instance, in Dom Miguel de Mello Street, appeared in their own persons Antonio Teixeira de Amarante, Antonio de Gouvêa, for himself and for his partner, José Gomes Netto, Ignacio das Chagas Moreira Rangel, for himself and as agent of the English subject, John Joachim Monteiro and Caetano Monteiro da Silva, all Portuguese subjects and merchants, dwelling and established on the coast to the north of this city, at the place called Mangue Grande, and all persons known to me, the Notary, and to the witnesses hereafter named and subscribed, to which I bear witness.

And then by the said deponents, Antonio Teixeira Amarante, Antonio de Gouvêa, Ignacio das Chagas Moreira Rangel, and Caetano Monteiro da Silva, in my presence and in that of the same witnesses, it was said by each for himself, that in this form and by the best way of law, they solemnly protested against the present Commander, officers, and crew (names unknown) of the war-steamer "Antelope," belonging to Her Majesty the Queen of Great Britain, and in default of those, directly against the Government of the same nation, or against whomsoever that may be liable by law for all the injuries, losses, and damages to them the protestors, caused by the aforesaid Commander, officers, and crew of the said steamer "Antelope," on the 24th day of February last past, in their factories or houses of business established by authority of the Portuguese Government in that place, Mangue Grande, which factories, and all that in them was of merchandize, business effects, utensils, &c., were burned and entirely destroyed by the bombardment from on board the aforesaid steamer, and by the forces thereof landed on the aforesaid 24th February in the morning, those proceedings having been taken by the aforesaid Commander, officers, and crew, without previous notice or intimation, and without cause or provocation on the part of them the protestors or of their servants, without respect to the bi-colour flag of the Portuguese nation, which they, the protestors, immediately caused to be hoisted on their respective establishments and dwellings, and against the most sacred law of nations, and in derogation of the respect due to allied and friendly nations. Furthermore, it was said by the same protestors that being obliged, to escape certain death, to abandon precipitately their houses, establishments, and all that was therein, including commercial papers and books, they protest that they claim and demand from the above-mentioned, or whomsoever is legally liable, as indemnification for injuries, losses, and damages, to each for his own part, as follows:—The protestor, Antonio Teixeira Amarante the sum of 15,000,000 reals, good Portuguese money, and interest thereon, till the final payment; value of the property, goods, business effects, utensils, furniture, &c., which he had in his establishment. Item: Antonio de Gouvêa, for himself and for his partner, José Gomes Netto, 20,000,000 of the aforesaid money, and interest. Item: Ignacio das Chagas Moreira Rangel, for himself, and as agent of the English subject, John Joachim

* Taken from the Notarial Book, folio 5.

† Left out in Portuguese copy.

Monteiro, 15,000,000 of the aforesaid money, and interest. Item : Caetano Monteiro da Silva, 16,000,000 of the aforesaid money and interest.

And according as they so said and declared, I, as Notary of this city, and by virtue of my office, have taken from them and received, in the name of the present and the absent, and of whom it may concern, the present protest in this my notarial book, to which I refer, and I have given to each an instrument in due form.

Witnesses present throughout :—

Antonio José Távira and Manuel José Ferreira, the former a merchant, the latter a clerk in my office, who, after this had been read before all the aforesaid protestors, who found it correct in all, signed it with me.

(Signed) MIGUEL AUGUSTO LOBATO PIRES,

Notary, who wrote the above, and has signed it in public.

(The signature of the Notary follows, and the signatures legally certified.)

Inclosure 3 in No. 40.

Commodore Bruce to the Commander of the "Earl de Penha firme."

Sir,

"Antelope," at Ambrizete, March 16, 1867.

I HAVE to acknowledge the receipt of your letter of this day's date relative to the proceedings of Her Britannic Majesty's ship I command, at Mangue Grande, on the 23rd and 24th February, and I have the honour to inform you, for information of his Excellency the Governor-General of Angola, that Her Britannic Majesty's Commissioner at Loanda, and the Senior Officer of Her Britannic Majesty's ships on the southern division, are in possession of a full and detailed account of my proceedings on those days.

I would inform his Excellency that the night I landed and was in want of assistance these Portuguese gentlemen neither offered any, nor did they remonstrate with the natives when the British flag was fired upon. With reference to they not having been informed of my intention to bombard the village they must have known that such was to be the case, as a heavy fire was opened on the boats immediately they approached the shore, and was continued some three hours before it was responded to; it was therefore impossible to have communicated with the shore without risk of a great loss of life. Strict orders were given to respect the houses displaying flags, which was duly done, but in consequence of a heavy fire opened from two houses having flags at their mast-heads, but of no nationality, they were destroyed.

The Portuguese factories were not molested in any way, and before leaving the shore I had an interview with the Portuguese gentlemen. Therefore if they had required protection I should immediately have afforded it, but they did not ask for it. The next day I landed with the intention of offering any assistance to the Portuguese they required, but found the factories destroyed.

The flag of His Most Faithful Majesty was strictly respected.

I have, &c.

(Signed) J. M. BRUCE.

No. 41.

Lord Stanley to Mr. Harriss.

Sir,

Foreign Office, August 21, 1867.

I HAVE received from Her Majesty's Commissioner and Consul at Loanda, and from the Admiralty, papers having reference to the destruction by the boats of Her Majesty's ship "Antelope" of some native villages at Mangue Grande, on the West Coast of Africa, in the month of February last.

There are two questions involved in this correspondence: one a claim for losses alleged to have been sustained by Portuguese subjects in consequence of the destruction of their property by the operations of the boats of the "Antelope;" the other a claim put forward on behalf of the Portuguese Crown by both the Governor-General of Angola and the Portuguese Naval Commander-in-chief, to the sovereignty of the territory lying between 5° 12' and 8° south latitude, within which the town of

Mangue Grande, where the attack by the boats of the "Antelope" took place, is situated.

It is not my intention to enter on the present occasion into the merits of the claim for losses alleged to have been sustained by Portuguese subjects, which Her Majesty's Government will be prepared to deal with when brought forward through the proper channel by the Portuguese Government, and you will not, therefore, enter into any discussion on this point with the Portuguese Minister.

But with regard to the claim now again put forward on behalf of the Portuguese Crown to the sovereignty of the territory lying between 5° 12' and 8° south latitude, it will be right that you should ask for some explanation from the Government of His Most Faithful Majesty, because, if no notice is taken of this claim, it may lead to serious differences between the British and Portuguese naval forces on the West African Station, as the instructions which were issued in 1856 to the British naval Commanders to prevent the occupation by the Portuguese of the territory in question still hold good, and will be acted upon if necessary.

I have accordingly to desire that you will call the attention of the Portuguese Government to this matter, and in doing so you will state that Her Majesty's Government take the same view now of this claim that they did in 1855-56, when the question was formerly discussed between the two Governments; and you will express a hope that such instructions will be issued to the Portuguese authorities on the African coast as will prevent the serious differences that might arise if any attempt were made on the part of the Portuguese naval forces to occupy any part of the territory in dispute.

I am, &c.
(Signed) STANLEY.

No. 42.

Mr. Harriss to Lord Stanley.—(Received September 2.)

My Lord,

Lisbon, August 28, 1867.

I HAVE the honour to transmit herewith a copy of the note which I have addressed to M. Casal Ribeiro, in accordance with your Lordship's instructions, to call the attention of the Portuguese Government to the claim which has been put forward, in correspondence respecting the proceedings of Her Majesty's ship "Antelope" at Mangue Grande in February last, on behalf of the Portuguese Crown by the Portuguese authorities on the West Coast of Africa to certain territory between 5° 12' and 8° south latitude.

I have, &c.
(Signed) J. P. HARRISS.

Inclosure in No. 42.

Mr. Harriss to Senhor Ribeiro.

M. le Ministre,

Lisbon, August 28, 1867.

IT will be within your Excellency's recollection that in the month of February last some native villages were destroyed at Mangue Grande, on the West Coast of Africa, by the boats of Her Majesty's ship "Antelope, and it will doubtless be within your Excellency's knowledge that this circumstance led to a correspondence between the Governor-General of Angola and Her Majesty's Consul at Loanda, and also between the Portuguese Naval Commander-in-chief and the Senior Officer of Her Majesty's naval forces.

Your Excellency will not, therefore, be unaware that in the above-mentioned correspondence a claim was put forward on behalf of the Portuguese Crown to the sovereignty of the territory lying between 5° 12' and 8° south latitude, within which is situated the town of Mangue Grande, where the attack by the boats of the "Antelope" took place.

In the protest of the 14th March last which the Governor-General forwarded to Her Majesty's Consul at Loanda, but which that Consul was unable to receive, as the act against which the protest was directed did not occur within his Consular jurisdic-

tion, the Governor-General referred to the "rights of sovereignty which the Crown of Portugal possesses all along the coast to 5° 12' south latitude, within which Mangue Grande is included."

In his letter of the 19th March last to the Senior Officer of Her Majesty's naval forces on the West Coast of Africa the Commander of the Portuguese naval forces likewise referred to the disembarkation of armed men from the boats of the "Antelope" as having taken place in "territory recognized as Portuguese dominion."

As a claim to the sovereignty of the territory lying between 5° 12' and 8° south latitude has thus again been put forward on behalf of the Portuguese Crown, Her Majesty's Government have deemed it right to ask for some explanation from the Government of His Most Faithful Majesty, inasmuch as such a claim, if it were to remain unnoticed, might lead to serious differences between the British and Portuguese naval forces on the West Coast of Africa, for in the instructions usually issued to British Naval Commanders since the year 1856, in which a similar claim was discussed between the two Governments, no alteration has been made of such a nature as to enable them to recognize the territory in question as Portuguese dominion.

I am accordingly instructed by Lord Stanley to call your Excellency's attention to this matter, and, in so doing, I am to state to you that Her Majesty's Government are unaware of any considerations which might tend to enable them to take a different view now of this claim from that which they took in 1855-56, when the question was formerly discussed between the two Governments.

Your Excellency will perceive that under these circumstances serious differences, which Her Majesty's Government would extremely regret, might arise on the African coast if, in consequence of the claim which has been officially put forward by Portuguese authorities on that coast, any attempt were to be made on the part of the Portuguese naval forces to occupy any part of the territory in question.

I am therefore further instructed to express to your Excellency a hope that such instructions will be issued to the Portuguese authorities on the African coast as will prevent the occurrence of any such serious differences.

I avail, &c.
(Signed) J. P. HARRISS.

No. 43.

Lord Stanley to Count Lavradio.

M. le Comte,

Foreign Office, September 13, 1867.

HER Majesty's Government have had under their consideration your note of the 20th ultimo, in which, by the instruction of your Government, you have claimed compensation for the losses sustained by Portuguese merchants, whose factories were destroyed either during or in consequence of an attack by the boats of Her Majesty's ship "Antelope" upon Mangue Grande.

Her Majesty's Government regret to observe that your note commences with the statement that Mangue Grande is a village in the territory belonging to the Crown of Portugal, on the West Coast of Africa.

This statement is one which Her Majesty's Government cannot admit, and as the subject has already been discussed between the two Governments, I beg to refer you, for the opinions held by Her Majesty's Government, to a note addressed to you by the Earl of Clarendon on the 26th November, 1853.

Under these circumstances, Her Majesty's Government must decline to discuss the events which took place at Mangue Grande on the 23rd February, on which day you do not represent that any damage occurred to the persons or property of any Portuguese merchants residing at that village.

I must, however, inform you that with regard to the events which occurred at Mangue Grande, both on the 23rd and 24th February last, in which the Commander and crews of Her Majesty's ship "Antelope" took part, Her Majesty's Government, from information on which it relies, attaches to them a character which varies most materially in all important points from the view which you have formed from the accounts placed before you.

With respect to the events of the 24th February, I have to express to you the regret of Her Majesty's Government that property belonging to Portuguese merchants should have been destroyed or damaged during the operations which were provoked and rendered immediately necessary by the hostile aggressions of the native

inhabitants of that village and neighbourhood who opened fire upon the boats of Her Majesty's ships as they approached the shore. But Her Majesty's Government has information, upon which it relies, that no building or house at Mangué Gradne, if any such was a Portuguese factory, or was the property of a Portuguese merchant, was damaged or destroyed on that day unless fire had been first opened from it upon Her Majesty's officers and men, and it had become necessary for them, in self-defence, to silence such fire. Her Majesty's Government has also received information, upon which it relies, that the only two buildings or houses which had the appearance of being Portuguese factories, the Portuguese national flag being displayed upon them, were scrupulously respected during the events of the 24th February, and remained uninjured at the time when Her Majesty's officers and men returned to Her Majesty's ship "Antelope" on the evening of that day; and that after the fire of the natives had been silenced on that day, the Portuguese occupants of those two houses, upon which the national flag of Portugal was displayed, communicated freely with Her Majesty's officers before they returned to their ship, and did not ask for protection nor intimate any apprehension of the violence to which you represent them to have been afterwards exposed.

Her Majesty's Government observe that you admit that it is not known how these two houses came to destruction, and I cannot, therefore, refrain from expressing to you their regret that you should have placed faith in the statement made by some person, whom you do not name, that Her Majesty's officers and men, before destroying the factories, carried off the merchandize that was in them to take it on board the "Antelope;" and I must repeat to you, M. le Comte, that Her Majesty's Government has information, upon which it fully relies, that the two houses or factories above mentioned, upon which alone the national flag of Portugal was exhibited, were perfectly uninjured, and had not been plundered when Her Majesty's officers and men re-embarked in their boats on the evening of the 24th February; and, moreover, that on the morning of the 25th February the Commander of Her Majesty's ship "Antelope," on landing at Mangué Grande for the purpose of offering protection or assistance to the occupants of the two houses or factories above mentioned, if any should be needed, found that they had been destroyed from the rear during the night and were empty, and that the Portuguese occupants had abandoned them, but under what circumstances he was unable to ascertain.

With reference, M. le Comte, to your representation that the Commander of Her Majesty's ship "Antelope" proceeded to destroy Mangué Grande without previous notice to the Portuguese factories of his determination to do so, I must inform you that the native inhabitants commenced firing upon Her Majesty's boats before they reached the shore on the 24th February, and that after the fire of the natives had been silenced by the return fire of the boats so as to enable Her Majesty's officers and crews to land, the natives recommenced firing upon them on shore, and obliged them, in self-defence, to return the fire and to dislodge the natives from the shelter in the villages, an operation which could not be effected without the destruction of many huts and of the buildings from which fire had been previously opened upon Her Majesty's officers and men.

I cannot conclude this note, M. le Comte, without renewing to you the assurance that it is the earnest wish of Her Majesty's Government, for the fulfilment of which they have from time to time issued the necessary instructions, that Her Majesty's officers and men should give efficient protection, in case of need, to Portuguese merchants residing beyond the territories of the Crown of Portugal upon the West Coast of Africa, and I think it is but fair that I should inform you that the Commander of Her Majesty's ship "Antelope" took occasion, on sailing northward from Mangué Grande, to send his boats' crew on shore wherever any houses were visible with a view to offer such protection, and that his services were accepted and gratefully acknowledged by the occupants of the Portuguese factories at Cabeça de Cobra on the occasion of their being attacked by the natives on the 27th February.

I have, &c.

(Signed) STANLEY.

*Senhor Corvo to the Duke de Saldanha.—(Communicated to the Earl of Derby by
Senhor Quiliman, January 24, 1875.)*

(Translation.)

Your Excellency,

Lisbon, December 4, 1875.

IN a despatch dated the 25th August last the Governor-General of Angola communicated to the Ministry of Marine that an English naval force was collecting at Zaire, under the command of Commodore Hewett, for the purpose of chastising the Mossorongo blacks, who, in January of the current year, had sacked and burned the British schooner "Geraldine," and assassinated four of her crew. Along with Commodore Hewett, Captain Hawkins, British Consul at Loanda, embarked, who, when announcing his return to the Governor-General on the 21st September, informed him that the expedition had succeeded in punishing the pirates, destroying some villages on the banks of the river which served them as asylum. This act practised by the naval forces of Her Britannic Majesty, which, as might be presumed from the manner in which it was done, without previous agreement with the Government of His Majesty, thus tending to a violation of the rights reserved in the Conventions existing between Portugal and Great Britain, naturally attracted the attention of the Portuguese Government.

Confiding in the sentiments of reciprocal good-will that for so long a time happily have animated the relationship between the two countries, the Government of His Majesty did not for a single moment repute the act to which I allude a deliberate aggression, but simply considered it, believing that Her Britannic Majesty's Government would not disavow this interpretation, the inevitable consequence of the indecision in which circumstances contrary to its desires had placed the question raised in 1846 by the British Government as to the territories situated to the north of Angola. The inference, then, that Her Majesty's Government drew from the act of Commodore Hewett was chiefly that the necessity existed for settling this question in a definite manner, one raised in manifest contradiction to the historical traditions, confirmed by long years of usage, and in clear opposition to the inevitable tradition of previous Treaties.

The intention that animates the Portuguese Government to renew now the negotiation that has been pending for so many years is to promote an accord between the two Governments which shall bring the question to a solution conformable to their mutual interests, and of a nature to assure to that region, with the maintenance of peace, the repression of piracy, liberty, and the necessary facility of commerce to all civilized nations, and the beneficent action of a regular Government.

The Government of His Majesty opines that it cannot, without manifest injustice, attribute to a sentiment of hostility on the part of Great Britain, to whom Portugal has for centuries been attached in the closest alliance by indissoluble ties, the doubts and objections frequently put forward by some statesmen that since 1846 have directed the Department of Foreign Affairs of Great Britain with respect to the territories which form the northern limit of the Province of Angola. Sincere suspicions that the restrictive system then preached and followed, contributed but indifferently to dispel, of seeing repeated obstacles put in the way of British commerce being freely exercised in those regions, fears of feeling itself confined by the employment and wholesome activity of the cruisers of the two countries acting in accord for the extinction of the Slave Trade, were, it is manifest, the sole cause of those difficulties that England for long years opposed to the fact of the occupation by Portuguese troops of the cited portion of the African coast, although she could not, in presence of the Treaties' clauses, make legitimate opposition to our right. We have undeniable testimony of this in the unsuspecting assertions of the British Government, which are contained principally in the note from Lord Palmerston to the Baron de Moncorvo on the 30th November, 1846, and in the notes of the British Representatives in Lisbon of the 17th April, 1855, and of the 8th September of the same year, to which I refer more fully in the Memorandum which I have the honour to remit to your Excellency along with the present despatch.

The years that have passed by until now have entirely changed the face of affairs as regards the question.

The Slave Trade may be considered as entirely extinct at this part of the African coast, our occupation of Ambriz having contributed largely to this end. The ports of the Province of Angola are open, without exception, to the trade of all nations.

The Portuguese Government is not only disposed to maintain, but also to enlarge

at all points where it has reserved its rights of sovereignty, and which, in future, it may occupy, those facilities and that security which were conceded in Ambriz, and which experience had shown to be an indisputable advantage in promoting the increase of foreign commerce. The Portuguese Government entertains a profound conviction that a present accord is attainable, and that between their true and intuitive interests and those of the Government of Her Britannic Majesty, not only no irreconcilable difference exists, but, on the contrary, the completest harmony. The policy of Great Britain in Africa may be resumed in a few words: development, by the propagation of the Gospel amongst the African tribes, for so many years deprived of its beneficial influence; the spread of British commerce, which, besides being a certain means of national prosperity, is an instrument (although a secondary one, of a certainty an efficacious one) of securing the increase of the commerce of other civilized nations; thus inviting to habits of more polished usages, conformable to the dictates of Christianity, and to the progress of human reason, the indigenous population of the south of the African continent. The mode, then, is identical—I am happy to say so—to that in which the Portuguese Government understands its interests, identical, then the motives, in latter times especially, that have been the incentives of its acts. Her Britannic Majesty's Government will certainly have no hesitation in at once admitting the truth of this assertion. Amongst the means most conducive to the obtaining this exalted object, in the first place there figures the definitive occupation of certain selected points of the coast and of the interior. Without this, any means whatever, that the most decided benevolence might counsel, and that the best-intentioned Government might think fit to apply, would be doubtless of little effect. Thus the Portuguese Government opines, and so Her Britannic Majesty's Government understands it, that has never hesitated whenever circumstances demanded or permitted the extension of the sphere of her large possessions. But this occupation should be efficacious, and that it should not become, by a rivalry hurtful to both countries and to the interests of humanity, an useless expenditure of profitable energies, His Majesty's Government is of opinion that, in unison with the admitted and recognized harmony now existing, there should be mutual accord in the action of the two Governments.

To England and to Portugal Providence seems to have assigned the glorious mission of civilizing the vast regions of Southern Africa; in fact, no other nation occupies territory which in importance or extent can be compared with those which, by right, belong to the Crowns of these two nations. That similarity of opinions and interests which unite in the strictest alliance the two nations in Europe, His Majesty's Government thinks must and ought to produce equally favourable results when they are with sincerity united on their African Colonies. And moved by these considerations, His Majesty's Government, which has resolved on affirming by means of actual possession the validity of their reserved rights, thinks it desirable that your Excellency should convey to the Government of Her Britannic Majesty the result of such deliberation, that it may not be put into execution before the desired agreement. It is not alone the conscience of its right, so often vindicated by the express letter of Treaties, that has moved the Government of His Majesty to the resolution referred to. Other considerations equally weighty counsel immediate action. Acts of hostility on the part of the indigenous population against the persons and property of merchants established in those places of the coast of Africa where garrisons have not as yet been appointed are of frequent repetition. The colonial annals of the two countries record a long list of facts similar to those which gave rise to the recent English interference in Zaire. It is necessary to prevent the repetition of such acts of violence, and the quickest way of doing so would be again an effective occupation, which, without embarrassing with useless trammels the transactions of legitimate commerce, would efficaciously protect same from the depredations and insults of the natives. Of the nations which such an occupation would most immediately interest, Portugal is naturally the one most fitted to carry it out. The traditions of her dominion, the occupation for many years, and the vicinity of the other possessions of the Portuguese Crown to the south of the point to which I refer, joined to the consciousness of her exclusive right, are powerful incentives to this enterprise. The relations which our Government of Angola have carefully cultivated with the Kinglets of the regions to the north of the province are of remote date; as late as 1859 the Governor-General of Angola, with the consent and at the request of the greatest part of the native population, interfered, with armed force, to replace the legitimate King on the throne, who had been displaced by a bold and successful usurper; such relations will contribute necessarily and powerfully to facilitate the task of occupation.

Should, however, these considerations of necessity and convenience (contrary to the natural expectations of the Portuguese Government) fail to convince the Government of Her Britannic Majesty of the fitness of such occupation, His Majesty's Government still hopes that no objection will in reality be raised to the execution of their intention, which is nothing more than the realization of a right the existence of which in the Crown of Portugal England expressly recognized in the Treaties made with Portugal. England, more than any other nation in Europe, bases its policy on the immutable grounds of right. It would not, of a surety, be in her dealings with the most ancient and most faithful of her allies that Great Britain would choose to disavow the opinions and traditional practices of its Government, which, influenced on all occasions by the severest dictates of morality and right, and its most elevated title to the respect and esteem of enlightened people. In her relations with other nations, Great Britain has for long years exercised the noble mission of being the representative and champion of international law; it is due still more to this fact than to the power of her vast maritime forces that England owes the great influence she has always exercised in the concert of nations. So late as November 1870, whilst replying to Sir A. Buchanan that the object of a Treaty was reciprocally to bind the Signatory Powers, Lord Granville held as subversive of right the doctrine by which one of the Contracting Parties subjected the whole question to its own authority, and barely as far as concerned itself considered the same binding. Fully convinced that Her Britannic Majesty's Government would not by any unjust opposition to the exercise of a right consecrated by Treaties desire to call down upon itself the noble censure contained in the words of the English statesman, the Portuguese Government cherishes the well-founded hope that it will see dismissed, for ever, the probable cause of future differences, and in consequence a closer union of ties that, to the manifest advantage of the two countries, bind His Majesty's Government to that of Her Britannic Majesty.

Your Excellency will be pleased to read this despatch and the Memorandum that accompanies it to Lord Derby, and if it be so required, your Excellency may leave with him a copy of the two documents.

God preserve, &c.

(Signed)

JOAO D'ANDRADE CORVO.

Inclosure 1 in No. 44.

Memorandum.

(Translation.)

THE bases on which Portugal founds her claims to the territories of the western coast of Africa comprised between 5° 12' and 8° south latitude are four in number:—

1. Priority of discovery. Since the fifteenth century, and the reign of Dom John II, the Portuguese Crown considers itself, as the Viscount of Santarem clearly shows, Sovereign of the coast of Africa situate between the above limits. The legitimacy of such claim has never been questioned by the English Government.

Lord Clarendon even manifestly recognizes it in the note which, on the 26th November, 1853, he addressed to Count Lavradio.

2. Occupation often commenced, and repeatedly interrupted, not by foreign opposition, legally exercised, or by well-founded doubt as to the validity of the rights of the Portuguese Crown, but by considerations, perhaps either economical or political, without such temporary interruption, meaning either the rupture of, or desistancy from, our rights.

3. The intention, constantly demonstrated by words and acts, of preserving, even in the absence of an effective and lasting possession, the sovereignty of the territories comprised within the above-mentioned limits. In the pamphlet written by the Viscount de Sá da Bandeira entitled "*Faits et Considérations relatifs aux Droits de Portugal sur les Territoires de Molembo, Cabinde, et d'Ambriz*," a lengthy enumeration of these acts may be found.

Amongst others, the following are some of the most recent: In 1846 three Brazilian ships, employed in the Slave Trade, were captured in the vicinity of Ambrizette, and condemned by the Portuguese Tribunals, as having been taken in Portuguese waters. In 1848 the Commandant of the Portuguese naval station, Cordeiro, refused to accept the help of the English forces, when it was proposed to

destroy the barracoons of slaves established in Ambrizette, alleging as a reason that such destruction should be effected exclusively by Portuguese arms.

We may here observe that the expedition was undertaken by Cordeiro at the instance of the Commandant of the English naval station of Angola.

4. The Treaties and Conventions made with Great Britain. In Article X of the Treaty of Alliance signed in Rio de Janeiro on the 19th February, 1810, the rights of the Portuguese Crown to the territories of Cabinda and Molembo are explicitly recognized.

It is true that in Article II of the Treaty for the abolition of slavery made in Vienna on the 22nd January, 1815, between Portugal and Great Britain, the territories upon which in the Treaty of 1810 the rights of the Portuguese Crown are absolutely recognized are therein designated only as being claimed (are claimed) by the said Crown; but in Article II of the Additional Convention to said Treaty, made on the 28th July, 1817, the territories designated as belonging to Portugal are: (1) territories of which the Portuguese Crown is actually and effectively in possession (possessed by the Crown of Portugal), situated from 8° to 18° south latitude; (2) the territories of Cabinda and Molembo, from 5° 12' to 8° south latitude, which is not occupied by the Portuguese Crown, but upon which she declares to have maintained her rights (has maintained her rights). The purport of the cited declaration is manifest—that Portugal did not wish that the tacit desistance from her rights should be inferred from the fact of non-occupation of the territories now disputed.

We shall now see how, twenty-nine years afterwards, the British Government interpreted the said declaration. In the project of a Treaty which was not concluded, negotiated in 1839 by the Viscount de Sá da Bandeira, then Minister of Foreign Affairs, on behalf of Portugal, and Lord Howard de Walden, the British Minister in Lisbon, on the part of England, a similar reserve is observed.

It is to be regretted that in the definitive Convention made on the 25th July, 1842, for the complete extinction of the Slave Trade, not only was it not sought to fix with due precision our rights, but not even was the most distant reference made to a subject of so much importance. It was not, however, on account of this reserve that the Convention of 1839 was not carried into effect; it is certain that even at that date England did not impugn our rights, which were only subsequently disputed by her, and that Commodore Foote had no grounds whatever for stating, as he stated to the Council of Angola on the 28th August, 1843, that our rights of sovereignty had been previously denied by Great Britain.

The earliest doubts raised by England, doubts which shortly afterwards were changed into a flat denial of the recognition of our rights, are only coincident with the first occasion of the execution of the Convention of 1842. The Minister of Marine communicated, on the 19th January, 1844, to the Minister of Foreign Affairs, that the Commandant of the English naval station, John Foote, had proposed to the Council of the Government of Angola a Treaty between Portugal and Great Britain on the one side, and the King of Congo on the other, for the abolition of slavery, and contested the Portuguese dominion in some points of the coast of Africa. The date of the proposed Treaty was the 28th August, 1843. It was on this occasion that Foote declared he was ignorant of what constituted the northern limits of the Province of Angola, and to what points the Portuguese dominion reached. The Council of the Government answered him on the following day that the Portuguese possessions on that coast reached to the north up to Molembo inclusive. The Commodore, in his reply, stated that the reserved rights of Portugal had been previously denied by the British Government. The Council replied to this that questions relating to Treaties could be competently argued only between Governments. It is not now easy to say whether Foote acted on his own responsibility, or in compliance with instructions from his Government. What is beyond doubt is that England, as if she adopted the opinions of Foote with respect to the Portuguese sovereignty in those regions, made a Treaty with the French Government, of which the Portuguese Government was not informed until after signature, which might justly be deemed an outrageous violation of the said sovereignty. His Majesty's Government, immediately it was informed hereof through its Chargé d'Affaires in London, the Baron da Torre de Moncorvo, protested against some of the stipulations.

Five clauses were made the subject of the protests of His Majesty's Government; Articles I and II indicate the points on the African coasts which should be watched by cruisers of the two Contracting Governments, namely, British forces in Eastern Africa, combined forces on the western coast from Cape Verde to 16° 30'; Article IV, which conferred on the Commanders of the two fleets the faculty of negotiating

Treaties with the native Chiefs of part of the said coast for the suppression of the Trade; Article VI, which authorized the said Commanders to employ, by mutual agreement and in conformity with the law of nations, the force necessary to compel the due observance of those Treaties, and, should they deem fit, to occupy some of the points indicated; and Article VIII, which conceded to the cruizers the right of verifying the nationality of suspected ships, &c. The note of Baron de Moncorvo to Lord Aberdeen of the 28th June, 1845, who was unaware that such agreement had been made without either the consent or previous knowledge of the Portuguese Government, showed the opinion of that Government that such stipulations could never be applicable to the territories belonging to the Portuguese Crown and to those wherein Portugal reserved her sovereignty, that they could not make Treaties with the kinglets subject to Portuguese dominion, nor occupy any point whatsoever of territory, in violation of the rights of Portugal, "who could never become the object of diplomatic transactions between two foreign Powers;" and after declaring that Portugal withheld her consent to admit France, with whom she had not been in treaty, to have the right of search; expressed her conviction that the British Government had not lost sight of the ties that bound her by Treaties to Portugal when concluding such Convention.

In the answer addressed to the Baron da Torre de Moncorvo, Lord Aberdeen declared that any hesitation on his part in giving a full and frank explanation as to the points of Convention which formed the subject of the note of Baron Moncorvo of the 28th June would be but a sorry acknowledgment of the sincere and efficacious efforts made by the Portuguese Government to abolish the Traffic; and, answering in the most satisfactory terms to the Portuguese demands, he added that the Convention in those Articles relating to the operations of the squadrons on the coast of Africa, "including that part which is under the dominion of the Portuguese Crown, and that to which the reserved rights that have been recognized as appertaining to Portugal, refers, was not made to prejudice, in the smallest manner, the rights of Portugal." In presence of these frank and categorical declarations, it was natural to consider the question of the acknowledgment by Great Britain of the sovereignty of Portugal on the West Coast of Africa, in conformity with the tenour of the Treaties and Convention above mentioned, once, and for all, settled. However, in the course of the next year, 1846, it happened that a launch, belonging to an English factory established there, suspected of introducing contraband into the country, was seized in the Province of Ambriz. Referring to the capture, the English Consul, Mr. Brand, complains that the limits of our possessions are ill-defined, and that he fears that serious embarrassments may occur to the commerce of his country on this account. Instructions were, it would appear, given to the English Chargé d'Affaires in Lisbon to reproduce such complaints, and to say that this intervention of the Portuguese authority, in the case of ships which had not regular papers and custom-house documents, was contestable in the absence of a well-established definition of the confines of the Portuguese possessions on the West Coast of Africa. Either the British Government, or its Representatives in Lisbon, appear to have forgotten the Treaties and Conventions of 1810, 1815, and 1817, and of the express declarations of Lord Aberdeen of the 20th September of the previous year.

On the 24th November, 1846, on the occasion of a seizure and condemnation to which reference is made in the present Memorandum, the British Chargé d'Affaires, Southern, asserted openly, denying the Treaty alluded to, that the sovereignty and jurisdiction of Portugal had only been admitted by the Convention of the 28th July, 1817, from the 8th degree of south latitude to the 18th on the western coast of Africa. The inexactitude of this assertion has been shown above.

At length, Lord Palmerston, thinking that he saw, in the seizure alluded to, that Portugal had thereby the intention of fortifying its rights, declared to Baron Moncorvo, on the 30th November of the same year, that, whilst he admitted Ambriz to be by Great Britain considered as the extreme north of the Portuguese dominions, he did not allow to Portugal the sovereignty from 5° 12' to 8° south latitude, although that point was situated to the north of the 8th degree. No one ignores that the port of Ambriz was, by its situation, particularly well adapted to the Slave Trade.

In his despatch of the 29th August, 1843, addressed to the Council of the Governor of Angola, Commander John Foote did not hesitate to affirm that, since the Treaty of 1842, the Traffic did no more than pass through Angola for the territories of the north.

Lord Aberdeen, in his already-quoted despatch of the 20th September, considered the port of Ambriz as one of those that offered the greatest incentives to the Traffic.

On the 25th June, 1843, the English Legation proposed to His Majesty's Govern-

ment the co-operation of the English fleet to put an end to the slave-depôts at Ambriz. The Portuguese Government rejected the offer. It was, however, an indirect acknowledgment of the Portuguese sovereignty on that part of the coast; basing their refusal on the fact that the Commander of the Portuguese station had instructions to destroy the barracoons that existed in that locality, and that he believed the force at his disposal was sufficient to that end.

A similar offer was made on the 1st November, 1848, on the part of the English Commodore to Commander Cordeiro, who replied that his instructions forbade his accepting such co-operation. The expedition was then successfully carried out by the Portuguese naval authorities unassisted. As early as the 4th March, 1847, Pedro Alexandreno, then Governor-General of Angola, had proposed the definitive occupation of Ambriz in order to put an end to the Slave Traffic, and to the contraband trade that, entering that port, afterwards inundated the province, to the great detriment of the public revenue.

It was intended to carry this into effect in 1850; but it was only on the 20th January, 1855, that Ministerial orders were issued to the Governor-General of Angola, giving him instructions as to the definitive occupation. After this there followed, on the part of England, repeated complaints and energetic reclamations. On the 17th April, 1855, the Minister Plenipotentiary of Her Britannic Majesty in Lisbon, Pakenham, wrote to His Majesty's Government that the English Government was informed that Governor Amaral had communicated to Commodore Adams his intention of proceeding to the immediate occupation of Molembo, and that Adams had protested against such intention; that he had received instructions to assert that the act of the said Commodore had been approved of; and added that the Government of Her Majesty had often declared to the Government of His Most Faithful Majesty that it ought to maintain the right of non-interference with that part of Western Africa that lies between 5° 12' and 8° south latitude. We should state here at once that by the very words of the English Ambassador it is manifestly to be inferred that the sole basis of the opposition of the British Government was the fear that the Commander of the Portuguese force would introduce into the occupied territory regulations by which foreign nations would be deprived of free trade with that part of the coast of Africa. On the 8th September of the same year identical reclamations were addressed to the Portuguese Government by the Representatives of the British Government, stating at the same time the English Government considered itself authorized to hope that no design of taking possession of that part of the West Coast of Africa would be formed without Her Majesty's Government being convinced that such occupation was necessary and urgent, and without being assured of the suppression of the Traffic, and the maintenance of free trade, as actually carried on by British merchants, in territories over which His Most Faithful Majesty's Government proposed to extend its dominion. Again, on the 19th of the said month, Pakenham holds Portugal responsible for any act that his Government opines ought to be practised in the defence of the interests of British subjects.

In presence of the many manifest desires that there should be conceded to English commerce all the security and facility compatible with the exercise of sovereignty, the Portuguese Government considered that it should and ought to have the most complete assurances on this point from the British Government, which, without ceasing its protests against occupation, authorized, notwithstanding, its Representative in Lisbon to affirm that they were in every point satisfied with the declarations of the Government of His Majesty. The British Government did not, however, confine itself to protesting solemnly by its Diplomatic Agents in Lisbon against the occupation of Ambriz. The English Commanders of the naval station of Angola went on helping by their acts the efforts of the British Government, who set before itself the task of treating our rights as annulled. As early as the 28th April the Government of His Majesty was informed that the Commander of the British war-steamer "Harlequin" sought, by alternate threats and promises, to conclude Treaties with the Kings and petty Kings of Cabinda without the knowledge of the Governor-General of Angola. On that occasion Lord Clarendon affirmed, in consequence of the strong representations made on that act by Count Lavradio, that the British Government, far from wishing that any prejudice should be caused to the commerce of Portugal, desired to see her prosperous and improving, and that, as to the rights of His Majesty over any territory belonging to her Crown, not only did he respect them, but that he was ready to assist in causing them to be respected against whomsoever should attack them. In spite of these unequivocal and tranquillizing assurances, other attempts to effect a Treaty with the Queen of Ambrizette were made by Captain Need, of the

English navy, who succeeded in causing a Treaty to be signed on the 17th September, 1855, with some of the natives, in the name of, although without the authority of, the Queen.

Notwithstanding the immediate protests made by the Count Lavradio, and of a counter-declaration made and signed by the lawful Queen, "Inguengue," and by the Chiefs of Ambrizette, affirming that the individuals who had signed the Treaty with Captain Need had no right to do so, Lord Wodehouse, the ex-Under-Secretary of State, declared that he had approved the Convention, and in this sense transmitted orders to Adams; and Lord Clarendon, First Secretary of State for Foreign Affairs, being unable to defend the action of Need, endeavoured, in his note to Count Lavradio of the 8th October, to withdraw from the dilemma by evasive reflections foreign to the subject, and at the same time represented the Convention made by Adams as forming part of the documents about to be presented to the approval of Parliament. Not to facts of this sort only and to similar protests was the activity of the English Government confined, whilst impugning those rights of the Portuguese Crown that it had for long years recognized.

In a note addressed to the Count Tojal on the 9th November, 1850, the English Representative in Lisbon, Seymour, laments the gross geographical ignorance that existed in 1817, and even later; he asserts with the greatest seriousness that by documents before him he could prove that it was only at the termination of the year 1847 that Lord Palmerston became aware that Ambriz was situated to the north of that part of the coast of Africa whose sovereignty was recognized in the Portuguese Crown by the Convention of the 28th July, 1817; and argues that a geographical error cannot be considered conclusive when opposed to the wording of a Treaty, or to the language of a well-informed Minister.

The English diplomatist appeared to think, without a shadow of a doubt, that the stipulations of the bilateral contract to which he alluded could be outweighed in efficacy by an allegation of ignorance of geography, however sincere, on the part of one of the Contracting Parties. All the lengthy negotiation with the English Government about the occupation of, and the dominion of Portugal in, Ambriz, is worthy particular attention. At first sight these transactions might only be considered of secondary importance to the principal question of Portuguese sovereignty in the tract of coast between $5^{\circ} 12'$ and 8° south latitude. The first and general question, however, is involved in this incident. In the solution which may be given hereto will be found the solution of the principal question on which depends the most respected rights as well as the highest interests of Portugal. Lord Palmerston did not ignore the gravity hereof when, according to letters addressed by Count Lavradio to the Minister of Foreign Affairs on the 27th July, 1856, he declared that the occupation of Ambriz signified the establishment of Portugal on that part of the coast of Africa which England thought should be considered independent. In the following month the same functionary writes that Lord Clarendon had informed him that the Government of Her Britannic Majesty insisted "that for the present the reoccupation of Cabinda, Molembo, and other parts of the coast should be delayed until it should be seen whether the trial made in Ambriz was productive of results favourable to the civilization of those people and to the development of commerce; in that case the British Government would make no opposition to the Portuguese extending their establishments on that part of the coast of Africa to the point where they claim to have a right." It is not to be supposed that the British Government is actually disposed to deny the good results that are derived from the attempt made in 1855 for the civilization of those races and for the development of commerce. His Majesty's Government being desirous of putting an end, by mutual agreement, to the differences of opinion in a formula accepted without manifest or hidden reserve by the two parties interested, authorized its Representative in London to propose and negotiate a Convention which should definitively fix the sense of Article II of the Additional Convention of 1817. The new Convention ought, conformably to the opinion and desires of the Portuguese Government, to ratify the rights of Portugal to the whole of the region to the north of Angola up to $5^{\circ} 12'$, and to regulate the conditions under which English commerce ought in future to be exercised in those territories. Notwithstanding the endeavours made by the Portuguese negotiator, and the spirit of conciliation with which (equally with the Government of which he was the Representative) he was manifestly animated in the negotiations then commenced, these were interrupted by an official Counter-project on the part of Her Britannic Majesty. Convinced of the usefulness of its endeavours to settle by mutual agreement the question so long in debate, His Majesty's Government deemed itself authorized, with the view of obtaining

some of the advantages which it was probable would accrue from the proposed Agreement, to submit to the sanction of Parliament a Proposal of Law, having for its object the termination of slavery in all the Portuguese possessions of the coast of Africa, including Cabinda and Molembo.

On the 5th May, 1856, Count Lavradio announced that the projected Act had not produced a good impression at the Foreign Office. Indeed, on the 2nd June of the same year, under the pretext that the negotiations for the Treaty could not be considered as entirely broken, the Representative of England expressed his astonishment, in the name of his Government, at the presentation to Parliament of the Proposal of Law alluded to, and declared that the attempt of the Portuguese authorities in Africa to extend their occupation would be repelled by force. Howard was perhaps unaware, when he affirmed that the negotiations for the Treaty were pending, that Count Lavradio had in March written to Lord Wodehouse, the Under-Secretary of State, that they were terminated in consequence of the unacceptable clause of the English Counter-proposal. The same phrases were repeated in the notes of Howard of the 25th July and 7th August.

Notwithstanding the tone, certainly exaggerated, in which the British Government expressed itself, as if it felt itself strong in its right, the resolution to which it had come to oppose by force that which it made no hesitation in calling "encroachments" of the Portuguese Crown, the English Cabinet endeavoured to have recourse to other means, which, although indirect, it perhaps deemed better adapted to obtain from Portugal a desistance from its rights.

In a conference, on the 17th September, 1856, between Count Walewsky and Count Lavradio, the French Minister informed the Representative of His Majesty that, having asked explanations from Lord Cowley with reference to the affairs of Western Africa, the latter handed him, after a long interval, not a very clear Memorandum on the question, and asked him, in the name of his Government, to give to the French Minister in Lisbon urgent instructions to persuade His Majesty's Government to accede, without delay, to the conciliatory propositions which had been presented to them. It was with the idea of enlightening himself on the subject that the Minister of the Emperor sought for a conference with Count Lavradio. Whilst explaining to Count Walewsky the reasons which counselled the non-acceptance by the Portuguese Government of the British propositions, Count Lavradio assured him that, in the last case, the Government of His Majesty would gladly accept the mediation of the Imperial Government.

In the two months that followed there appears to have been no interchange of communications between the two Governments on the subject.

On the 18th December, however, Lord Howard, in virtue of instructions which he had received from his Government, asked for information from His Majesty's Government with reference to the Custom-house Tariff decreed for the Customs Office of Ambriz, to be put into execution one year after publication, that is to say, on the 8th October, 1857, thus giving a tacit acknowledgment of the possession of Ambriz and to the right of Portugal to legislate in that territory.

Notwithstanding this, five months afterwards, in the note of the 5th March, 1857, observing that, in answer to his note of the 18th December of the preceding year, mention was made of the ports of the north of Ambriz as belonging to Angola, and as if it were the intention of the Government of His Majesty to establish custom-houses at the said ports, he calls the attention of the Portuguese Government to the declaration as to the limits of Angola, addressed by him to the Viscount Athoguia on the 2nd June, 1856, and adds that his Government hoped that no motive for discussion would arise with reference to such questions between the two Governments. Portuguese dominion was definitively established in Ambriz. The declaration made by Lord Palmerston to Count Lavradio, that has been cited above, is worthy of remembrance at this point.

During the long period of ten years, the correspondence on this momentous question seems to have ceased between the two Governments. The return of Count Lavradio to Lisbon was certainly one cause of this prolonged silence. The English man-of-war "Antelope," however, having at the commencement of February 1867 bombarded Mangué Grande, in punishment of supposed or real excesses practised by the natives on some of the ship's crew, the Government of His Majesty instructed Count Lavradio to claim indemnity for the prejudices which some Portuguese factories are said to have suffered during the bombardment. Lord Stanley, in answering the claims presented by Count Lavradio, expresses his regret that the Representative of Portugal should have commenced by asserting that Mangué Grande

was situated in territory appertaining to the Portuguese Crown, and again contesting the rights of Portugal to that part of the western coast of Africa, refers Count Lavradio to the note which on the 26th November, 1853, was addressed to him by Lord Clarendon.

From the despatch addressed to the Office for Foreign Affairs on the 13th August, 1868, it is evident that Count Lavradio had not replied to the note of the Foreign Office, convinced possibly of the inutility of his endeavours to obtain the indemnity sought for, and not less desirous of avoiding the renewal of discussions relative to Western Africa. No event whatever having since the last-named date given occasion for the renewal of the interrupted discussion, this important question still remains undecided.

However, the act practised this year by Commodore Hewett has induced His Majesty's Government to reopen to discussion, which it hopes will now be decisive, a question the non-settlement of which may, as Mr. Harris, Her Britannic Majesty's Chargé d'Affaires, observed on the 28th August, 1867, be a future cause of serious misunderstanding between the two Governments.

From this brief exposition of events, commencing in 1846, relating to the sovereignty of Portugal on the western coast of Africa situate between 5° 12' and 8° south latitude, it is evident that the documents most clearly affirming our rights are: the note from Lord Aberdeen to Baron Moncorvo of the 20th September, 1845; despatch from Count Lavradio of the 14th May, 1853, in which may be read the declarations of Lord Clarendon as to the intentions of the British Government; note of Lord Ward of the 8th September, 1855; despatch of the 8th February, 1856, in which Count Lavradio narrates the conference he had with Lord Clarendon on the 8th February, 1856. The pamphlet by the Viscount Sá da Bandeira, published in 1856, which accompanies this, will serve as a sufficient commentary to this short sketch of the origin, successive phases, and present condition of affairs.

Inclosure 2 in No. 44.

PAMPHLET entitled "Faits et Considérations relatifs aux Droits du Portugal sur les Territoires de Molembo, de Cabinde, et d'Ambriz, et autres lieux de la Côte Occidentale d'Afrique située entre le 5° 12' et le 8° de latitude australe. Par le Vicomte de Sá da Bandeira. Lisbonne, Imprimerie Nationale, 1856."

No. 45.

The Earl of Derby to the Duke de Saldanha.

M. le Ministre,

Foreign Office, February 8, 1876.

I HAVE the honour to acknowledge the receipt of a despatch, in translation, addressed to you by the Portuguese Minister for Foreign Affairs, and communicated to me in your absence from town by Senhor de Quiliman, together with a Memorandum inclosed therein, and a pamphlet by the late Viscount de Sá da Bandeira.

It appears from the papers which Senhor de Quiliman has done me the honour to communicate to me, that the Portuguese Government again put forward a claim to that part of the West Coast of Africa which is situated between 5° 12' and 8° south latitude, over which Her Majesty's Government have hitherto refused to acknowledge Portuguese sovereignty, and it would further appear that His Most Faithful Majesty's Government, with the view to affirm their claim, contemplate taking possession of that part of the coast in question.

I must defer replying to the observations contained in the papers which have been communicated to me until I shall have had time to make myself more fully acquainted with the correspondence on the subject which passed some years since between Her Majesty's Government and that of His Most Faithful Majesty; but in the meanwhile I must express the earnest hope of Her Majesty's Government that the Government at Lisbon will issue no instructions to their authorities on the West Coast of Africa which will alter the existing state of things on that coast, inasmuch as the orders which were issued in 1856 to the Commanders of Her Majesty's cruisers to oppose any attempt on the part of the Portuguese authorities to extend the dominions of Portugal north of Ambriz, and of which the Portuguese Government were informed at the time, remain still in force, and Her Majesty's Government would sincerely regret that

anything should occur which might affect the harmony which has so long existed between the authorities of the two countries on that part of the coast.

I have, &c.
(Signed) DERBY.

No. 46.

Consul Hopkins to the Earl of Derby.—(Received June 4.)

*"Avon," at Sea, between Ambriz and Loanda,
April 28, 1877.*

My Lord,

HER Majesty's gun-vessel "Avon" being now on her way to Loanda to disembark me, and to then immediately leave for St. Helena to recruit the health of her crew, I have a short time left to write this despatch.

It is with pain I have to bring to your Lordship's notice certain horrible proceedings that have lately taken place in the Congo River. By the next mail leaving Loanda I will forward your Lordship copies of the evidence I have collected, but can now but briefly state what has happened.

To begin with, I must inform your Lordship that trading factories are established at Banana, Ponta de Lenha, and Boma on the Congo River; at Banana, Dutch, French, and Portuguese; at Ponta da Lenha, Dutch, French, English, and Portuguese, and the same at Boma. All these factories, with the exception of the English, as far as I can learn, are more or less worked by slave labour. The Dutch, I willingly bear testimony to, found matters as they are when they commenced their trade operations on this coast; they hold about 150 slaves, but these people are so well treated that, to all intents and purposes, they are free, and they are never sold or exchanged; in fact, it is their boast that they are children of the Dutch house; in fact, they are really free, but if they were turned out of the Dutch house to-morrow they would have no place to go to, and no one to look to for protection, food, and clothing; yet, although I am bringing myself into great disrepute with the heads of this Dutch house out here, I feel it to be my duty to report that they do hold slaves, and that they have at some time or other within the last fifteen years purchased these people. The next holders of slaves, and they should take rank first, are the Portuguese and Spanish traders. I have known for some time that they had slaves, but I could bring no positive proof, and I wanted to see whether the Emancipation Act would have any effect upon them; it has not. And now I have to bring to your Lordship's notice a crime so barbarous and fiendish that it can hardly have ever been surpassed for cruelty in the annals of the Slave Trade.

At Ponta da Lenha there are two Portuguese houses, one belonging to ———, and the other to ———, a very old slave-dealer on the coast.* ——— has no house of his own, his having been burnt down some two or three years ago, but he rents one from a Dutch house, and trades with their goods, and also I note the Dutch flag always flies. I believe the Dutch agent insists upon the Dutch flag, as a security against any of ———'s creditors seizing the factory, and I know they are not in any way answerable or responsible for his actions.

I state this in fairness to the acting chief agent and one of his partners now on a visit to the coast from Holland, from whom we have at all times received every kindness and assistance.

A few weeks ago an attempt was made to burn down this factory of the Dutch house where this man was residing; the fire was discovered in a small house occupied by one of ———'s black paramours, and a small boy, a slave of his, was accused of having set fire to the house. The details that must now follow are almost too horrible to relate, or be believed. The unfortunate lad was put to the torture of the thumb-screw by this fiend in human shape, and his Portuguese clerks, and, I am sorry to say, assisted by one John Scott, a British subject, a native of St. Helena, and well known in the old days as a slave-dealer. The lad's thumbs were placed between the screws, and continued pressure was applied until, from sheer pain, he implicated some one. Under this fearful ordeal he implicated one Philip, a slave, who had been accused of setting fire to ———'s factory some time ago. At the time of this present fire Philip was many miles away at another factory of ———'s, north of the Congo River. He was sent for and brought to Ponta da Lenha, and without being interro-

* Sometimes they fly the Spanish and sometimes the Portuguese flag.

gated at all, was bound hand and foot and cast into the river. He was taken out into the middle of the stream in a canoe. The captain of a galliot, a Swede, and, I hear, a naturalized Portuguese subject, went in the canoe, and, seizing this unfortunate man Philip by the legs, assisted in throwing him into the river, and cheered as he sank. I will mention this subject officially to the Acting Dutch Consul at Loanda, although he is an employé of the Dutch house.

The thumb-screws were brought again into use on the boy, and he accused another two of ———'s slaves. They were then under the charge of ———, himself a murderer, as can be proved. They were brought down and put to the torture of the thumb-screws until they accused many more. No doubt can be entertained that, under their agony, they accused many innocent people, for women and children of very tender years were included in a conspiracy to burn down the factory, and "ju-jus" were supposed to be made to take ———'s life. These ju-jus or fetishes, supposed to be believed in by the white man, are so absurd that I hardly feel inclined to mention them, but I am only writing in the cause of truth and humanity; and although I run a great personal risk from the enmity of these Portuguese, I cannot be silent so long as the end may be attained and these horrible scenes put an end to for ever.

The torture of the thumb-screw was applied to the unfortunate captives until the bones of their fingers were crushed; and eventually all were drowned, about thirty-two in number.

Twelve were sent in a Dutch steamer to Boma, in charge of John Scott, the St. Helena man. One was thrown overboard and drowned at Fetish Rock by John Scott. I have the captain's statement; he says he was below at the time and knew nothing about it. I doubt this. The other eleven were attached to a chain by John Scott and drowned in front of his house at Boma, and, after two days, floated. Eventually they were cast up on the beach at Moanda, ———'s other factory, many miles away to the north, and the chain that had bound them together was taken off by a Portuguese in the employ of ———, and returned to John Scott. Of this Don many acts of cruelty and murder can be recorded. He advised ——— to shoot me if I landed to make inquiries, and I believe, from Captain Keppel's statement, that many Portuguese had assembled to see me kicked off the premises; but not knowing this, and feeling it would be better to hold no personal communication with him, I did not land. All the evidence I have collected I will forward by next mail, and in the meantime I will lay the matter before the Governor-General of Angola. I could have arrested these people, but, being Portuguese, and in a territory that the Portuguese claim and Her Majesty's Government do not acknowledge their right to, it was difficult for me to keep clear of political difficulties. I trust your Lordship will approve of the course I have taken or am about to take, and will furnish me with full instructions how to act. I trust also that one of Her Majesty's ships of war may be on the spot.

I had hoped to have been able to visit St. Thomé by the "Avon," but the Captain had received no orders yet from the Senior Officer; and although Captain Keppel was willing to take me he could not, looking to the long time he had been on the south coast, the health of the men, and the scarceness of provisions. I trust, however, that, in future, the district of the south division will be so extended as to include the Islands of St. Thomé, Principe, and Gaboon.

I have, &c.
(Signed) DAVID HOPKINS.

No. 47.

Consul Hopkins to the Earl of Derby.—(Received July 11.)

(Extract.)

Loanda, May 29, 1877.

I HAVE the honour to inclose copies of all the correspondence that has passed between myself and the Governor-General of Angola with reference to the atrocities committed in the Congo by various white men, as reported in my despatch dated 28th April; also copies of other letters on the subject, and depositions taken by me at Ponta da Lenha.

I have now to report that his Excellency immediately dispatched the corvette "Sá da Bandeira" and gun-boat "Tamega" to the Congo with a Judge and his necessary staff to inquire into the matter.

The gun-boat returned to Loanda on the 15th instant with the Judge for further instructions and left again next day. I have received no official intimation of what has been done, but I believe matters have been found worse than I was aware of.

The "Sá da Bandeira" returned on the 24th with the Judge and his staff, and the "Tamega" remains in the Congo to arrest the culprits, if possible.

It is reported, how true I cannot say, as I am still without any official notification on the matter, that they are playing hide-and-seek with the Portuguese; that, on the appearance of a party landing at their wharf in front of the houses, they quietly walk out of their back doors, and leave word "not at home."

The subject is too horribly true to be trifled with.

It is painful to have to report that "public opinion" in the Congo justifies the murders that have been committed, on the plea of the enormous loss that would have been sustained had the premises been burnt down.

I am repeatedly told that affairs are really not so bad as have been reported to me. "There were only twenty-nine, and not thirty-two killed, and no little children—the youngest girl drowned was 16, and the youngest boy 15—quite old enough, I ought to admit, not to have taken part in such a horrible conspiracy as burning down good ———'s factory."

There is no doubt that all the houses in the Congo, and all along the coast from Ambriz to Black Point, and further north still, hold slaves more or less—they call them "Krumanos," which is often mistaken by men-of-war officers for Kroomen. They cannot export them, as there is no market, but they would not hesitate to do so in a moment if they saw an opportunity.

These unfortunate people are helpless in their hands, and are sacrificed daily at the whim or caprice of their cruel brutal masters. Commodore Sir William Hewett and myself have seen women working in chains up to their middles in water at ———'s factory.

What can I do to put a stop to it? If I arrest ———, he would claim heavy damages against the British Government—they all ignore us, and say we have no power to touch them, as the territory is not ours, and they openly threaten myself with personal violence.

——— and ——— have been murdering their slaves for years (death seems to be the only punishment), and I can assure your Lordship that some of the means adopted by white men to put people to death are too horrible to be written down.

All the white men in the tract of country lying between the northern boundary of Angola and the southern boundary of Gaboon consider there is no law, they are not responsible to any Government for their actions, and they do just what they please.

Inclosure 1 in No. 47.

Consul Hopkins to the Governor-General of Angola.

Your Excellency,

Loanda, May 1, 1877.

I HAVE the honour to bring to your Excellency's notice certain proceedings in the Congo River by Portuguese subjects and others, which I am sure will be read by your Excellency with horror and indignation.

While on board Her Majesty's gun-vessel "Avon," at Banana, it came to my knowledge that most foul and horrid murders had lately been perpetrated at Ponta da Lenha and Boma by Portuguese subjects, assisted, I am sorry to say, by one British subject.

It appears, from the evidence I have taken, that a Senhor ———, trading at Ponta da Lenha, is the owner of a large number of slaves; that a short time ago, in the month of April, an attempt was made to set fire to his premises, and that a small black boy in his house was accused of having set fire to the roof of a house occupied by one of ———'s black paramours.

In order to make the boy confess who were his accomplices, the torture of the thumb-screw was applied to him, and, under the influence of the great agony he was suffering, he accused a person named Philip, another slave of ———'s, as being the principal instigator of the crime. This man, at the time of the attempt to set fire to the house, was many miles away at a place called Moanda, to the north of Banana, a cattle farm of ———'s. He was brought to Ponta da Lenha, and, without being interrogated at all, was bound hand and foot, taken out in a canoe into the middle of

the Congo stream and drowned. The captain of the Dutch galliot, a Swede I am told, but who declares himself to be a naturalized Portuguese subject, assisted to throw the unfortunate man into the water, and cheered as he sank.

Many more were drowned at Ponta da Lenha. Twelve of ———'s slaves were sent on board a small steamer belonging to the Dutch house called the "Zaire," to be taken to Boma, and delivered over to John Scott, a merchant trading there and a British subject. Mr. Scott was also a passenger on board the "Zaire" at this time, and when the vessel arrived off the Fetish Rock he ordered one of these unfortunates to be thrown overboard and drowned.

Scott took the remaining eleven people—men, women, and children—on shore with him at Boma, and shortly afterwards had them all attached to an iron chain and drowned in the river in front of his house. The bodies were eventually washed out to sea, and thrown up on the beach at ———, ———'s cattle farm, and ———, an employé of ———'s and a Portuguese subject, took the chain off them and sent it back to John Scott at Boma.

In all, I am assured about thirty-two unfortunate helpless beings were murdered by ———, his assistants, and John Scott.

I am also informed that the murder of one or more slaves by white men in the Congo is almost a daily occurrence, and that the torture of the thumb-screw was applied to many more besides the boy first alluded to in this letter, and in some instances it was so severe that the bones of the fingers of these most unfortunate people were completely crushed before they would implicate others, and, beyond a doubt, under their excruciating agony, they accused many innocent people, for children of tender years were included and not spared.

This atrocity seems almost too horrible to be believed, but that it did happen I have most positive proofs.

I also bring to your Excellency's notice that at Ponta da Lenha there is one ———, who is accused of being most cruel to his slaves. This man is, I believe, a Spaniard; but while I was at Ponta da Lenha he was flying the Portuguese flag at his factory. I am told he varies this, and sometimes flies the Spanish flag. One instance of his cruelty is related in a letter to the Commander of Her Majesty's ship "Avon" by the Paymaster, who heard of the affair in the course of conversation while on shore at Ponta da Lenha.

It appears that the agent of the English house there heard one evening some cries proceeding as from a man drowning in the river. He sent his boat out and picked up a native in the water, who stated he had been thrown in the river by ———'s orders. While he was yet speaking to the man in his verandah, M. ——— arrived, and ——— offered to give up the man if he would promise not to kill him; this he readily agreed to, and took the man away with him to his factory, but immediately on arriving there he had him again tied up securely, and placed in a sack and thrown into the river, this time succeeding in taking the man's life.

Such lawlessness as this cannot be permitted to go on, and in bringing these acts of Portuguese subjects to your Excellency's notice, I feel assured your Excellency will take immediate steps to bring the perpetrators to justice, and at once to discountenance and put a stop to Portuguese subjects holding slaves. No matter under what name they choose to call them, domestic servants or otherwise, I denounce them as being slaves. They are bought for money, or are obtained in other ways; and Her Majesty's Government, after having spent millions of pounds sterling and sacrificed the lives of valuable officers and men for the suppression of the Slave Trade, will never permit a few miserable persons like this ———, ———, and John Scott to continue the inhuman Traffic, and have control over the lives of those unfortunates who fall into their hands.

I have communicated with Her Majesty's Government on the subject of these affairs in the Congo River, and forwarded my despatch via St. Helena by Her Majesty's ship "Avon" on the 28th April.

I will also be glad if your Excellency will grant me a personal interview on the subject of this despatch.

I have, &c.
(Signed) DAVID HOPKINS.

Inclosure 2 in No. 47.

M. Duarte to Consul Hopkins.

(Translation.)
 Illustrious Senhor,

*Office of the Secretary of the Governor-General, Loanda,
 May 3, 1877.*

HIS Excellency the Governor-General has received your official letter relative to the atrocities committed in the "Zaire" (Congo) River, and hears of them with the greatest indignation.

Facts so monstrous would be difficult to credit, were it not that the official notice of them came from a source of so respectable a character, in which authenticity must be recognized.

As the Representative of His Most Faithful Majesty in this country, his Excellency the Governor-General is deeply grieved to hear it affirmed that some Portuguese subjects have broken the laws of humanity, and practised such acts of refined cruelty and barbarism. But the different nationalities of their accomplices prove that in all nations there are created and moulded certain persons for crime, whose ferocious instincts, if not controlled, will without doubt prove a disgrace to the civilized era in which they have been reared.

The stigma which is attached to such criminal actions will fall back upon the nation to whom the criminals belong, should their country neglect their duty of punishing them. But to punish them, although they have treated all laws with contempt, it is imperative that the formalities of the laws must be complied with.

His Excellency the Governor-General will cause all the necessary legal steps to be taken to investigate this matter, and will put the law in force against these people should they be proved guilty.

His Excellency will also take all possible measures, consistent with the abnormal condition in which that part of the Monarchy now is, against the holding of slaves in Portuguese factories in the Congo.

The non-occupation by the Portuguese Government of that part of the coast has, doubtless, given the opportunities for the occurrences which your Excellency has reported. The motives or reasons that there are no Portuguese authorities there are as well known to your Excellency as myself, but this is not the occasion to discuss so delicate a question.

From Mossamêdes to Ambriz, and in all the districts of the interior, you are perfectly well aware there is no distinction of races, there are no slaves; the natives are citizens as free as Europeans, and enjoy all the immunities and freedom as guaranteed by the political code of the country. Had the Portuguese Government exercised in the Congo any direct action, as in the other points of the province, you may be certain that the natives would have ceased to be property, and have been citizens.

There can be no doubt of the enormous sacrifices England has made to extinguish the Slave Trade; but the intentions, and endeavours, and measures taken by the Government of His Most Faithful Majesty for the same glorious end are not less noble, praiseworthy, or incessant.

His Excellency hopes that, in his interpretation of the liberal and fraternal policy of his Home Government, he may be able to put down entirely the Traffic in man in the Congo River, as it is a duty they owe, by their incontestable rights to that territory, to civilization, and a duty they will be proved to carry out.

God guard, &c.

(Signed)

CUSTODIO JOSÉ DUARTE, *Secretary-General.*

Inclosure 3 in No. 47.

M. Duarte to Consul Hopkins.

Illustrious Senhor,

Secretary-General's Office, Loanda, May 16, 1877.

AS it may happen that a true bill may be found against the British subject John Scott, at present employed in the Dutch house, in the Congo, for the crimes of wilful murder and slave-trading ("escravidão"), crimes which you were good enough to bring to the knowledge of his Excellency the Governor-General, in the name of his Excellency I beg that you will be kind enough to inform him whether, in the event of the supposition being realized, you would put the least difficulty in the way ("duida"),

or make any question, that the said Scott may be captured by Portuguese authorities, and brought to Loanda in a Government vessel, in order to reply before justice for the crimes perpetrated, for the purpose of placing the case at the disposal of the English authority.

His Excellency requests me to beg the favour of an answer by 2 o'clock this afternoon, so that he may send the gun-boat "Tamiga" to-day to the Congo, with the necessary instructions.

God guard, &c.

(Signed)

CUSTODIO JOSÉ DUARTE, *Secretary-General*.

Inclosure 4 in No. 47.

Consul Hopkins to M. Duarte.

Your Excellency,

Loanda, May 16, 1877.

I HASTEN to reply to your Excellency's note of to-day's date, which only came into my hands in the harbour at 2 o'clock, hence the delay.

I am quite willing that the British subject John Scott should be arrested by Portuguese authorities, and brought to Loanda for trial; but if found guilty of the crimes he has been accused of and condemned, the carrying out of the sentence must be deferred until the sanction of Her Britannic Majesty's Government has been obtained. I trust also that the Spanish, Dutch, and Portuguese subjects who are accused of being implicated in the affair will also be brought to justice.

I have, &c.

(Signed)

DAVID HOPKINS.

No. 48.

M. Duarte to Consul Hopkins.—(Received at the Foreign Office, July 17.)

Most Illustrious Senhor,

Angola, June 5, 1877.

HIS Excellency the Governor-General has instructed me to advise you that a true bill has been found against the English subject Scott for the crimes committed in the Congo, but it has not yet been possible to capture him, as he has removed from his place of residence.

Previously advised as were the criminals, and the Portuguese Government not having an established force in the Congo, it will be difficult to capture them. In the meanwhile, the Government, in the exercise of its duties, will repeatedly send to the Congo the ships of the station, and will always give to the Commanders the necessary instructions for the capture of the authors of such serious crimes as soon as opportunities offer.

God guard, &c.

(Signed)

CUSTODIO J. DUARTE, *Secretary-General*.

No. 49.

Mr. Gould to the Earl of Derby.—(Received August 16.)

My Lord,

Lisbon, August 4, 1877.

THE comments in the public press of this capital on recent events on the Congo left no doubt in my mind that the Portuguese Government would shortly again endeavour to arrive at some settlement of the long-pending question as to the rights claimed by Portugal over the disputed territories in that region. My surmises proved correct, for at the very first interview Senhor Gouvea, the Minister of Marine and the Colonies, incidentally broached the subject, by asking me whether I had not already received through the Minister of Foreign Affairs a long Memorandum he had drawn up on the question. I replied that it had not yet reached me, and that in the absence of instructions from Her Majesty's Government I was not prepared to enter into any discussion on so important and complicated a subject.

His Excellency began by alluding to the very embarrassing position in which the Portuguese authorities of Angola had been placed by the outrages lately committed on the Congo, and by the subsequent proceedings of Her Majesty's Consul at Loanda.

They were denied the right of occupying these territories, and had, therefore, no means at their disposal of asserting their authority and exercising jurisdiction over them except in a very limited manner through native Chiefs ("Regulos"), who acted as their Delegates, and upon whom it was needless to say but little or no reliance could be placed; yet, to a certain extent, they were held responsible for whatever outrages might be committed in these regions. If the Portuguese authorities attempted to act with vigour in the interests of peace and order, they exposed themselves to the risk of coming into collision with the British naval forces; if they abstained for the above reasons from interfering, they were severely taken to task for their negligence and supineness both by the Agents of foreign Powers and by their own countrymen.

His Excellency added that the late occurrences on the Congo clearly showed how untenable the position of all the parties concerned had become. The matter had first been taken in hand by His Majesty's naval forces on their own responsibility, although their right to exercise jurisdiction in the disputed territories might fairly be questioned. Subsequently, the Portuguese Governor-General of Angola, to his great surprise and embarrassment, had been called upon by the British Agent at Loanda to collect evidence on the spot and hold a Court of Inquiry. He had at first manifested considerable reluctance in mixing himself up in this affair, which he held had been, rightly or wrongly, taken out of his hands by the action of Her Majesty's cruizers; but he had finally yielded to the somewhat threatening remonstrances of the British Consul.

In his Excellency's opinion, the investigation which has been held, and the results of which will shortly be communicated to Her Majesty's Government, proves that the recent outrages are but the natural result of the present deplorable condition of affairs on the Congo. It would seem that the number of Europeans of various nationalities, who for the purposes of trade have established factories on the banks of that river, has rapidly increased of late. These individuals obtain servants from the neighbouring Chiefs in exchange for goods, so that in point of fact these servants are little removed from slaves. Owing to the lawless state of the country, the masters are in constant dread of their servants or slaves, and therefore do their best to reconcile them to the state of bondage in which they are kept. Nevertheless, there are among these negroes many bad and turbulent characters who are continually misbehaving and attempting to desert, and who have, therefore, to be kept down with a strong hand. And in the case in point, when a number of negroes were put to death by drowning, the evidence collected by the officers sent in the Portuguese gun-boat "Zamaga" goes to show that the employer of these men had suffered terrible losses at their hands. His factory and stores, with all they contained, had been twice if not three times set on fire and utterly destroyed by them. The consequence was that for the protection of their property and even of their lives, which were in imminent jeopardy, the owners of factories in that neighbourhood combined together, and having, with the assistance of some friendly native Chiefs, succeeded in catching the incriminated negroes, formed a sort of drum-head court-martial for their trial, and condemned to death a certain number of the worst characters among them as an example to the rest. These extemporized Judges took upon themselves likewise the part of executioners, and in order that the terrible sentence they had passed should produce the effect they desired on the whole of the surrounding tribes, they divided the condemned men into several batches, and drowned them at different points on the river.

Senhor Gouvea stated that wholesale executions of this kind could not but fill him with horror; yet, he added, there was much to be said in exculpation of the unfortunate individuals who had been driven to take such desperate measures; their lives and property are completely at the mercy of savages, whom fear alone will effectually restrain from deeds of violence and rapine. In these territories there is no one to whom they can appeal for that aid and protection which they so urgently require. Since there was no law, and, even if there had been any, no one to put it in force, what other course was open to them, unless they had been prepared to abandon altogether the field of their commercial operations, but the adoption of the first of all laws—that of self-preservation?

This they did in a moment of excitement and panic, with the usual dreaded results. He feels convinced that as the numbers of European settlers and traders increase along the banks of the Congo and in the adjacent districts, so will similar and perhaps even more horrible scenes of bloodshed and lawlessness be more frequently witnessed.

His Excellency wound up by saying that the time has come when it is no longer

possible to tolerate the actual state of things, and when England and Portugal must, in the general interests of civilization and humanity, come to a settlement of the vexed question as to the right of occupation of these territories.

Circumstances have entirely altered since the days when the Slave Trade flourished on the West Coast of Africa. Portugal then found it to her interest to exclude from her African possessions by differential duties and high Tariffs the vessels and the produce of the rest of the world; now that the Slave Trade has been suppressed once for all, her Colonies have become valueless to her, and she can only hope to derive benefit from them by unreservedly throwing them open to the commerce and navigation of other nations. Such being the view taken at the present day by all the leading Portuguese statesmen, to whatever political party they may belong, his Government will be ready to enter into almost any agreement or compromise which Her Majesty's Government may think fit to propose for the definite solution of this question, and to give every possible guarantee that may be required of them to insure the perfect freedom of navigation and the removal of all existing hindrances to trade throughout their West African possessions, provided an end is thereby put to their present embarrassing position as regards the disputed territories on the Congo.

I have, &c.

(Signed) G. F. GOULD.

No. 50.

Sir J. Pouncefote to Consul Hopkins.

Sir,

Foreign Office, August 31, 1877.

LORD DERBY has had under his consideration your despatches relating to atrocities committed in the River Congo, by certain subjects of England, the Netherlands, and Spain, on Africans held by them as slaves.

It is very much to be regretted that no practical means exist of bringing the Englishman Scott to trial. The Courts of this country would indeed have jurisdiction to try him under section 9 of the Criminal Law Consolidation Act, relating to injuries against the person (24 & 25 Vict., cap. 100); but it would be very difficult to procure the attendance of witnesses; and even if they should consent to come to this country, Her Majesty's Government are not in a position to judge whether their evidence would be sufficient to insure a conviction.

No Court in any British West African Colony has jurisdiction in the case, for the Congo River is far beyond the limits of the extra-territorial jurisdiction conferred on them by the Act 34 Vict., cap. 8. Nor is there any Order in Council under the Foreign Jurisdiction Acts which would meet the difficulty.

The territory on which these outrages have been committed has long been claimed by the Portuguese Government; and this claim is renewed in the correspondence with the Portuguese authorities inclosed in your despatches.

Her Majesty's Government, however, as you are aware, have always contested and opposed that claim, and cannot therefore admit the jurisdiction of the Portuguese Tribunals to deal with the case of Scott.

Under these circumstances, Lord Derby, with a view of ascertaining whether any steps could legally be taken to bring Scott to justice, consulted the Law Officers of the Crown, who have reported to the effect that, since Her Majesty's Government cannot properly allow the Portuguese Tribunals to try Scott, and no other Tribunals exist out of the United Kingdom before whom he could be put on his trial, they are of opinion that unless he should be seized and sent to this country, and the evidence necessary to secure his conviction would be forthcoming, no steps can be taken to bring Scott to justice.

I am to instruct you, therefore, to ascertain, as well as you are able to do, whether any further evidence has been obtained against Scott, and whether, in the event of his being seized by the British authorities, there are any witnesses in the case who would be willing to be sent with the prisoner to England for the purposes of the trial, and whose evidence is of a sufficiently satisfactory character to justify an attempt to bring the accused to justice in this country.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

Appendix.

AMBRIZETTE.

Engagement between Her Majesty the Queen of England and the Chiefs of Ambrizette for the Abolition of the Traffic in Slaves.—Signed at Ambrizette, September 17, 1855.

HENRY NEED, Esquire, Commander of Her Majesty's ship "Linnet," on the part of Her Majesty the Queen of England, and the Chiefs of Ambrizette and of the neighbourhood, on the part of themselves and of their country, have agreed upon the following Articles and conditions:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in the territories of the Chiefs of Ambrizette, and the Chiefs of Ambrizette engage to make and to proclaim a law prohibiting any of their subjects, or any person within their jurisdiction, from selling or assisting in the sale of any slave for transportation to a foreign country; and the Chiefs of Ambrizette promise to inflict a severe punishment on any person who shall break this law.

ARTICLE II.

No European, or other person whatever, shall be permitted to reside within the territory of the Chiefs of Ambrizette for the purpose of carrying on in any way the Traffic in Slaves; and no houses or stores, or buildings of any kind whatever, shall be erected for the purpose of Slave Trade within the territory of the Chiefs of Ambrizette; and if any such houses, stores, or buildings shall at any future time be erected, and the Chiefs of Ambrizette shall fail or be unable to destroy them, they may be destroyed by any British officers employed for suppression of the Slave Trade.

ARTICLE III.

If at any time it shall appear that Slave Trade has been carried on through or from the territory of the Chiefs of Ambrizette, the Slave Trade may be put down by Great Britain by force upon that territory, and British officers may seize the boats of Ambrizette found anywhere carrying on the Slave Trade; and the Chiefs of Ambrizette will be subject to a severe act of displeasure on the part of the Queen of England.

ARTICLE IV.

The subjects of the Queen of England may always trade freely with the people of Ambrizette in every article they may wish to buy and sell in all the places and ports and rivers within the territories of the Chiefs of Ambrizette, and throughout the whole of their dominions; and the Chiefs of Ambrizette pledge themselves to show no favour and give no privilege to the ships and traders of other countries which they do not show to those of England.

ARTICLE V.

Power is hereby expressly reserved to the Government of France to become a party to this Treaty if it should think fit, agreeably to the provisions of the Vth Article of the Convention between Her Majesty and the King of the French for the suppression of the Traffic in Slaves, signed at London on the 29th May, 1845.

The term "Chiefs" throughout this Treaty shall be taken and understood to comprehend Queen and Chiefs.

In faith of which we have hereunto set our hands and seals, at Ambrizette, this 17th day of September, 1855.

(Signed)

CANGALA, her × mark, *Queen of Ambrizette.*
 ZINGA, his × mark, *Chief of Ambrizette.*
 GOODYANCAMA, his × mark, *ditto.*
 MAVOONGA, his × mark, *ditto.*
 VECAR, his × mark, *ditto.*
 ANTONIO, his × mark, *ditto.*
 HENRY NEED, *Commander of Her Majesty's Ship*
"Linnet."
 NAT. MOURILYAN, *Lieutenant, Her Majesty's*
Ship "Linnet."
 CHARLES W. PIKE, *Acting Paymaster, Her*
Majesty's Ship "Linnet."

Witnesses:

(Signed)

ALEXANDER MACKAY, *Agent for English Factory.*
 ROBERT CUNNINGHAM, *Agent for American Factory.*
 T. F. D. RICKABY, *ditto.*
 H. C. WOGAN, *Mate, Her Majesty's Ship "Linnet."*
 CHAS. L. BROCKMAN, *Clerk, Her Majesty's Ship "Linnet."*

CABENDA.

Engagement between Her Majesty the Queen of England and the King and Chiefs of Cabenda, for the Abolition of the Traffic in Slaves.—Signed at Cabenda, on board Her Britannic Majesty's Ship "Harlequin," February 11, 1853.

Arthur Parry Eardley Wilmot, Esq., Commander of Her Majesty's ship "Harlequin," on the part of Her Majesty the Queen of England, and the King and Chiefs of Cabenda and of the neighbourhood, on the part of themselves and of their country, have agreed upon the following Articles and conditions:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in the territories of the King and Chiefs of Cabenda, and the King and Chiefs of Cabenda engage to make and to proclaim a law prohibiting any of their subjects, or any person within their jurisdiction, from selling or assisting in the sale of any slave for transportation to a foreign country, and the King and Chiefs of Cabenda promise to inflict a severe punishment on any person who shall break this law.

ARTICLE II.

No European, or other person whatever, shall be permitted to reside within the territory of the King and Chiefs of Cabenda for the purpose of carrying on in any way the Traffic in Slaves, and no houses, or stores, or buildings of any kind whatever shall be erected for the purpose of Slave Trade within the territory of the King and Chiefs of Cabenda; and if any such houses, stores, or buildings shall at any future time be erected, and the King and Chiefs of Cabenda shall fail or be unable to destroy them, they may be destroyed by any British officers employed for the suppression of the Slave Trade.

ARTICLE III.

If at any time it shall appear that Slave Trade has been carried on through or from the territory of the King and Chiefs of Cabenda, the Slave Trade may be put down by Great Britain by force upon that territory, and British officers may seize the boats of Cabenda found anywhere carrying on the Slave Trade, and the King and Chiefs of Cabenda will be subject to a severe act of displeasure on the part of the Queen of England.

ARTICLE IV.

The slaves now held for exportation shall be delivered up to any British officer duly authorized to receive them, for the purpose of being carried to a British Colony, and there liberated; and all the implements of Slave Trade, and the barracoons or buildings exclusively used in Slave Trade, shall be forthwith destroyed.

ARTICLE V.

Europeans or other persons now engaged in the Slave Trade are to be expelled the country; the houses, stores, or buildings hitherto employed as slave factories, if not converted to lawful purposes within three months of the conclusion of the engagement, are to be destroyed.

ARTICLE VI.

The subjects of the Queen of England may always trade freely with the people of Cabenda in every article they may wish to buy and sell in all the places and ports and rivers within the territories of the King and Chiefs of Cabenda, and throughout the whole of their dominions, and the King and Chiefs of Cabenda pledge themselves to show no favour and give no privilege to the ships and traders of other countries which they do not show to those of England.

ARTICLE VII.

Power is hereby expressly reserved to the Government of France to become a party to this Treaty, if it should think fit, agreeably to the provisions of Article V of the Convention between Her Majesty and the King of the French, for the suppression of the Traffic in Slaves, signed at London on the 29th May, 1845.

ARTICLE VIII.

The King and Chiefs of Cabenda declare that no human beings shall at any time be sacrificed within their territories on account of religious or other ceremonies, and that they will prevent the barbarous practice of murdering prisoners captured in war.

ARTICLE IX.

Complete protection shall be afforded to missionaries or ministers of the Gospel, of whatever nation or country, following their vocation of spreading the knowledge and doctrines of Christianity, and extending the benefits of civilization, within the territory of the King and Chiefs of Cabenda.

Encouragement shall be given to such missionaries or ministers in the pursuit of industry, in building houses for their residence and schools and chapels. They shall not be hindered or molested in their endeavours to teach the doctrines of Christianity to all persons willing and desirous to be

taught, nor shall any of the subjects of the King and Chiefs of Cabenda who may embrace the Christian faith be on that account, or on account of the teaching or exercise thereof, molested or troubled in any measure whatsoever.

The King and Chiefs of Cabenda further agree to set apart a piece of land within a convenient distance of the principal towns, to be used as a burial-ground for Christian persons. And the funeral and sepulchres of the dead shall not be disturbed in any way or upon any account.

In faith of which we have hereunto set our hands and seals, at Cabenda, this 11th day of February, 1853.

(Signed) MEMBUCO MALUEMBA, his × mark, *King of Cabenda*.
Signed by the King himself, for
FRANCISCO FRANCO, his × mark, *Chief of Cabenda*.
Signed by the King himself, for
MUNGOVO MANUELLA, his × mark, *ditto*.
ARTHUR P. EARDLEY WILMOT, *Commander, Her Britannic Majesty's Ship "Harlequin," and Senior Officer, South Division*.
R. COOTE, *Commander, Her Britannic Majesty's Steam-vessel "Voleapo."*

Witnesses:

(Signed) J. M. WICKER, *Clerk, Her Britannic Majesty's Ship "Harlequin."*
VICENTE ANTONIO, *Interpreter (Portuguese), from Pongo River.*

CONGO.

Agreement with the Chiefs and Headmen of Congo River.—June 20, 1854.

By the express wish of the undersigned Chiefs and Headmen of the Congo River, the following Agreement was entered into, and considered fair and equitable for the mutual protection of trade and commerce between the said Chiefs and Headmen and the British traders.

ARTICLE I.

That upon the arrival of any British merchant-vessel in this river for the purpose of trading therein, the supercargo shall, upon tendering the usual custom to the Chiefs or Headmen entitled to receive it, be allowed the privilege of trading without any further delays or molestation.

Should the custom not be immediately taken when tendered, the ship is to commence trade; but it does not follow the supercargo is exempt from paying the custom, if subsequently demanded.

ARTICLE II.

Upon a trader expressing to a Chief or Headman his wish to settle and trade in his territory, he, the said Chief or Headman, shall appoint him a piece of ground to build his factory on; and it is to be distinctly understood by the Chiefs and Headmen that when the custom is paid or tendered, they, the Chiefs, &c., are responsible for the safety of the lives and property of the traders against their own people, or any others in their territory.

ARTICLE III.

No second custom shall be paid for one voyage of a ship, should it so happen that the supercargo or master should die, or should the ship leave to visit other ports, and afterwards return to complete cargo, &c., provided always that it is the same voyage from Europe.

ARTICLE IV.

No Chief or Headman shall, on any pretence whatever, force any trust from any of the British traders, or allow any of his people so to do.

ARTICLE V.

In the event of any misunderstanding between the natives and traders, the Chiefs, Headmen, and masters of the ships shall quietly meet and inquire into the affair; and the Chiefs pledge themselves to punish any offender should he be a native, and the masters pledge themselves to do the same should he be a white man.

Should they not then be able to settle the palaver, a letter is to be sent to Her Britannic Majesty's Consul at Loanda, or to one of Her Majesty's ships; but on no such or any other pretence shall the trade be stopped or hindered in any way.

ARTICLE VI.

We, the Chiefs and Headmen of this river, and masters and supercargoes of the British vessels, of our own free will, and perfectly understanding the above Articles of this Agreement, consider the same to be perfectly binding to us all, and as a proof thereof, we here, in the presence of Lieutenant-Commander Norman B. Bedingfeld, and officers of Her Majesty's ship "Pluto," affix our names.

(Signed)

PRINCE MACHILLA.
KING MAZELLE.
MAMBOOKO DE ZALI.
MAFOOKA DE PUNTO.
KING MEDORA.
MAMBUCO MINGALLI.
ZOOAVO LINGUESTER.
PRINCE JACK.
MANOEL.

JOHN CHEESEMAN, *Master and Supercargo*
of the English Brig "Sobraon."

(Signed)

NORMAN B. BEDINGFELD, *Lieutenant-Commander,*
Her Majesty's Ship "Pluto."
C. A. J. HEYSHAM, *Mate, ditto.*
E. SWAIN, *Second Master, ditto.*
DAVID WILSON, *Assistant Surgeon, ditto.*

"Pluto," Congo River, June 20, 1854.

Engagement with the King of Saint Antonio in the River Congo. Commerce; Slave Trade; Human Sacrifices; and Protection of Missionaries.—Off River Congo, June 1, 1865.

Engagement between Her Majesty the Queen of England and King Antonio and his successors, of Saint Antonio, in the River Congo, for the abolition of the Traffic in Slaves; for the prevention of human sacrifices; for the encouragement of lawful commerce; for the protection of all white traders, more particularly British; and for the punishment of all pirates and disturbers of the peace and good order of the river.

Commodore Arthur Parry Eardley Wilmot, C.B., commanding Her Majesty's naval forces, on the part of Her Majesty the Queen of England, and King Antonio and his successors, in the River Congo, have agreed upon the following Articles and conditions:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in the territory of King Antonio and his successors, and King Antonio and his successors engage to make and proclaim a law prohibiting any of their subjects, or any person within their jurisdiction, from selling, or assisting in the sale of, any slaves for transportation to a foreign country; and King Antonio and his successors promise to inflict a severe punishment on any person who shall break this law.

ARTICLE II.

No European, or other person whatever, shall be permitted to reside within the territory of King Antonio and his successors for the purpose of carrying on in any way the Traffic in Slaves; and no houses, or stores, or buildings of any kind whatever shall be erected for the purpose of Slave Trade within the territory of King Antonio and his successors; and if any such houses, stores, or buildings shall at any future time be erected, and King Antonio and his successors shall fail, or be unable, to destroy them, they may be destroyed by any British officers employed for the suppression of the Slave Trade.

ARTICLE III.

If at any time it shall appear that Slave Trade has been carried on through or from the territory of King Antonio and his successors, the Slave Trade may be put down by Great Britain by force upon that territory; and British officers may seize the boats of King Antonio and his successors found anywhere carrying on the Slave Trade; and King Antonio and his successors will be subject to a severe act of displeasure on the part of the Queen of England.

ARTICLE IV.

The subjects of the Queen of England, and all European Powers friendly to her, may always trade freely with the people of King Antonio and his successors, in every article they may wish to buy and sell, in all the places within the territory of King Antonio and his successors, and throughout the whole of their dominions; and King Antonio and his successors pledge themselves to show no favour and give no privilege to the ships and traders of other countries which they do not show to those of England.

ARTICLE V.

Should the ships of English or other friendly traders be attacked by pirates or plunderers, King Antonio and his successors most faithfully promise assistance by sending their Chiefs and people with arms, and will do all in their power to punish the robbers.

ARTICLE VI.

If at any time a naval officer of Great Britain shall require guides or armed people from King Antonio and his successors to accompany the said officer on an expedition against pirates or other enemies of the Queen of England, King Antonio and his successors faithfully promise to provide them.

ARTICLE VII.

King Antonio and his successors declare that no human beings shall be sacrificed on account of religious or other ceremonies, and that they will prevent the barbarous practice of murdering prisoners in war.

ARTICLE VIII.

Missionaries or ministers of the Gospel are to be allowed to reside in the territory of King Antonio and his successors, for the purpose of instructing the people in all useful occupations.

ARTICLE IX.

If King Antonio and his successors faithfully abide by and perform the Articles of this Treaty, the British Government will consider King Antonio and his successors as its friends; and the Commodore will authorize a "dash," or present, to be made to King Antonio and his successors at suitable times.

Concluded on board Her Majesty's ship the "Rattlesnake," lying in Turtle Cove, River Congo, on the 1st day of June, in the year 1865.

Signed by the Contracting Parties and sealed.

(Signed)
(L.S.)
(L.S.)

A. P. EARDLEY WILMOT, *Commodore.*
ANTONIO, *King.*
DOMINGO, *King's Brother.*

And witnessed by—

(Signed)

EDMUND G. BOURKE, *Lieutenant.*
JOHN LYON, *Paymaster.*
H. B. ROBINSON, *Secretary to the Commodore.*
WILLIAM (L.S.), *Headman at Shark's Point.*

Engagement with Kings and Chiefs of the River Congo. Commerce; Slave Trade; Human Sacrifices; and Protection of Missionaries.—Off River Congo, June 6, 1865.

Engagement between Her Majesty the Queen of England and the principal Chiefs (whose names appear hereafter) holding authority on the left bank of the River Congo, for the abolition of the Traffic in Slaves; for the prevention of human sacrifices; for the encouragement of lawful commerce; for the protection of all white traders, more particularly British; and for the punishment of all pirates and disturbers of the peace and good order of the river.

Commodore Arthur Parry Eardley Wilmot, C.B., commanding Her Majesty's naval forces, on the part of Her Majesty the Queen of England, and the principal Chiefs holding authority on the left bank of the River Congo, have agreed upon the following Articles and conditions:*

Concluded on board Her Britannic Majesty's ship "Rattlesnake," in Turtle Cove, River Congo, on the 6th day of June, in the year 1865.

Signed and sealed by us, the Contracting Parties:

(Signed)
(L.S.)
(L.S.)
(L.S.)
(L.S.)
(L.S.)
(L.S.)
(L.S.)

A. P. EARDLEY WILMOT, *Commodore.*
KING PLENTY.
KING MEDORA.
KING BAMBOO.
CAPETA.
MANGOVA.
PIBRANEO.
NIMPLOOMBI.

And witnessed by—

(Signed)

F. MARTEN, *Captain, Her Majesty's Ship "Archer,"*
and Senior Officer, South Division.
W. F. RUXTON, *Commander, Her Majesty's Ship*
"Pandora."
W. J. HUNT GRUBBE, *Commander, Her Majesty's*
Ship "Jaseur."
H. B. ROBINSON, *Secretary to Commodore.*

* See Treaty with Saint Antonio, p. 90.

Engagement with Chiefs holding authority on the South Bank of the River Congo. Slave Trade; Commerce; Human Sacrifices; Religion.—River Congo, March 27, 1876.

Engagement between Her Majesty the Queen of Great Britain and Ireland, &c., and the principal Chiefs (whose names hereafter appear) holding authority on the south bank of the River Congo, for the abolition of the Traffic in Slaves; for the prevention of human sacrifices; for the encouragement of lawful commerce; for the protection of all white traders, more particularly British; and for the punishment of all pirates and disturbers of the peace and good order of the river.

Commodore Sir William Nathan Wrighte Hewett, K.C.B., V.C., commanding Her Britannic Majesty's naval forces on the West Coast of Africa, on the part of Her Majesty the Queen of Great Britain and Ireland, &c., and the principal Chiefs holding authority on the south bank of the River Congo (whose names are hereunto subscribed), on the part of themselves, their heirs and successors, have agreed upon the following Articles, viz:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in the territories of the Chiefs who are parties hereto; and the Chiefs who are parties hereto do, for themselves, their heirs and successors, engage to make and proclaim a law prohibiting any of their dependents, or any person within their jurisdiction, from selling or assisting in the sale of any slaves for transportation to a foreign country; and the Chiefs who are parties hereto promise to inflict a severe punishment on any person who shall break this law.

ARTICLE II.

No European or other person whatever shall be permitted to reside within the territories of the Chiefs who are parties hereto, or of their heirs or successors, for the purpose of carrying on in any way the Traffic in Slaves; and no houses, stores, or buildings of any kind whatever shall be erected for the purpose of the Slave Trade within the territories of the Chiefs who are parties hereto, or of their heirs or successors; and if any such houses, stores, or buildings shall at any future time be erected, and the Chiefs who are parties hereto, or their heirs or successors, fail or find themselves unable to destroy them, they may be destroyed by any British officers employed for the suppression of the Slave Trade.

ARTICLE III.

If at any time it shall appear that the Slave Trade has been carried on through or from the territories of the Chiefs who are parties hereto, the Slave Trade may be put down by force upon those territories; and British officers may seize the boats of the Chiefs who are parties hereto, or of their heirs and successors, found anywhere carrying on the Slave Trade, and the Chiefs who are parties hereto, their heirs and successors, will subject themselves to Her Britannic Majesty's severe displeasure.

ARTICLE IV.

The subjects of Her Britannic Majesty, and all white foreigners, may always trade freely with the people of the Chiefs who are parties hereto, and of their heirs and successors, in every article they may wish to buy or sell, at any place whatever within their respective territories; and the Chiefs who are parties hereto, for themselves, their heirs and successors, pledge themselves to show no favour and to give no privilege to the ships and traders of other countries which they do not show to those of Great Britain.

ARTICLE V.

In the event of any British or other foreign vessel running aground in any part of the River Congo near to our respective territories, we, the Chiefs who are parties hereto, faithfully promise, for ourselves, our heirs and successors, that we will in no way allow them to be interfered with under any pretence whatever, unless an application be made to us for assistance; and we do further faithfully promise that, immediately we hear of any such vessel being on shore and in danger, we will communicate the intelligence to the nearest white settler.

ARTICLE VI.

Should any British or other foreign vessels, being aground in the river, apply to us for assistance, we, the Chiefs who are parties hereto, for ourselves, our heirs and successors, most faithfully promise to render her individually all the help in our power, provided we are fairly paid for our trouble.*

ARTICLE VII.

Should the ships of British or other friendly traders be attacked by pirates or plunderers, we, the Chiefs who are parties hereto, for ourselves, our heirs and successors, most faithfully promise assistance by sending our people with arms, and to do all in our power to punish the robbers.

ARTICLE VIII.

If at any time a naval officer of Great Britain shall require guides or armed people from the Chiefs who are parties hereto, or their heirs and successors, to accompany the said officer on an expedi-

* N.B. x. Mark put on copies given to Chiefs to enable them to point out more readily to the master of a vessel in distress the conditions under which they are bound to render assistance.

tion against pirates or other enemies of the Queen of Great Britain, &c., the Chiefs who are parties hereto faithfully promise, for themselves, their heirs and successors, to provide them.

ARTICLE IX.

The Chiefs who are parties hereto, for themselves, their heirs and successors, declare that no human beings shall be sacrificed on account of religious or other ceremonies, and that they will prevent the barbarous practice of murdering prisoners in war.

ARTICLE X.

Missionaries, or other ministers of the Gospel, are to be allowed to reside in the territories of the Chiefs who are parties hereto, their heirs and successors, for the purpose of instructing the people in all useful occupations.

ARTICLE XI.

And in consideration of these engagements all past offences of the Chiefs whose names are hereunto subscribed against the Queen of Great Britain, &c., are hereby forgiven.

Concluded on board Her Majesty's ship "Active," off Shark's Point, in the River Congo, this 27th day of March, A.D. 1876.

Signed by the Contracting Parties.
(Signed)

W. N. W. HEWETT, *Commodore, Commanding Her Britannic Majesty's Naval Forces on the West Coast of Africa.*

KING PARKER, his × mark.

KING ASSAMBA, his × mark.

KING KALA, his × mark.

POLO BOLO, his × mark.

M. PACA, his × mark.

NANTUDY, his × mark.

Witnesses:

(Signed) HENRY C. W. GIBSON, *Secretary to the Commodore.*
E. N. ROLFE, *Lieutenant, Her Majesty's Ship "Active."*

*Additional Articles to the Treaty with the Chiefs of the River Congo of June 1, 1865. Wrecks, &c.—
River Congo, March 27, 1876.*

ARTICLE I.

In the event of any British or other foreign vessel running aground in any part of the River Congo near to our respective territories, we, the Chiefs whose names are hereunto subscribed, faithfully promise, for ourselves, our heirs and successors, that we will in no way allow them to be interfered with under any pretence whatever, unless an application be made to us for assistance; and we do further faithfully promise that immediately we hear of any such vessel being on shore, and in danger, we will communicate the intelligence to the nearest white settler.

ARTICLE II.

Should any British or other foreign vessel, being aground in the river, apply to us for assistance, we, the Chiefs whose names are hereunto subscribed, most faithfully promise to render her individually all the help in our power, provided we are fairly paid for our trouble.*

Agreed to on board Her Majesty's ship "Active," lying off Shark's Point, in the River Congo, on the 27th day of March, A.D. 1876, for ourselves and on behalf of Don Joa Franco Antonio, the present King.

(Signed) DOMINGO, his × mark, *Antonio's Brother.*
M. BAINGO, his × mark, *Antonio's Son.*

In consideration of these engagements all past offences of the above Chiefs against Her Majesty the Queen of Great Britain and Ireland, &c., are hereby forgiven.

(Signed) W. N. W. HEWETT, *Commodore, Commanding Her Britannic Majesty's Ships on the West Coast of Africa.*

Witnesses:

(Signed) HENRY C. W. GIBSON, *Secretary to the Commodore.*
E. N. ROLFE, *Lieutenant, Her Majesty's Ship "Active."*

* N.B. ×. Mark put on copies given to Chiefs to enable them to point out more readily to the master of a vessel in distress the conditions under which they are bound to render assistance.

*Additional Articles to the Treaty with the Chiefs of the River Congo of June 6, 1865. Wrecks, &c.—
River Congo, March 27, 1876.*

ARTICLE I.

In the event of any British or other foreign vessel running aground in any part of the River Congo near to our respective territories, we, the Chiefs whose names are hereunto subscribed, faithfully promise, for ourselves, our heirs and successors, that we will in no way allow them to be interfered with under any pretence whatever, unless an application be made to us for assistance; and we do further faithfully promise that immediately we hear of any such vessel being on shore, and in danger, we will communicate the intelligence to the nearest white settler.

ARTICLE II.

Should any British or other foreign vessel, being aground in the river, apply to us for assistance, we, the Chiefs whose names are hereunto subscribed, most faithfully promise to render her individually all the help in our power, provided we are fairly paid for our trouble.*

Agreed to on board Her Majesty's ship "Active," lying off Shark's Point, in the River Congo, on the 27th day of March, A.D. 1876.

(Signed)

KING PLENTY, his × mark.

KING MEDORA, his × mark.

CAPETA MEDORA, his × mark.

In consideration of these engagements all past offences of the above Chiefs against Her Majesty the Queen of Great Britain and Ireland, &c., are hereby forgiven.

(Signed)

W. N. W. HEWETT, *Commodore, Commanding Her
Britannic Majesty's Ships on the West Coast of
Africa.*

Witnesses:

(Signed)

HENRY C. W. GIBSON, *Secretary to the Commodore.*

E. N. ROLFE, *Lieutenant, Her Majesty's Ship "Active."*

*Treaty with King Anizanza, holding authority on the North Bank of the River Congo. Slave Trade;
Commerce; Human Sacrifices, &c.—River Congo, April 19, 1876.*

Engagement between Her Majesty the Queen of Great Britain and Ireland, &c., and King Anizanza, for the abolition of the Traffic in Slaves; for the prevention of human sacrifices; for the encouragement of lawful commerce; for the protection of all white traders, more particularly British; and for the punishment of all pirates and disturbers of the peace and good order of the river.

Lieutenant Henry Chapman Walker, commanding Her Britannic Majesty's ship "Foam," and Senior Officer in the Congo, on the part of Her Majesty the Queen of Great Britain and Ireland, &c., and King Anizanza, whose names are hereunto subscribed on the part of himself, his heirs and successors, have agreed upon the following Articles:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in my territory, and I do pledge myself, my heirs and successors, to engage and make and proclaim a law prohibiting any of my dependants, or any person within my jurisdiction, from selling or assisting in the sale of any slaves for transportation to a foreign country, and I hereto promise to inflict a severe punishment on any person who shall break the law.

ARTICLE II.

No European or other person whatever shall be permitted to reside within my territories, or those of my heirs or successors, for the purpose of carrying on in any way the Traffic in Slaves; and no houses, stores, or buildings of any kind whatever shall be erected for the purpose of the Slave Trade within my territories, or of my heirs or successors; and if any such houses, stores, or buildings shall at any future time be erected, and I, my heirs or successors, fail or find ourselves unable to destroy them, they may be destroyed by any British officers employed for the suppression of the Slave Trade.

ARTICLE III.

If at any time it shall appear that the Slave Trade has been carried on through or from my territories, the Slave Trade may be put down by force upon those territories, and any British officers may seize my boats, or those of my heirs or successors, found anywhere carrying on the Slave Trade, and I, my heirs or successors, will be subject to Her Britannic Majesty's severe displeasure.

ARTICLE IV.

The subjects of Her Britannic Majesty, and all white foreigners, may always trade freely with my people, and those of my heirs or successors, in every article they may wish to buy or sell, at any place

* N.B. ×. Mark put on copies given to Chiefs to enable them to point out more readily to the master of a vessel in distress the conditions under which they are bound to render assistance.

whatever within my territory; and I, for myself, my heirs or successors, pledge myself to show no favour and to give no privilege to the ships and traders of other countries which I do not show to those of Great Britain.

ARTICLE V.

In the event of any British or other foreign vessel running aground in any part of the River Congo near to my territory, I faithfully promise, for myself, my heirs and successors, that I will in no way allow them to be interfered with under any pretence whatever, unless an application be made to me for assistance; and I do further faithfully promise that, immediately I hear of any vessel being on shore and in danger, I will communicate the intelligence to the nearest white settler.

ARTICLE VI.

Should any British or other foreign vessel, being aground in the river, apply to me for assistance, I, for myself, my heirs and successors, most faithfully promise to render her all the help in my power, provided I am fairly paid for my trouble.

ARTICLE VII.

Should the ships of British or other friendly traders be attacked by pirates or plunderers, I, for myself, my heirs and successors, most faithfully promise assistance by sending my people with arms, and to do all in my power to punish the robbers.

ARTICLE VIII.

If at any time a naval officer of Great Britain shall require guides or armed people from myself, my heirs or successors, to accompany the said officer against pirates or other enemies of the Queen of Great Britain, &c., I faithfully promise, for myself, my heirs and successors, to provide [them].

ARTICLE IX.

I, for myself, my heirs and successors, declare that no human being shall be sacrificed on account of religious or other ceremonies, and that I will prevent the barbarous practice of murdering prisoners in war.

ARTICLE X.

Missionaries or other ministers of the Gospel are to be allowed to reside in my territory, and those of my heirs and successors, for the purpose of instructing the people in all useful occupations.

ARTICLE XI.

And in consideration of these engagements all past offences of Anizanza against the Queen of Great Britain &c., are hereby forgiven.

Concluded on board Her Majesty's ship "Foam," lying off Point Henderson, in the River Congo, on the 19th April, 1876.

(L.S.) HENRY C. WALTER, *Lieutenant, Commanding*
Her Majesty's Ship "Foam."
 (L.S.) ANIZANZA, his x mark.

Witnesses:

(Signed) H. SANCTUARY, *Navigating Sub-Lieutenant,*
Her Majesty's Ship "Foam."
 ROBT. SPROULE, *Surgeon, Her Majesty's Ship*
"Foam."
 CAPETA, his x mark.
 YOUKA, his x mark, *Son of Anizanza.*

Engagement with the King of Mellella. Slave Trade; Commerce; Wrecks; Human Sacrifices; Religion.—
River Congo, March 19, 1877.

Engagement between Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., and King Mellella, for the abolition of the Traffic in Slaves; for the prevention of human sacrifices; for the encouragement of lawful commerce; for the protection of all white traders, more particularly British; and for the punishment of all pirates and disturbers of the peace and good order of the river.

Leicester Chantrey Keppel, Esquire, Commander of Her Britannic Majesty's ship "Avon," and Senior Officer in the River Congo, on the part of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., and King Mellella, whose name is hereunto subscribed, on the part of himself, his heirs and successors, have agreed upon the following Articles:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in my territory, and I do pledge, for myself, my heirs and successors, to engage and make and proclaim a law prohibiting any of my dependants or any person within my jurisdiction from selling or assisting in the sale of any slaves for

transportation to a foreign country, and I hereto promise to inflict a severe punishment on any person who shall break the law.

ARTICLE II.

No European or other person whatever shall be permitted to reside within my territories, or those of my heirs or successors, for the purpose of carrying on in any way the Traffic in Slaves; and no houses, stores, or buildings of any kind whatsoever shall be erected for the purpose of the Slave Trade within my territories, or those of my heirs or successors; and if any such houses, stores, or buildings shall at any future time be erected, and I, my heirs or successors, fail or find ourselves unable to destroy them, they may be destroyed by any British officers employed for the suppression of the Slave Trade.

ARTICLE III.

If at any time it shall appear that the Slave Trade is being carried on through or from any part of my territories, the Slave Trade may be put down by force upon those territories, and any British officers may seize my boats, or those of my heirs or successors, found anywhere carrying on the Slave Trade, and I, my heirs or successors, will be subject to Her Britannic Majesty's severe displeasure.

ARTICLE IV.

The subjects of Her Britannic Majesty, and all white foreigners, may always trade freely with my people, and those of my heirs or successors, in every article they may wish to buy or sell, at any place whatsoever within my territory, and I, for myself, my heirs or successors, pledge myself to show no favour and to give no privilege to the ships and traders of other countries which I do not show to those of Great Britain.

ARTICLE V.

In the event of any British or other foreign vessel running aground in any part of the River Congo near to my territory, I faithfully promise, for myself, my heirs and successors, that I will in no way allow them to be interfered with under any pretence whatever, unless an application be made to me for assistance; and I do further faithfully promise that, immediately I hear of any vessel being on shore and in danger, I will communicate the intelligence to the nearest white settler.

ARTICLE VI.

Should any British or other foreign vessel, being aground in the river, apply to me for assistance, I, for myself, my heirs and successors, most faithfully promise to render her all the help in my power, provided I am fairly paid for my trouble.

ARTICLE VII.

Should the ships of British or other friendly traders be attacked by pirates or plunderers, I, for myself, my heirs or successors, most faithfully promise assistance by sending my people with arms, and doing all in my power to punish the robbers.

ARTICLE VIII.

If at any time a naval officer of Great Britain shall require guides or armed people from myself, my heirs or successors, to accompany the said officer against pirates or other enemies of the Queen of Great Britain, I faithfully promise, for myself, my heirs and successors, to provide them.

ARTICLE IX.

I, for myself, my heirs and successors, declare that no human being shall be sacrificed on account of religious or other ceremonies, and that I will prevent the barbarous practice of murdering prisoners of war.

ARTICLE X.

Missionaries or other ministers of the Gospel are to be allowed to reside in my territory, and those of my heirs and successors, for the purpose of instructing the people in all useful occupations.

ARTICLE XI.

And in consideration of these engagements, all past offences of King Mellella against the Queen of Great Britain, &c., are hereby forgiven.

Concluded on board Her Majesty's ship "Avon," at Mellella, this 19th day of March, 1877.

(Signed) LEICESTER C. KEPPEL, *Commander, Her Majesty's Ship "Avon."*

MELLELLA, his x mark, *King of Mellella, River Congo.*

Witnesses to signatures of Contracting Parties:

(Signed) ANDREW W. ROGERS, *Senior Lieutenant, Her Majesty's Ship "Avon."*

HENRY J. OLLARD, *Assistant Paymaster, Her Majesty's Ship "Avon."*

CAPETA OF MELLELLA, his x mark.

THE SISTER OF QUEEN ANNAZOZA, her x mark.

Engagement with the King of Lucalla. Slave Trade; Commerce; Wrecks; Human Sacrifices; Religion.
—River Congo, March 20, 1877.

Engagement between Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., and King Lucalla, for the abolition of the Traffic in Slaves; for the prevention of human sacrifices; for the encouragement of lawful commerce; for the protection of all white traders, more particularly British; and for the punishment of all pirates and disturbers of the peace and good order of the River Congo.

Leicester Chantrey Keppel, Esquire, Commander of Her Britannic Majesty's ship "Avon," and Senior Officer in the River Congo, on the part of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., and King Lucalla, whose name is hereunto subscribed, on the part of himself, his heirs or successors, have agreed upon the following Articles:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in my territory, and I do pledge, for myself, my heirs and successors, to engage and make and proclaim a law prohibiting any of my dependants, or any person within my jurisdiction, from selling or assisting in the sale of any slaves for transportation to a foreign country; and I hereby promise to inflict a severe punishment on any person who shall break the law.

ARTICLE II.

No European or other person whatever shall be permitted to reside within my territories, or those of my heirs or successors, for the purpose of carrying on in any way the Traffic in Slaves, and no houses, stores, or buildings of any kind whatsoever shall be erected for the purpose of the Slave Trade within my territories, or those of my heirs or successors; and if any such houses, stores, or buildings shall at any future time be erected, and I, my heirs or successors, fail or find ourselves unable to destroy them, they may be destroyed by any British officers employed for the suppression of the Slave Trade.

ARTICLE III.

If at any time it shall appear that the Slave Trade is being carried on through or from any part of my territories, the Slave Trade may be put down by force upon those territories, and any British officers may seize my boats, or those of my heirs or successors, found anywhere carrying on the Slave Trade, and I, my heirs or successors, will be subject to Her Britannic Majesty's severe displeasure.

ARTICLE IV.

The subjects of Her Britannic Majesty, and all white foreigners, may always trade freely with my people, and those of my heirs or successors, in every article they may wish to buy or sell at any place whatsoever within my territories; and I, for myself, my heirs, and successors, pledge myself to show no favour and to give no privilege to the ships and traders of other countries which I do not show to those of Great Britain.

ARTICLE V.

In the event of any British or other foreign vessel running aground in any part of the River Congo near to my territory, I faithfully promise, for myself, my heirs and successors, that I will in no way allow them to be interfered with under any pretence whatever, unless an application be made to me for assistance; and I do further faithfully promise that, immediately I hear of any vessel being on shore and in danger, I will communicate the intelligence to the nearest white settler.

ARTICLE VI.

Should any British or other foreign vessel, being aground in the river, apply to me for assistance, I, for myself, my heirs and successors, most faithfully promise to render her all the help in my power, provided I am fairly paid for my trouble.

ARTICLE VII.

Should the ships of British or other friendly traders be attacked by pirates or plunderers, I, for myself, my heirs and successors, most faithfully promise assistance by sending my people with arms, and doing all in my power to punish the robbers.

ARTICLE VIII.

If at any time a naval officer of Great Britain shall require guides or armed people from myself, my heirs and successors, to accompany the said officer against pirates or other enemies of the Queen of Great Britain, I faithfully promise, for myself, my heirs and successors, to provide them.

ARTICLE IX.

I, for myself, my heirs and successors, declare that no human being shall be sacrificed on account of religious or other ceremonies, and that I will prevent the barbarous practice of murdering prisoners of war.

ARTICLE X.

Missionaries or other ministers of the Gospel are to be allowed to reside in my territory, and those of my heirs and successors, for the purpose of instructing the people in all useful occupations.

ARTICLE XI.

And in consideration of these engagements, all past offences of King Lucalla against the Queen of Great Britain, &c., are hereby forgiven.

Concluded on board Her Majesty's ship "Avon," at Punta de Lenha, this 20th day of March, 1877.

(Signed) LEICESTER C. KEPPEL, *Commander, Her Majesty's Ship "Avon."*
LUCALLA, his x mark, *King of Lucalla, River Congo.*

Witnesses to signatures of Contracting Parties:

(Signed) ANDREW W. ROGERS, *Senior Lieutenant, Her Majesty's Ship "Avon."*
HENRY J. OLLARD, *Assistant Paymaster, Her Majesty's Ship "Avon."*
MAMBOUKO OF LUCALLA, his x mark.
CAPETA OF LUCALLA, his x mark.

KINSEMBO.

Engagement between Her Majesty the Queen of England and the King and Chiefs of Kinsembo for the Abolition of the Traffic in Slaves.--Signed at Kinsembo, July 13, 1857.

Commander Victor Grant Hickley, of Her Majesty's ship "Childers," on the part of Her Majesty the Queen of England, and the King and Chiefs of Kinsembo and of the neighbourhood, on the part of themselves and of their country, have agreed upon the following Articles and conditions:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in the territories of the King and Chiefs of Kinsembo; and the King and Chiefs of Kinsembo engage to make and to proclaim a law prohibiting any of their subjects, or any person within their jurisdiction, from selling or assisting in the sale of any slave for transportation to a foreign country; and the King and Chiefs of Kinsembo promise to inflict a severe punishment on any person who shall break this law.

ARTICLE II.

No European, or other person whatever, shall be permitted to reside within the territory of the King and Chiefs of Kinsembo for the purpose of carrying on in any way the Traffic in Slaves; and no houses, or stores, or buildings of any kind whatever, shall be erected for the purpose of Slave Trade within the territory of the King and Chiefs of Kinsembo; and if any such houses, stores, or buildings shall at any future time be erected, and the King and Chiefs of Kinsembo shall fail or be unable to destroy them, they may be destroyed by any British officers employed for the suppression of Slave Trade.

ARTICLE III.

If at any time it shall appear that Slave Trade has been carried on through or from the territory of the King and Chiefs of Kinsembo, the Slave Trade may be put down by Great Britain by force upon that territory, and British officers may seize the boats of Kinsembo found anywhere carrying on the Slave Trade; and the King and Chiefs of Kinsembo will be subject to a severe act of displeasure on the part of the Queen of England.

ARTICLE IV.

The subjects of the Queen of England may always trade freely with the people of Kinsembo in every article they may wish to buy and sell, in all the places, and ports, and rivers within the territories of the King and Chiefs of Kinsembo, and throughout the whole of their dominions; and the King and Chiefs of Kinsembo pledge themselves to show no favour and give no privilege to the ships and traders of other countries which they do not show to those of England.

ARTICLE V.

Power is hereby expressly reserved to the Government of France to become a party to this Treaty, if it should think fit, agreeably to the provisions of Article V of the Convention between Her Majesty and the King of the French for the suppression of the Traffic in Slaves, signed at London on the 29th May, 1845.

In faith of which we have hereunto set our hands and seals, at Kinsembo, this 13th day of July, 1857

(Signed)

V. G. HICKLEY.

KING KINOONO, his × mark.

TONAO, his × mark, *King's Messenger.*

TONAO, his × mark, *King's Brother.*

MINGADDI, his × mark, *Chief.*

Witnesses:

(Signed)

KIMBASTEE, his × mark, *King's Interpreter.*

TE-SHEMAO, his × mark, *Chief.*

CHARLES W. HOPE, *Commander, Her Majesty's Ship "Prometheus."*

JAMES HUNT, *Commander, Her Majesty's Ship "Alecto."*

GEORGE W. MOORE, *Agent for Messrs. T. Tobin and Son.*

MALIMBA.

Treaty with the Chiefs of Malimba.—Signed at Malimba, March 31, 1848.

Alexander Murray, Esquire, Commander of Her Majesty's ship "Favorite," on the part of Her Majesty the Queen of England, and the Chiefs of Malimba and of the neighbourhood, on the part of themselves and of their country, have agreed upon the following Articles and conditions:—

ARTICLE I.

The export of slaves to foreign countries is for ever abolished in the territories of the Chiefs of Malimba, and the Chiefs of Malimba engage to make and to proclaim a law prohibiting any of their subjects, or any person within their jurisdiction, from selling or assisting in the sale of any slave for transportation to a foreign country, and the Chiefs of Malimba promise to inflict a severe punishment on any person who shall break this law.

ARTICLE II.

No European, or other person whatever, shall be permitted to reside within the territory of the Chiefs of Malimba for the purpose of carrying on in any way the Traffic in Slaves, and no houses, or stores, or buildings of any kind whatever shall be erected for the purpose of Slave Trade within the territory of the Chiefs of Malimba, and if any such houses, stores, or buildings shall at any future time be erected, and the Chiefs of Malimba shall fail or be unable to destroy them, they may be destroyed by any British officers employed for the suppression of the Slave Trade.

ARTICLE III.

If at any time it shall appear that Slave Trade has been carried on through or from the territory of the Chiefs of Malimba, the Slave Trade may be put down by Great Britain by force upon that territory, and British officers may seize the boats of Malimba found anywhere carrying on the Slave Trade, and the Chiefs of Malimba will be subject to a severe act of displeasure on the part of the Queen of England.

ARTICLE IV.

The subjects of the Queen of England may always trade freely with the people of Malimba, in every article they may wish to buy and sell, in all the places and ports and rivers within the territories of the Chiefs of Malimba, and throughout the whole of their dominions, and the Chiefs of Malimba pledge themselves to show no favour and give no privilege to the ships and traders of other countries which they do not show to those of England.

ARTICLE V.

Power is hereby expressly reserved to His Majesty the King of the French to become a party to this Treaty, if he should think fit, agreeably to the provisions of Article V of the Convention between Her Majesty and the King of the French, signed at London on the 29th May, 1845.

In faith of which we have hereunto set our hands and seals, at Malimba, this 31st day of March, 1848.

(L.S.)

PRINCE JUMBO, his × mark (for himself and King Pass).

(L.S.)

HEADMAN, his × mark.

(L.S.)

YOUNG PASS, his × mark, *King Pass' Son.*

(L.S.)

KING DYER, his × mark.

(L.S.)

DUKE, his × mark.

(L.S.)

ALEX. MURRAY, *Commander of Her Majesty's Sloop "Favorite."*

By virtue of the power deputed to me, I hereby declare the approval of Her Majesty the Queen, my Mistress, to the above engagement.

Given under my hand, on board Her Majesty's sloop "Favorite," at Malimba, this 31st day of March, 1848.

(Signed) ALEX. MURRAY,
Commander of Her Majesty's Sloop "Favorite."

The foregoing Treaty was signed, sealed, and delivered in our presence.

Witnesses :
(Signed) ALFD. ROYER, *First Lieutenant of Her Majesty's Sloop "Favorite."*
L. W. PEYTON, *Second Lieutenant, ditto.*
M. HEATH, *Master (Acting), ditto.*
WM. A. PARKER, *Interpreter, ditto.*
JIM, his x mark, *King Pass Interpreter.*

CORRESPONDENCE respecting the Territory on the
West Coast of Africa lying between $5^{\circ} 12'$ and
 8° of South Latitude: 1845-77.



*Presented to both Houses of Parliament by Command
of Her Majesty. 1883.*
