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Abstract of Thesis presented for the degree of M.A. by Miss I. Bains. March 1940.

British Policy in relation to Portuguese Claims in
West Africa: 1876 to 1884.

Bains

The period 1876 to 1884 lies between the time when European Governments showed but slight interest in Africa and the years of the 'Scramble' for that continent. It saw the work of the International Association, financed by the King of the Belgians, the explorations of de Brazza towards the Congo from the French colony of Gaboon and the realisation by Bismarck of the far-reaching issues involved in the Congo Question.

As British Ambassador in Portugal from 1876 to 1881, Robert Morier strongly urged the settlement of all questions in dispute between Great Britain and Portugal overseas and the establishment of increased British influence in Africa, both directly and indirectly through Portugal. That country claimed rights of sovereignty on the West Coast of Africa from 5°12' to 8° South latitude but, largely because of the prevalence of the Slave Trade in Portuguese possessions, Great Britain had refused to recognise these claims. Morier's attempts to bring about a reversal of this decision failed but the French advance towards the Congo caused the British Government to change its attitude. After the ratification, in November 1882, by the French Government of the Treaty signed by de Brazza with the native chief on Stanley Pool, Great Britain reopened negotiations with Portugal on the bases of the recognition by her of the traditional claims of Portugal and the opening, on certain conditions, of Portuguese colonies to the trade of all nations. After long and tedious negotiations the Congo Treaty was finally signed on 26 February 1884 by representatives of Great Britain & Portugal. As a result of the refusal of Germany & of France to recognise its terms, the Treaty remained unratified but, in its place, a wider settlement of African questions was worked out at the Berlin Conference, November 1884 to February 1885. Great Britain's policy of opening up to the trade of all nations hitherto closed areas in Africa was accepted but not her exclusive attitude of settling by herself questions which affected other European nations.

LIST OF ABBREVIATIONS.

- A. & P. British Parliamentary Papers,
 Accounts and Papers.
- B.F.S.P. British and Foreign State Papers.
- C.O. Colonial Office Records, Public Record Office.
- D.D.F. Documents Diplomatiques Français, 1871-1914.
- F.O. Foreign Office Records, Public Record Office.
- Hansard Hansard's Parliamentary Debates.
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INTRODUCTION.

EUROPEAN INTEREST IN EUROPE IN 1876.

The period between the meeting of the two international conferences on African affairs, the Geographical Conference of 1876 and the Berlin Conference of 1884, was one of the greatest importance in the history of European relationships with the African continent. During this time, geographical factors, though still exercising a very large influence on the economic development of Central and West Africa lost their pre-eminent control over African history. With the opening-up of the Congo route between East and West Africa the native tribes of the interior were no longer to be isolated from European influences through difficulties of access and ignorance of the natural wealth of their lands. Henceforward, their destiny was to be determined, to a very large extent, by the diplomacy of European courts and chancelleries. An era of individual initiative and of private enterprise was succeeded by an era in which African affairs became inextricably interwoven with European politics. During the first three quarters of the eighteenth century explorers and scientists of all nationalities had shown the best routes to the interior

and had indicated its economic possibilities, missionaries had prepared the way for the further extension of civilising influences among the natives while traders had shown the value of African markets for European manufactured goods. The Governments of Europe, however, had taken but slight interest in these achievements.

The calling of the Geographical Conference at Brussels by King Leopold of the Belgians, in September 1876, was the first indication that a more organised attempt was to be made to develop the resources of Central Africa and to co-ordinate the work of private individuals. In his opening speech to the leading European geographers and scientists, King Leopold pointed out the need for greater unity and co-ordination of effort in the work of opening-up Central Africa: - 'parmi ceux qui ont le plus étudié l'Afrique bon nombre ont été amenés à penser qu'il y aurait avantage le but commun qu'ils poursuivent à ce que l'on pût se réunir et conférer en vue de régler la marche, de combiner les efforts, de tirer parti de toutes les ressources, d'éviter les doubles emplois.'

Eight years later, a Conference of leading European statesmen and diplomatists laid down the rules which were to determine European possession of African lands. At the same

1. King Leopold's speech at opening of the Geographical Conference, reported in 'L'Indépendance Belge', 14 September 1876, F.O.10/370.

time, a number of international agreements were signed which placed the whole of Central Africa under European influence.

At the time of the first international conference on African affairs the only European countries, excluding Turkey, with direct territorial interests in Africa were Great Britain, France and Portugal. Of these, the interests of France were by far the least extensive.¹ French opposition to colonisation which had been one of the most outstanding results of the loss of the French Empire after the Seven Years' War and the Revolutionary Wars, had received a further stimulus by the Franco-Prussian War. During the years immediately succeeding 1870, any policy which had as its result the dissipation of French resources, either economic or human, was looked upon as treason to the State, whose duty it was to conserve all its efforts for a reversal, in Europe, of the 1871 decision. Added to this powerful reason against colonisation was the almost unanimous opinion of French economists that colonies were an unjustifiable expense. The disastrous ventures of Napoleon III were not forgotten, and the necessity of paying a yearly subsidy of 30 million francs to the existing French

1. Much of the information on the French possessions in Africa has been taken from S.H. Roberts: The History of French Colonial Policy (1870-1925), 2 vols., London, 1929.

possessions, without any adequate return, made expansion very unpopular. Nevertheless, there were indications that a change in this attitude was taking place by 1876.

The triumph of free-trade principles in France in 1861 had led to the abolition, in theory, of restrictions on the trade of the colonies with foreign countries and to the beginning of a realisation that economic benefits might accrue from colonies. It was left for Jules Ferry to show the value of colonies as markets and as centres of strategic importance as well as to lay the foundation of the new French colonial empire, but, as early as 1874, Leroy-Beaulieu, one of the few economists who favoured overseas expansion, had written:-

'Colonisation is for France a matter of life or death. Either France becomes a great African Power, or in a century or two, she will be a secondary European Power and will count in the world little more than Greece or Roumania counts in Europe.' 1

In 1876, French possessions in Africa~~x~~ consisted only of Algeria, whose boundaries were ill-defined, of a few scattered territories in the Senegal and of a few trading posts along the coasts of Guinea and the Congo. It was owing to the work of Faidherbe, Governor of Senegal 1854-1865, that French influence had been extended inland from the coastal

1. Quoted by Roberts: op.cit., p.18, from Leroy-Beaulieu: De la Colonisation chez les Peuples Modernes. 1908.

stations in West Africa. By means of treaties with native chiefs and by driving back the Moors, the French had opened up trade with the natives along the entire right bank of the Senegal as far as the bend in the river, and had established isolated trading posts on the Ivory Coast.

In West Equatorial Africa, French traditions of ownership dating back to the seventeenth century, had been revived as a result of her share in the suppression of the Slave Trade. To facilitate this, she had obtained in 1839, the cession of both banks of the Gaboon. The founding in 1848 of Libreville by negroes from a captured slaver led to the development of an active centre of commerce and of an administrative post. As in Senegal, treaties with natives extended French influence further inland and by 1876 the first expedition to explore the waterway of the Ogowé was already being undertaken by Savorgnan de Brazza, whose work was to have so much influence on the Congo Question a few years later.

Of the other two European Powers with African interests, those of Great Britain lay mainly in South Africa, and up to the third quarter of the 19th century, the British Government had shown remarkably little interest in the rest of Africa. A few British trading stations on the Gambia and Gold Coast supplied gold, caoutchouc and palm-kernels but all the West African trade was in the hands of private individuals or firms. Of these, the two most important were the African

Steamship Company, formed by McGregor Laird in 1852, and the British and African Steam Navigation Company formed in 1868 by Alexander Elder and John Dempster.

The resolution passed by the Committee of the House of Commons in 1865 that 'all further extensions of territory or assumption of government, or new Treaty offering any protection to native tribes, would be inexpedient' represented the general attitude of the Government towards expansion in Africa at that time, and for more than a decade afterwards. Yet it is to this decade that many of the origins of increased European interest in Africa can be traced. The opening of the Suez Canal gave both France and Great Britain a more vital interest in Egypt, the extensive personal influence of Sir John Kirk, British representative at Zanzibar from 1866 to 1887, increased Britain's authority in East Africa, while in South Africa increasing native unrest and the inefficiency of the Transvaal Government were preparing the way for renewed British action there.

By 1876 also, traders of many nationalities were established on the West coast near the Congo mouths, but the absence of any recognised European control in those parts led to continual conflict between the Europeans and the traders. No territorial claims however, were made to this district except by the Portuguese.

'Le Portugal joue un bien petit rôle en Europe, il en joue un plus grand en Afrique.'¹ She alone of the European countries claimed extensive and contiguous territory in Africa. Not only did she put forward claims to rights of sovereignty on the West Coast of Africa between 5°12' and 8° South latitude - claims that were not recognised by all the other Powers - but she had undisputed control over the Province of Mozambique, which stretched from Cape Delgado to the Bay of Lourenço Marques, over the Province of Angola as far north as 8° South, over the islands of Cape Verde, San Thomé and Príncipe and, after the favourable judgment of the President of the United States of America in 1870, over the Island of Bolama. Her claims to a portion of the Guinea Coast were less clearly defined until the Convention of 12 May 1886 between France and Portugal delimited the boundaries of Portuguese Guinea.

Portugal's predominance among European Powers as an exploring and colonising agent in Africa, dating back to the days of Henry the Navigator, had remained unchallenged for nearly four hundred years. Contradictory accounts exist as to the maximum extent of Portuguese influence in Africa. According to one writer, at the time of the subjection of

1. Laboulaye (Lisbon) to Challemeil-Lacour, 1 April 1883, D.D.F. 1re Série, T. V, No.15, p.13.

Portugal to Spain in 1580, she had 'in her power all the coasts of Africa, except that of the Mediterranean and the Red Sea.'¹ The African Committee of the Lisbon Geographical Society described in 1883 'the difficult but glorious task of exploring the interior of Equatorial Africa' which the Portuguese undertook in the sixteenth century:-

'preaching the faith, carrying on trade, fighting, erecting fortifications, building Churches and establishing markets, the Portuguese spread themselves rapidly into the interior of Equatorial Africa which they pierced and explored in many directions.'²

On the other hand, a nineteenth century Portuguese statesman has minimised the achievements of his countrymen in Africa, especially in East Africa of which he wrote:-

'The early Portuguese did no more than substitute themselves for the Moors, as they called them, in the parts that they occupied on the coast; and their influence extended to the interior very little, unless, indeed, through some ephemeral alliances of no value whatever, or through missionaries, or without any practical or lasting results. The true conquest is still [1885] to be made.'

Uncertainty as to the real extent of Portuguese influence inland still existed at the opening of the last quarter of the nineteenth century. 'There is nothing to show precisely how far from the coast Portugal has asserted or established a claim

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1. J. Scott Keltie: The Partition of Africa, [London, 1895], p.58.
 2. Portugal and the Congo - A Statement by the African Committee of the Lisbon Geographical Society, March 1883, [London, 1883] p.25. (Translation of A. Questão do Zaire, Direitos De Portugal, Lisboa, 1883).
 3. Andrade Corvo: Estudos sobre as Provincias Ultramarinas, 1883-7. Quoted Scott Keltie: op.cit., p.57.

to territory at or about each factory or station.¹ Caution was urged by a Foreign Office official in dealing with this question as 'any laws we might lay down limiting Portuguese claims inland from the coast acknowledged as belonging to the Portuguese Crown might be quoted inconveniently against us in cases where we have recently obtained cession of the coast for fiscal purposes in the neighbourhood of Sierra Leone, without occupying the country.'²

Although Portugal still possessed comparatively large areas in Africa, the economic value of those lands in no way compared with that of her former Empire. Deprived during the seventeenth century of her Eastern Empire and of her monopoly of the Guinea trade, Portugal had transferred her energies and interest to the mines of Brazil, using Africa only as a source of supply of labour. Her limited resources both of man-power and of means of economic control combined with political events to make her sovereignty no more than a nominal one and after 1822, the once world-wide Portuguese Empire was limited to the Indian Province of Diu, Damão and Goa, to the province of Maçao and Timor, and to her African possessions.

In West Africa, the north coastal districts of the Portuguese Province of Angola were suited in every respect, to the raising of tropical and sub-tropical products,

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1. Hertslet: Memorandum on Portuguese Possessions on the East Coast of Africa, 10 March 1876, F.O.63/1052.
 2. Note by Mr. Wylde, 31 October 1878, F.O.63/1117.

especially palm-kernels, palm oil, rubber, beeswax, coffee, sugar-cane and maize. Good natural harbours were provided by Lobito and Loanda Bays while mineral wealth of coal, copper, iron manganese ore, graphite, mica and sulphur remained to be exploited. Contrasted with these natural advantages were the unhealthy climate of the river lowlands, the increasingly arid nature of the coastline south of Lobito Bay and the absence of good inlets north of Loando from where the unbroken nature of the coastline made possible only open roadsteads at Ambriz, Ambrizette and Cabinda.

The coastal plain of her East African Province of Mozambique also offered Portugal agricultural possibilities in sugar, copra, sisal, maize, cotton and ground nuts while further inland mineral wealth awaited development. Throughout the greater part of the nineteenth century however, the only practical value to Portugal of these possessions was their contribution to the Slave Trade.

Even when faced with serious financial crises at home, she refused to sell her Indian possessions to Great Britain in 1836, and again in 1875. When Morier first went to Lisbon as British Ambassador in 1876 he 'thought no insurmountable difficulties would be found in the way of such cessions',¹ but he was soon convinced himself that 'Portugal will not consent

1. Morier to Salisbury, 23 September 1878, F.O.63/1117.

to alienate an inch of her colonial possessions.' After two years in that country, he wrote:-

'I have lived long enough in this country to know that this sentiment is so deep-rooted in the nation that no Ministry could ever run counter to it.' 1

It was not until the middle of the nineteenth century that Portugal was able to turn her attention to her remaining colonies. The Charter of 1826 had declared that the administration of these colonies should remain as it was until altered by law and it was not until a period of comparative internal peace and order had been established that colonial affairs received attention. Such a period was at last reached in 1851 when, after the struggles of Chartists and Septembrists, of Miguelists and Carlists, the Duke of Saldanha became Prime Minister in 1851. Decrees were at once issued which applied liberal and constitutional principles to the African Provinces.² In 1852 for the first time, provision was made for special laws to meet the individual requirements of the various colonies - 'Les provinces outremerines pourrent être gouvernées par des lois spéciales, d'après les nécessités de chacun d'elles.' Two years later the Portuguese Penal Code was put into force in the colonies and in 1869, the Portuguese Civil Code, except where it conflicted with certain ancient

1. Ibid.

2. See Anon: Les colonies portugaises - Court exposé de leur situation actuelle. Preface signed L. de B[ulhoes]. 1878.

customs. From 1859 onwards, each Province was to send deputies to the Cortes, the payment of at least 1000 reis in direct taxation being the qualification for the electors, and the payment of at least 4000 reis that for the deputies. From 1870 to 1878 the number of deputies sent was eight - one each from Cape Verde, St. Thomas, Angola and Mozambique, and two from India and from the Province of Maçao and Timor. In 1878 the number was raised to twelve.

Further Decrees issued in 1869 dealt with the judicial, educational and military administration of the colonies and one set up technical councils to examine all public works in the colonies. Finally, on 29 April 1875, slavery was declared abolished in all Portuguese possessions.

Each Province had a complicated form of Government which embodied constitutional principles.¹ At the head of each was a Governor or Governor-General, assisted by a 'Junte du Gouvernement' which had to be consulted on all important matters, especially those dealing with legislation. The Governor was not however, always forced to obey the vote of the majority. In each Province there was also a 'Junte de la province' composed of the Governor, President, Secretary-General, judges and two members chosen yearly by the Governor. Its duties were to deal with matters of local administration. In

1. Ibid.

the Province of Angola, there was in addition 'La Junte Général' in which a limited amount of representation was secured by the choice by the Governor, from a list presented to him, of one representative of each municipal chamber of the Province, two representatives of the commerce of Loanda and one representative of the commerce of Benguela. The functions of this body were purely supervisory and consultative.

Finally, a 'Junte des Finances' of members nominated, or sanctioned, by the King of Portugal administered the finances of the Provinces and appeal from their decisions was possible only before the King. A Secretary, named by the king, was a member of both the Junte du Gouvernement and of the Junte du Province. He also had under his immediate inspection the Government Press and the publication of the Official Bulletin. Each Province was divided into districts governed by military officers named by the King. These officers exercised both civil and military functions. Districts were divided into municipalities, each of which had an administrator named by the Governor of the Province and a municipal chamber elected by the people.

Thus, from legal enactments alone it would appear that the Portuguese colonies were liberally and efficiently governed. In practice however, there was an entire lack of co-operation between the Home Government and the Colonial authorities.

In spite of Laws and Decrees, the Portuguese colonies were, to a very large extent, subject to the uncontrolled wishes of corrupt local officials. The results of 'long continued neglect and mal-administration' were so clearly seen that it was feared by 1877 that unless much needed reforms were enforced, the colonies would soon attempt to shake off the hold of Portugal.¹ Little real progress could be reported in any colony. Portuguese writers themselves realised the need for effective changes and improvements: - 'It is proved that a system has no value which has caused only poverty and enervation.'²

The 'national vice of doing nothing'³ was clearly shown in the administration of Portuguese South West Africa. As late as 1883 there were no roads in that Province and a private firm possessed by Charter the complete monopoly of steam navigation on the only navigable river, the Coanza. Even this service was badly worked and the charges were all excessive. Sometimes this firm had only one small steamer on the river and that was constantly out of repair. Merchants were frequently compelled to keep their goods and produce⁴ exposed for a long time awaiting means of shipment.

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1. Morier to Derby, No.47, 16 June 1877, F.o.63/1062.
 2. Article in 'Jornal do Commercio', Lisbon, signed by P. Bayão, transl., 27 October 1876, F.O. 63/1116.
 3. Morier to Derby, No.14, 3 March 1877, F.O.63/1062.
 4. Letter from James Hutton to Granville, 20 March 1883, F.O.84/1804.

Practically the whole of the extensive Portuguese territory on the East and West coasts of Africa was closed to foreign commerce. The differential duty in favour of Portuguese manufactures amounted to 70% with the result that the cost of British goods was increased 32-42% over that of goods of Portuguese manufacture. The import duty on British goods was reduced 30% if they were sent to Portugal and re-shipped there in Portuguese vessels but even then the expenses of shipping to Lisbon, the transit duty levied there of $1\frac{1}{2}\%$ and the landing and re-shipping expenses by a Portuguese vessel made a difference of about 30% in favour of Portuguese manufactures. In addition to these duties and taxes a variety of fees had to be paid to the officials for clearances of vessels, for imports and exports of merchandise and for numerous other services. No cargo could be carried from Portugal to Angola nor from any port to any other port in that colony except under the Portuguese flag.

Although slavery was abolished, by Decree, in all Portuguese possessions in 1875, means were found to carry on the traffic under another name, 'the natives being driven to it for want of legitimate trade and the authorities conniving at it because they profited by the bribes they received from the Slave Dealers.'¹ The following description of the

1. Note by Mr. Wylde, describing conditions in Portuguese Africa in 1877, dated 3 May 1879, F.O.84/1803.

system practised was given to the Foreign Office by some
 1
 West African traders from Liverpool:-

'Anyone wishing to conduct this traffic has simply to petition the Governor of Angola to be qualified to engage labourers. This done, he proceeds to the interior of the Province, and as aborigines will not of their own free will leave their native land, men and women are bought from the Chief, the latter compelling them to accompany the white man who pays for them, and on their arrival at one of the Portuguese Government stations contracts are drawn, the import of which these poor natives do not in the least comprehend, as they have no knowledge whatever of the Portuguese language. These contracts stipulate, that, in consideration of their being freed from slavery by the said Agent, they undertake to serve him, or anyone to whom he likes to transfer his rights, for a term of five years at a small salary. The Government officials of course get their fees for each contract, and the Agent next proceeds to ship the poor wretches by Portuguese mail boats from Loanda to St. Thomas, another Portuguese possession where labour is greatly needed. At St. Thomas he transfers, in this instance also before Government officials, his interest to the planter, who will pay him best for all the trouble he may have been caused in bringing the so-called labourers.'

With the growth of British trade in West Central Africa and its continued emphasis on free trade principles, the maladministration by Portugal of her colonies and her rigidly closed system of commerce became increasingly abhorrent to British traders. They complained that no reliance whatever
 2
 could be placed on the promises of Portuguese officials.

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1. Enclosed in a letter from the African Steam Ship Company to Lister, 2 April 1883, F.O.84/1805.
 2. Letter from James Hutton to Granville, 20 March 1883, op. cit.

Their outspoken dislike of Portuguese methods was shared by at least one permanent official of the British Foreign Office in 1876. Lister declared that it was 'far better to have to deal with the worst savages than with the best intentioned Portuguese. The Portuguese stop all progress and legitimate trade and either connive at the Slave Trade or are powerless to prevent it. The savages can be made "to behave themselves wisely and to do good."¹

The succeeding eight years, 1876-1884, were to witness a long series of negotiations between representatives of these two countries, negotiations carried on, for the most part, in the face of violent opposition from trading interests in both countries.

1. Minute by Lister, dated 29 January 1876, F.O.63/1116.

CHAPTER I.

RELATIONS BETWEEN GREAT BRITAIN AND PORTUGAL OVERSEAS BEFORE 1876.

Portugal's 'Sixty Years Captivity' and the years which immediately succeeded her revolt from Spain in 1640 marked the end of the Portuguese Eastern Empire.¹ During that period the Dutch East India Company secured not only territorial, but also important commercial gains. The Portuguese were expelled from the Moluccas and from Ceylon. Malacca, 'the key of the narrow strait by which the most valuable products of the Far East reached the West'² was captured, and Goa, at one time the capital of the Portuguese State of India which stretched from East Africa to China, was blockaded by a Dutch fleet. Cochin and Cananor, which controlled the pepper trade of South West India, also had to be surrendered to the Dutch before peace was secured in 1669. Meanwhile Ormuz, the Portuguese outpost on the persian Gulf, had fallen to an Anglo-Persian force in 1622. Portugal was faced with the

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1. Information on Anglo-Portuguese relations during the 17th century has been obtained chiefly from:- Chapters in Anglo-Portuguese Relations edited by E. Prestage, (1935) and Diplomatic Relations of Portugal with France, England & Holland, 1640-1668, by E. Prestage, (1925).
 2. E. Prestage: Chapters in Anglo-Portuguese Relations, op.cit., Chapter IV, p.131.

loss of all the strongest outposts of her Indian Empire and also with the loss of the monopoly of trade in drugs and spices which she had retained for more than a century. Elsewhere she was able to regain many of the losses she had suffered. Brazil was recovered from the Dutch West Indian Company by 1654 and the Dutch were also expelled from Angola in 1651. Few attacks had been made on Portugal's East African possessions but their value had been seriously diminished by the loss of the East Indian trade.

Great Britain had taken advantage of Portugal's submission to Spain to increase her Indian trade and to break down the trading monopoly claimed by the Portuguese. From this time can be dated her interest in the overseas possessions of Portugal. In 1635 she secured permission for her ships to trade with the Portuguese settlements on the coast of India and with Macao, while by the Treaty of the 29th January 1642, she received further concessions relating to her trade with Brazil and between her West African factory of Gambia and the Portuguese settlements on the West Coast of Africa. The royalist sympathies of King John IV of Portugal led him into still greater difficulties with the Commonwealth Government of England after 1649. Unable to withstand English hostility as well as that of Spain and Holland he was forced to make peace with the 'de facto' government in

England, but only at the cost of further concessions to that country. These included the right to trade with all the Portuguese colonies and the grant of important privileges to English merchants in Lisbon itself. With the Restoration of Charles II in 1660 the ties between England and Portugal were still further strengthened. The English Government anxious not to lose the commercial advantages secured from Portugal by the Commonwealth, caused a proclamation to be issued in October 1660 declaring the maintenance of the existing trading relations until a new treaty should be drawn up. This was signed the following year and ensured the continuance of the privileged position of English traders in Portugal and her possessions.¹

Great Britain's interest in Portugal's overseas possessions was not, however, based only on their commercial importance. In the Marriage Treaty of 23rd June 1661, which arranged for the marriage of King Charles to the Infanta Catherine of Braganza, England assumed responsibilities towards Portugal's colonies, though it is difficult to determine the extent of her commitments. The death of King John IV of Portugal in 1657 followed by the accession of his young son, Alfonso, under the regency of the Queen Mother had led to renewed

1. Articles XI, XII, XIII and XIV of the Marriage Treaty of the 23 June, 1661.

threats of invasion of Portugal by Spain. At the same time the United Provinces of the Netherlands were continuing their attacks on the Portuguese East Indian possessions. To secure British military aid was the main object of the Portuguese negotiator of the Marriage Treaty, Francisco de Mello, Conde da Pont, Marques de Sande. The English Commissioners had objected to Charles's binding himself to defend Portugal as if it were England. Sande appealed to Charles and declared that he would not make the treaty on any other condition as this was the chief reason for the marriage.¹ Charles ordered the demand to be conceded and by Article XV of the final Treaty,² the King of Great Britain, with the advice and consent of his Council, professed and declared that he would 'take the interest of Portugal and all its Dominions to heart, defending the same with his utmost power by sea and land, even as England itself.' The exact amount of military aid to be sent to Portugal at the request of her King was defined in the rest of the article:-

' he would transport thither at his proper cost and charges two Regiments of Horse consisting of 500, and two Regiments of Foot each consisting of 1,000, all of which should be armed at the charge of the King of Great Britain'

-
1. E. Prestage: Diplomatic Relations of Portugal....., op.cit., pp.147-8.
 2. Latin text of this Treaty with its ratification by Portugal is in S.P.108/545.

It is noticeable that the method of defence of Portugal's dominions was not defined in this article, which was restricted to provision for the defence of Portugal. Article XI of the Treaty declared that Bombay should be handed over to the British 'for the better improvement of the English

interest and trade in the East Indies, and that the King of Great Britain may be better enabled to assist, defend, and protect the Subjects of the King of Portugal in those parts, from the power and invasion of the States of the United Provinces.'

A Secret Article defined more clearly the form in which this help should be given. This Article, written in Latin, was ratified by Portugal on the 28 August 1661. By it, the King of Great Britain promised to use all his strength and power to bring about a true and lasting peace between the King of Portugal and the United Federal provinces of Belgium. If those provinces refused the terms offered, it was agreed that when the said King of Great Britain shall have sent his fleet to take possession of the Island and Port of Bombay he shall at the same time send forces of sufficient strength with instructions to defend and protect the Portuguese possessions in the East Indies'. If the United Provinces seized any towns or territories belonging to the King of Portugal while the negotiations were in progress the King of Great Britain promised to 'bring about an effective restoration

1. Document A., p. 244.

of every single town and territory to the King of Portugal and to use all his strength to that end.'

According to this article therefore, Great Britain undertook the defence of Portugal's Eastern possessions only, and the circumstances which would lead to the help being given were clearly set forth. The English version of this article, as it occurs in the 'Book of the Board of Trade containing Entries relating to Portugal, 1654-1679'¹ and in certain published collections of treaties as well as in official British publications varies considerably from the signed Latin treaty. According to this version, the King of Great Britain promised and obliged himself 'to defend and protect all conquests or colonies belonging to the crown of Portugal, against all his enemies, as well future as present'² The origin of this English version has not been traced.³

In compliance with her other engagements in the secret article, a peace was signed between Portugal and the United Provinces, through the mediation of Great Britain, on 6 August 1661 and the Earl of Marlborough was sent with a fleet to obtain delivery of Bombay. The Viceroy of Goa, however, refused to yield the island, maintaining that he had been

1. C.O. 389/7.

2. Document B, p. 248.

3. See Appendix, p. 239, Note on the Secret Article of the Marriage Treaty of 23 June 1661.

instructed only to hand over the place to anyone who brought the King of England's warrant. The Duke of Marlborough had only a sealed letter from King Charles written in Latin, and Letters Patent in English. 'The letters had defects, and the

Letters Patent had not the signature of the King of England. I doubted the validity of the one and the other, as all the Letters Patent I have ever seen had the Royal signature; and there could be no reason for the omission in this case.' ¹

It was not until the 18th February 1665 that the actual transfer took place. Meanwhile the Dutch East India Company had taken advantage of the delay in the ratification, ² by the Government, of the United Provinces of the Treaty of the 6th August to seize Cochin and Cananor in South West India, and peace was not finally secured in the East Indies until the 30th July 1669. During the negotiations for the Treaty of Breda between Holland and Great Britain in 1667, the English Commissioners had been instructed to provide for the inclusion of Portugal in the Treaty, ³ but they did not secure for Portugal an effective restoration of the territories taken since 1661. The Dutch promised the restoration of Cochin and Cananor on the payment by Portugal of an exorbitant sum of money, a condition which was equivalent to the complete

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1. Letter from Portuguese Viceroy to King of England, 28 December 1661. Quoted, F.C.Danvers: The Portuguese in India, Vol.II (1894), p.336.
 2. This Treaty was not ratified till 14 December 1662.
 3. Prestage: Diplomatic Relations of Portugal...., op.cit., p.235.

abandonment by Portugal of these places.¹ It has been suggested² that delay in the delivery of Bombay gave Great Britain some excuse for not carrying out in full the promise she had made in the Secret Article. This article, in the signed Latin version was concerned only with immediate events in the East Indies. The promise made by Great Britain in Article XV to defend the interest of Portugal's Dominions as well as of Portugal herself, was like the promise contained in the English version of the Secret Article, less specific and much more far-reaching.

During the 17th and early 18th centuries both Portuguese and English possessions in India were exposed to Mahratta attacks. Although the English often helped the Portuguese to defend their settlements,³ by the middle of the 18th century, Portugal retained only Goa, Damão and Diu in India. One appeal for British help against the Mahrattas was made during the mission of Pombal to London, 1739-44. The Portuguese envoy was instructed to seek help from the British against Mahratta attacks on the island of Salsette, near to Bombay. Pombal declared that the English at Bombay were demanding exorbitant rewards in return for their assistance in

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1. Koch: Abrégé de l'histoire des Traités de Paix. Vol.I. (1796), p.183.
 2. Prestage: Chapters in Anglo-Portuguese Relations, op.cit., p.150.
 3. Peace Handbook, No.115, The Formation of the Portuguese Colonial Empire, (1920), p.26.

what should be properly regarded as a common cause.¹ On this occasion the question was closed by successful action on the part of the Portuguese unassisted by the British, but the promise made in 1661 did not appear to have been forgotten. Later, in 1780, the British Council of Bombay remarked that the obligations of England towards the Portuguese, incurred by the Secret Treaty made in 1661, were limited to giving the Portuguese protection against the Dutch with whom they had been at enmity when the treaty was signed.²

At the time of the Revolutionary Wars it was thought probable that the French would endeavour to get possession of the Portuguese settlements in India and in China. The Marquis Wellesley, then Governor-General of British India realised the importance of preventing Goa from falling into the hands of the French owing to its vicinity to Bombay. By agreement with the Portuguese Viceroy, therefore, an English garrison was introduced into Goa and remained there till 1815.

During the sixty years which followed the end of the Revolutionary Wars questions of trade formed the main points of contact between Great Britain and Portugal's colonies. Disregarding the complaints of British merchants and their appeals to existing treaties, Pombal had, in 1755, inaugurated

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- Dictator of Portugal -*
 1. Marcus Cheke: A Life of the Marquis of Pombal, 1699-1782. (London, 1938), pp.28-29.
 2. Danvers: op.cit., p.442.

the Grand Para Trading Company to enjoy an exclusive monopoly of trade with Brazil.¹ Shortly afterwards the privileges of English merchants in Lisbon had been seriously curtailed and an exclusive colonial system had become characteristic of Portugal. Thus the first three quarters of the nineteenth century were marked by continual colonial disputes and bickerings between Great Britain and Portugal and by occasional discussions as to Great Britain's legal obligations towards Portugal's colonies.

The Treaty of Friendship and Alliance between Great Britain and the Prince Regent of Portugal, signed at Rio de Janeiro on the 19th February 1810 had renewed the Ancient Treaties already subsisting between the two countries:-

'There shall be a perpetual firm & unalterable Friendship, defensive Alliance & strict and inviolable Union, between the King of Great Britain and the Prince Regent of Portugal, his heirs and successors; 'as also between & amongst their respective Kingdoms, Dominions, Provinces, Countries & Subjects, so that the High Contracting Parties shall constantly employ as well their utmost attention as all those Means which Almighty Providence has put in their Power, for preserving the public Tranquillity & Security, for maintaining their common interests, & for their mutual Defence & Guarantee against every hostile Attack, the Whole in Conformity to the Treaties already subsisting between the High Contracting Parties; the stipulations of which so far as the Points of Alliance and Friendship are concerned, shall remain in entire Force & Vigour, & shall be deemed to be renewed by the present Treaty in their fullest Interpretation and Extent.' 2

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1. Marcus Cheke: Dictator of Portugal - A Life of the Marquis of Pombal, 1699-1782. (London, 1938) p.58 and p.78.
 2. A. & P. 1810-1811, Vol.XI, pp.509-521. Article I.

Five years later when the Treaty for the Restriction of the Portuguese Slave Trade was signed between Great Britain at Vienna, this Treaty of Alliance of 1810, 'being founded on circumstances of a temporary nature, which have happily ceased to exist' was '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.' 1

The actual terms of the Treaties referred to do not seem to have been published at this time, but the English version of the Secret Article of the Treaty of 1661 had already appeared in print in the collection of treaties edited by George Chalmers and published in 1790.²

Ten years after this renewal of the Treaties, Canning denied that Great Britain's guarantee to Portugal extended also to her colonies. He acknowledged that Great Britain had

'antient Treaties with Portugal of which . . . the context and spirit undoubtedly' gave to Portugal a claim upon Great Britain for general protection, if not for a specific guarantee, 'such a guarantee indeed is argued by the Marquis of Palmella to extend even to the colonial possessions of the Crown of Portugal. We do not admit that extension . . . ' 3

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1. A. & P. (1883) Vol. XLVIII. Africa No.2 - 1883. C.3531. p.2. Article III.
 2. G.Chalmers: Collection of Treaties between Great Britain and other Powers. Vol.II (1790), pp.295-6.
 3. Canning to Henry Chamberlain, Confidential, 13 January 1825. Enclosed in Canning to A'Court, 13 January 1825. F.O.179/28. See H. Temperley, Foreign Policy of Canning. (1925), pp.194 and 541.

Nevertheless, he was prepared to give a guarantee that Great Britain would defend both Portugal and her remaining colonies if attacked by an independent Brazil.¹

The next occasion on which the question of Great Britain's guarantee to the Portuguese colonies came to the fore was during the negotiations for an Anglo-Portuguese Slave Trade Treaty in 1838. By the remission of £450,000 of debt owed by Portugal to Great Britain, and by a further gift of £300,000, nominally given as an 'indemnity' for captured slave-ships, Portugal had been induced to sign the Slave Trade Treaty of the 22nd January, 1815.² By this Treaty it had been declared unlawful '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.'

The separation of Brazil from Portugal with the consequent loss of legitimate slave markets, led to the extension of this prohibition to the other Portuguese African Provinces. A decree of the 10th December 1836 declared the total abolition of the traffic in slaves in all Portuguese possessions. Within a year, on the 11th November 1837, the Governor-General of Mozambique was forced to suspend the execution of the Decree 'from apprehension of creating discontent and tumults which

1. Canning to A'Court, 4 February 1826. F.O.179/32.
See H. Temperley, *op.cit.*, Note on p.223.

2. F.O.94/170.

may endanger the safety of the Colony.'¹ The Portuguese Foreign Minister was soon forced to admit that although the Slave Trade had been abolished by Law throughout all the Dominions of the Crown of Portugal, yet nevertheless slaves continued to form one of the principal Branches of Exportation from the Portuguese colonies. Viscount Sà da Bandeira acknowledged that;

'Owing to the state of decadency of the Portuguese Navy resulting from the numerous calamities & political convulsions through which the Nation has passed, as well as to the want of means of the National Treasury' it was 'not in the power of the Government of His Majesty to maintain the dispositions of the said Decree in any way whatever nor the Stipulations of the future Treaty for the suppression of the above-mentioned Traffic unless the British Government on their part give a formal and explicit guarantee of the said Dominions to the crown of Portugal against any insurrection which may occur in those Provinces, as well as against any attempts of Foreign Powers who may try to foment rebellion, or who may endeavour to possess themselves of the said Dominions.' 2

The British Ambassador at Lisbon attributed this attitude on the part of the Portuguese minister to his desire 'to relieve himself from daily persecution from those who through active intrigue are opposing the abolition of the Slave Trade.' He regarded it 'in the light of a device to protract indefinitely the negotiations', in order that da Sà

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1. Lord Howard de Walden to Palmerston, No.8. Slave Trade. Confidential. 7 May 1838. F.O.84/249.
 2. Note from M. Sà da Bandeira to Lord Howard de Walden dated 8 May 1838, enclosed in Despatch No.9. Slave Trade, to Palmerston, 10 May 1838. F.O.84/249.

might have further opportunities of conciliating certain parties whom he looked upon as important to him politically. Under those circumstances he declared to Viscount Sà da Bandeira that the insistence by Portugal on such an engagement would be looked upon by Great Britain as the breaking off of the negotiations.

A few months later the negotiations were re-opened, but Viscount Sà still expressed a desire that the Treaty should contain a stipulation renewing the ancient Treaties of Alliance, Friendship and Guarantee. At the same time he wished the Treaty to be open to revision after ten years. These suggestions led Palmerston to send the following instructions to Lord Howard de Walden:-

'You will repeat the observation which by my Direction has already been made to Viscount Sà, that the proposed Treaty on the Slave Trade has no bearing whatever on the Antient Treaties between the two countries and cannot invalidate or annul those Treaties, and that consequently there is no ground for contending that the clause proposed by Viscount Sà is necessary in order to prevent this Treaty from abrogating the former and antient Treaties. But if such a clause is not necessary for that purpose, it would be, not merely redundant, but injurious; because it would cast a doubt on the continued existence of those Antient Treaties, and would imply that, without such a clause, those Treaties would have ceased to exist.

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1. Lord Howard de Walden to Palmerston, No.9. S.T., 10 May 1838. F.O.84/249.
 2. Note by Viscount Sà da Bandeira, 6 October 1838. *ibid.*

Therefore it is manifest that if this clause were to be admitted, and if the duration of the Treaty were to be limited, as proposed by Viscount Sà, it would follow that if, at the end of the stated period of Limitation, this Treaty were not to be renewed, grave doubts might be started, whether all the former & Antient Treaties had not thereby also expired. The insertion of the clause in question would tend to defeat the desire so strongly expressed by Viscount Sà to maintain and perpetuate those Antient Treaties.' 1

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Finally in a note presented to Viscount Sà on the breaking off of the negotiations in April 1839, Palmerston remarked that 'either those Treaties are in force, or they are not; the Government of Portugal asserts that they are; and Great Britain does not deny that assumption. If then they are in force, what is the use of renewing them in this Treaty? To do so would weaken instead of confirming them; because it would imply that, without such Renewal, those Treaties would not continue to be in force. The British Government, is therefore, of opinion, that such a Stipulation, as that proposed M. de Sà would tend materially to weaken the Force of the ancient Treaties between the Two Countries . . . '

Thus it would appear that palmerston, though unwilling to give a formal renewal of England's colonial guarantees to Portugal was equally unwilling to weaken any ties which might exist between the two countries. He would not deny that England already had commitments towards the Portuguese colonies, but on the other hand, he would do nothing to define more clearly England's position.

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1. Palmerston to de Walden, Slave Trade No. 2, 19 January 1839, F.O.84/281.
 2. Note dated 27 April 1839 enclosed in Palmerston to de Walden, Slave Trade No.14, 27 April 1839. F.O.84/281.

A few years later, in 1843, the Queen's Advocate gave an equally guarded reply to Lord Aberdeen's query as to 'whether there are any engagements subsisting between England and Portugal which would bind the former country to interpose in the event of a rupture between the Chinese Government and the Portuguese authorities at Macao.'¹ He came to the conclusion that the Portuguese were 'possessed of such an interest therein as to bring it within the true meaning of the Treaty' entered into with Portugal in 1661,² but 'the true meaning of the Treaty' was left undefined.

The 'Charles and George' incident in 1858 provided further opportunity for discussion as to England's treaty obligations to Portugal overseas. A French vessel, the 'Charles and George' had been detained by the Portuguese authorities in Mozambique on the charge of slave-trading. On this occasion, the Portuguese Government made no appeal to Great Britain to support her against the protests made by the French Government, but Great Britain offered her 'good offices' to Portugal. In Portugal itself differences of opinion existed as to the applicability of the Ancient Treaties on that occasion. In the judgment of the Prime Minister of Portugal, the '*casus foederis*

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1. Aberdeen to Queen's Advocate, 4 September 1843. F.O.84/2247, (Quoted In McNair: Law of Treaties (1938), p.273.)²⁷⁷
 2. Queen's Advocate to Aberdeen, 9 September 1843. *ibid.*

had not arisen'. On the other hand, Count Thomar announced in the House of Peers that, under the misapprehension that Great Britain had not offered her good offices to the Portuguese Government, he had condemned this neglect on the part of England in a question which he thought 'Great Britain ought to consider her own, and in which she could not refuse firm support to her faithful ally.'¹

In England also, opinion was divided as to the attitude that Great Britain should have maintained. In the debate in the House of Lords on 8 March 1859,² Lord Wodehouse stated that, having tendered our good offices, we should have given them in such a manner as to have secured to Portugal an efficient support. Lord Malmesbury and Lord Granville both referred to the Ancient Treaties of Alliance and Guarantee, but the debate was brought to a close by the expression of opinion by Lord Derby that 'inasmuch as no violation of our Treaties with Portugal had occurred, Portugal had no right to ask for the good offices of the British Government under the circumstances, much less to claim the armed intervention of England in her behalf.' Five months later, on 11 August 1859, the terms of Great Britain's guarantee engagements to Portugal, as well as to other countries, were laid before the Houses of

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1. Quoted in Hertslet's Memorandum on the Old Treaties of Alliance and Guarantee between Great Britain and Portugal, 17 January 1877. F.O.63/1082.
 2. Hansard, 3rd Series, Vol. c.111, pp.1415-1463.

Parliament in reply to an Address made in the House of Commons two days previously.¹

The ancient Anglo-Portuguese Treaties were again published in 1871 when, in reply to another Address made in the House of Commons on 22 May the 'Treaties of Guarantee under which this Country is engaged to interfere by force of Arms, etc., to attack and defend any Government or Nation' were ordered to be published by the Government.²

During a debate in the House of Commons³ the following year, Gladstone remarked that the terms of the Treaty of 1661 were 'undoubtedly alarmingly stringent'. With particular reference to Article XV and the engagement of the King of Great Britain to 'take the interest of Portugal and all its Dominions to heart, defending the same with his utmost power by sea and land even as England itself,' he remarked that 'the sting of many animals and of many guarantees may be carried in the tail, but undoubtedly, the tail of that guarantee takes the sting out of the preceding part' and he quoted the last part of the article which defines the amount of aid to be given to Portugal. During this debate no special reference was made to the Secret Article of the 23 June.

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1. A. & P. 1859. Vol. XXXII, p.593. Temperley and Penson: Century of Diplomatic Blue Books, (1938), p.165.
 2. A. & P. 1871. Vol. LXXII, p.449. Temperley and Penson: op.cit., p.238.
 3. Hansard's Parliamentary Debates. 3rd Series. Vol.CCX. p.1151.

In 1873 the British Government repeated its assurance to Portugal that 'the Spaniards could not count upon the indifference of England to an external attack upon Portugal'¹ but no reference was made to England's attitude to Portugal's colonies. It was not until just before the close of the century that the British Government was to give Portugal a specific though secret renewal of its guarantee engagements² to her colonies.

Meanwhile, up to 1876, no British statesman had shewn any desire to break England free from any existing engagement to Portugal though the extent of these engagements were open to dispute. Canning alone among English statesmen had definitely denied that England had any commitments towards Portugal's colonies, but opportunities of re-stating her obligations were not taken. When in 1877, the question of their renewal was again raised, the Librarian of the Foreign Office summed up the situation with regard to the applicability of the Ancient Treaties to the Portuguese possessions in Africa and in India in the following words:- 'It has never been said by this country that they have lapsed, or that they have ceased to have any binding effect; and the time may come when it may be found convenient to appeal to them; but . . .

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1. Granville to Murray, No.15, 19 February 1873. F.O.179/196. See Gooch and Temperley: British Documents on Origin of the War. Vol.I. (1927), Editorial Note on p.94.
 2. Anglo-Portuguese Secret Declaration, 14 October 1899. See Gooch and Temperley: op.cit., Vol.I, No.118, pp.93-4.

each question must be decided on its own merits as it arises . . . ¹

Side by side with these theoretical disputes as to Great Britain's responsibilities towards Portugal's colonies went the more practical difficulties which arose mainly from questions of trade. In India the chief cause of dispute between the Portuguese State of India, consisting of Goa, Damão and Diu, and the Government of India related to the adverse effect on the trade of British India of the use made by the Portuguese of trading privileges which dated back to 1714. In that year a Firman of the Mogul Emperor ² granted the Portuguese factory at Surat the right of importing and exporting all goods at a uniform duty of $2\frac{1}{2}\%$. Portuguese merchants were thus placed 'on equal terms with the Mohammedans, the most favoured of the Emperor's natural-born subjects.' ³ At the end of the 18th century, 'the Nabob of Surat ceded the administration of the city and the dependent territories to the English East India Company,' ⁴ which agreed to maintain the privileges granted to the Portuguese. They were permitted to

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1. Memorandum on the old Treaties of Alliance and Guarantee between Great Britain and Portugal. Confidential. (3051). Printed for the use of the Foreign Office, 17 January 1877, F.O.63/1082. See Document D, p. 252.
 2. An English translation of this Firman is in Danvers: op.cit., p.473.
 3. Memorandum by Austin Lee, 24 February 1874. F.O.63/1080.
 4. Duke of Saldanha (Portuguese Legation) to Granville, 23 October 1872. F.O.63/1080.

retain their factory and import or export, at an ad valorem duty of $2\frac{1}{2}\%$, the merchandise of Portuguese subjects, transported in Portuguese ships to and from Portuguese ports.

The origin of this Portuguese factory and the means by which it obtained the firman privileges were unknown to the India Office in 1873 as 'the records in the Secretariat, relating to the period when the Portuguese first settled in Surat, are very meagre, and merely allude to the factory as being in existence.'¹ The India Office thought it most probable that the factory at Surat, like those of the British and the Dutch in India, was founded by private individuals and that its privileges were as jealously monopolised by the few who owned the venture as those of the Dutch and English factories, by their respective factors. Neither the Home nor Indian Government of the Portuguese had ever interfered to support the claims of the Director of the factory 'though he himself has been loud and persistent in his complaints, on the many occasions on which the practice and privileges of the factory have been restricted and curtailed, and especially during the period 1841-5 when the privileges were entirely suspended.' Thus the India Office concluded that neither the Portuguese Government nor the Portuguese nation

1. India Office Memorandum respecting Portuguese privileges at Surat, sent to the Foreign Office 20 February 1873. F.O.63/1080.

had ever had any direct concern in the firman or the factory.¹

By 1873 the direct trade of the factory had long ceased and the Director had become merely an agent who passed so-called Portuguese goods through the British custom-house. On arrival at the Portuguese settlement of Damão, goods were transhipped into Portuguese pattimars and cleared through the Customs-house for export to the Portuguese factory as the property of the agents, Portuguese subjects, who had consigned them from Bombay. After being landed at Surat, they were admitted to firman privileges, on application of the Director, as the certified property of Portuguese subjects freighted on Portuguese bottoms, and the greater portion was carted straight to the railway station as soon as cleared through the Customs-house and sent back to Bombay by train, thus evading the payment of full tariff dues by a false representation and subterfuge.²

The increasing application of this practice to the importation of wines and spirits had led to a serious loss of revenue by the Indian Government. The first importation of spirits under Firman privileges at Surat was in 1862, and within ten years the annual loss of revenue to the Indian

1. India Office Memorandum, 20 February 1873. op.cit.

2. Ibid.

4. India Office Memorandum, 20 February 1873. op.cit.

Government was reckoned as £150,000 a year.¹ The following examples show the difference between the receipts from the ordinary tariff duties and from the privileged duties. On the 25th November 1871 the following importations of spirits from Damão² were passed at the Firman rate of duty:-

817 cases of brandy = 1634 gallons, the tariff duty on which is Rupees 4,902, the privilege duty Rupees 314-7-7.
610 cases of brandy = 1220 gallons, the tariff duty on which is Rupees 3,660, the privilege duty Rupees 137-4.

On the 2nd December 1871 the following importations of spirits were passed from the same settlement at the same privileged rates:³

1252 cases of brandy = 2494½ gallons, the tariff duty on which is Rupees 7,483, the privilege duty Rupees 603-11.
39 cases of Branco and Tinto wine = 897 gallons, the tariff duty on which is Rupees 897, the privilege duty Rupees 67-4-5.

Until June 1872, the Director of the Surat factory, who was appointed by the Governor of Damão, was in the habit of remunerating himself by the levy of a duty on all goods admitted to firman privileges of 2½% in addition to the duties payable at the British Customs-house.⁴ In that month, a new Director

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1. Morier to Corvo, undated but bound between two despatches dated 28 November 1876. F.O.63/1081.
 2. From P.M. Dalzell, (English Deputy Commissioner of Customs, N.D.), to A.F. Bellasis, Esq. (Commissioner of Customs, Bombay) - enclosed in despatch from the Government of India to the Secretary of State for India, 20 December 1871. F.O.63/1080.
 3. From Acting Chief Secretary to the Government of Bombay to Secretary to the Government of India, Foreign Department - dated 19 December 1871, enclosed in Despatch No.1 of 1872 from the Government of India to the Duke of Argyll, 5 January 1872. *ibid.*
 4. India Office Memorandum, 20 February 1873. *op.cit.*

was appointed, on a fixed salary, and with instructions to hold the extra duties levied by him at the factory to the credit of the Portuguese Government. 'This', the India Office remarked was 'the first instance on record in which the Portuguese Government have attempted to derive a revenue from the trade of the port of Surat and is, it is submitted, an act in direct violation of the sovereign rights of Her Majesty the Queen.'

The Governor-General of India in Council decided that the privileged position of the Portuguese factory should be suspended from 1st September 1872 without any compensation being given to the Portuguese authorities. The final decision of the question was to be settled in Europe. Emphatic protests against this decision were sent to the British Government by the Portuguese Ambassador, but the Law Officers of the Crown established the legality of the action of the Governor-General, and the Home Government upheld the step which had been taken. The attempts made by Portugal to negotiate the cession of the privileges on the basis of a pecuniary indemnity were unsuccessful - such a basis 'is justified neither by the records of this Office, nor by the historical circumstances which originally gave rise to the exception.'

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1. Law Officers to Granville, 29 January & 1 February, 1873. F.O.63/1080.
 2. India Office to Foreign Office, 5 August 1874. F.O.63/1080.

Undeterred by these refusals, the Ambassador received instructions the following year to repeat his request and 'to remind Y.E. [the Earl of Derby] again of the expediency of a conciliatory and equitable proposition by Your Excellency to the Portuguese Government to the effect indicated in order to put an end to our just reclamation respecting the Factory of Surat.¹ On this occasion, the India Office while still concurring in the conclusions to which it had previously arrived, suggested a condition on which it 'would not be unwilling to consider the grant of a moderate amount of compensation for the suspension of the Surat privileges.' This condition was that the Portuguese Government should 'enter into negotiations for the transfer on reasonable terms to the British Government of all their possessions in India.'² The British Ambassador at Lisbon, Lord Lytton, was instructed to 'ascertain confidentially the views of the Portuguese Government with regard to such a course.'³ He soon reported that he saw no possibility of its being accepted by the Portuguese Government, but added that 'Senhor Corvo, however, after summarily dismissing from notice the suggestion I had thrown out ^{to} ~~for~~ him for the sale of Goa, Damão and Diu, proceeded to

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1. Saldanha to Derby, 4 March 1875. F.O.63/1080.
 2. India Office to Foreign Office, 16 April 1875. F.O.63/1080.
 3. Derby to Lytton, 28 June 1875. F.O.63/1080.

suggest another mode of satisfying Portuguese claims.¹ This was British co-operation in the construction of a railroad from Goa to one of the main Indian trunk lines. Lytton suggested that it was the desire to see this object achieved that had led Portugal to put forward claims to compensation. In spite of the rival claims of Karwar, the advantages of such a railroad to Goa could not be denied; like Lourenço Marques in East Africa, Goa was the natural port for a very large hinterland. 'To make this port available for the commerce of Southern India and the rich cotton-producing districts of the Interior was to give to Goa its raison d'être and to secure the future prosperity of the Colony.'²

This Portuguese suggestion met with no more favourable reception in England than the suggestion of the India Office had met with in Portugal and at the beginning of September, Lord Lytton was informed that 'no advantage will accrue from prolonging the correspondence on the part of H[is] M[ajesty's] Gov[ernment].'³

Only two months later however, the question of Anglo-Portuguese relations in India again became the subject of correspondence. The initiative, on this occasion, came from the

1. Lytton to Derby, 22 July 1875. F.O.63/1080.
2. Morier to Corvo, 6 December 1876. No.66 Commercial. F.O.63/1081.
3. Derby to Lytton, No.13 Commercial, 1 September 1875. F.O.63/1080.

Britain¹ and by a further gift of £300,000, nominally given as an 'indemnity' for captured slave-ships,² Portugal had been induced to sign the Slave Trade Treaty of the 22nd January 1815, which had declared it unlawful '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.'³

The separation of Brazil from Portugal had left Portugal with no possessions to which to send slaves from the districts south of the Equator which had been left open to the Portuguese by the Treaty of 1815. Therefore the Decree of the 10th December 1836 declared the total abolition of the traffic in slaves in all Portuguese provinces. Correspondence during the negotiations for a new Slave Trade Treaty between Great Britain and Portugal in 1838 had shown that, in practice, the Decree remained a dead letter. The helplessness of the Home Government in face of the determination of the Portuguese

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1. Treaty between Great Britain and Portugal for the restriction of the Portuguese Slave Trade, and for the Annulment of the Convention of the Loan of 1809, and Treaty of Alliance of 1810. Signed at Vienna, 22 January 1815. Article V. F.O.94/170. (B.F.S.P. Vol.II, p.353).
 2. Convention between Great Britain and Portugal, relative to the Indemnification of Portuguese subjects for certain detained Slave-Trade Vessels. Signed at Vienna, 21 January 1815. Article I. F.O.94/169. (B.F.S.P. Vol.II. p.347).
 3. Treaty of 22nd January 1815, op.cit., Article I. A. & P. 1883. Vol. XLVIII, p.103. Africa No.2 - 1883. C.3531- Correspondence respecting the Territory on the West Coast of Africa lying between 5° 12' and 8° of South Latitude: 1845-77, p.2.

African Provinces not to forego their main source of wealth had been clearly illustrated. In 1842, however, Portugal agreed to declare Slave Trading piracy and to permit reciprocal right of search with Great Britain, but infringements of the Act persisted. The 'Memorandum of Instances of the infraction of Treaties by the Portuguese Government' drawn up by Sir E. Hertslet in April 1883¹ showed clearly the unreliability of Portuguese promises and the determination of the British Government to overcome their evasions and to secure the suppression of the trade. In spite of repeated promises on the part of the Portuguese authorities at home, considerable numbers of slaves were purchased in Angola each year and shipped to San Thomas under the pretence of their being Free Labourers. As Livingstone pointed out the

'duties derived from the exportation of slaves far exceeded those from other commerce, and by agreeing to the suppression of this profitable traffic, the Government actually sacrificed the chief part of the export trade' of its African colonies. However good the intentions of the home Portuguese Government might be, he realised that they could not be fully carried out under the system then in operation in the Portuguese colonies. 'The pay of the officers is so very small, that they are nearly all obliged to engage in trade; and owing to the lucrative nature of the slave-trade, the temptation to engage in it is so powerful, that the philanthropic statesmen of Lisbon need hardly expect to have their humane and enlightened views carried out.' 2

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1. See Document E, p. 267
 2. D. Livingstone: Travels and Researches in South Africa. (London, 1905), p.370.

While it is impossible to deny that purely humanitarian motives ranked high in this self-imposed policy of Great Britain to destroy the traffic in slaves, commercial interests were also involved. Slave-trading was the greatest obstacle to the development of legitimate trading with the natives of Africa. With the final suppression of the trans-Atlantic Slave Trade, which followed the enforcement of the Anglo-American Treaty of 1862, new opportunities for trade appeared to have been opened. The Portuguese colonial possessions still remained as obstacles to the development of this trade. Excessive duties were imposed by the Portuguese on all foreign produce and innumerable different fees had to be paid at the customs-houses. The following is Livingstone's description of the conditions at Loanda about 1850:-

'Ships coming here must be consigned to some one on the spot; the consignee receives one hundred dollars per mast, and he generally makes a great deal more for himself, by putting a percentage on boats and men hired for loading and unloading, and on every item that passes through his hands. The port charges are also rendered heavy by twenty dollars being charged as a perquisite of the Secretary of Government, with a fee for the chief physician, something for the hospital, custom-house officers, guards, etc. etc.'¹

The existence of these trading conditions in the Portuguese colonies made good relations between Great Britain and Portugal overseas impossible.

The immediate reasons for disputes between the two

1. Ibid. pp.369-370.

countries in Africa were Portugal's territorial claims, both in East and in West Africa, to districts over which Great Britain did not recognise her right of sovereignty. In East Africa, the disputed territory was Delagoa Bay; in West Africa, it was the Island of Bolama and the west coast from 5°12' to 8° South Latitude. In none of these disputes was the question of Great Britain's guarantee engagements to Portugal and her Dominions directly involved, for they concerned districts which were not regarded by Great Britain as 'conquests or colonies' of Portugal.

An Additional Convention to the Treaty of the 22nd January 1815 between Great Britain and Portugal for the suppression of the Slave Trade had defined Portugal's possessions on the East Coast of Africa as 'the territory lying between Cape Delgado and the Bay of Lourenço Marques.'¹ Considerable discussions arose as to the exact southern boundary of the Portuguese possessions.² It was not clear whether Portuguese territory included the whole of Delagoa Bay or only the territory as far as the Bay of Lourenço Marques, 'a more secure haven inside the wide expanse of

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1. Convention between Great Britain & Portugal, additional to the Treaty of January 22, 1815, for the Prevention of the Slave Trade. Signed at London, 28 July 1817. Article II. F.O.94/175.
 2. Material for the account of Anglo-Portuguese rivalry in East Africa has been taken mainly from the documented article by R.W. Bixler on Anglo-Portuguese Rivalry for Delagoa Bay in Journal of Modern History. Vol. VI. No.4. December 1934, pp.425-440.

Delagoa Bay.¹ In 1823 the English, under Captain Owen, had negotiated a Treaty with Kapella, King of Temby on the southern shore of Delagoa Bay and had hoisted the British flag at Temby. A few months later a treaty was also signed with the King of Mapoota on the same south shore of Delagoa Bay. By these treaties, English settlements were allowed, trade with the natives was regulated and Great Britain undertook to protect the native kingdoms from interference by foreign nations. Captain Owen maintained that the Portuguese exercised no jurisdiction beyond the muzzles of their guns and that Great Britain was within her rights in arranging treaties with the independent chiefs.

'Claim what they [the Portuguese] will in point of fact, all the native Kings and Chiefs on the Coast, even around their very factories, are independent, and hold their own lands free from tribute and service, they administer their own laws, and in many cases make the Portuguese themselves subservient to them.'²

The same attitude was upheld by the Home Government. Great Britain denied that by first sailing along the coast Portugal had a claim to the territory, and pointed out that the Treaty of 1817 did not include either Delagoa Bay or the independent chiefs who had placed themselves under the protection of

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1. Peace Handbook. No.121. Mozambique. (1920), p.28.
 2. Letter from Captain Owen, dated 11 October 1823, quoted in Memorandum on the Portuguese Possessions on the East Coast of Africa by Sir E. Hertslet, 24 December 1875. Printed for use of the Foreign Office, 10 March 1876. Confidential (2772). F.O.63/1052.

Great Britain.¹

Repeated disputes occurred during the following half century. Portugal based her right to Delagoa Bay on discoveries and conquest in the campaign of 1569. At the time of the discovery of the Bay in 1544 a factory and fortress had been built, and since that time Portugal maintained that there had been continued occupation and uninterrupted trade, as well as recognition by native chiefs and foreign nations. On the other hand, Consul McLeod, appointed British agent at Mozambique in 1856, reported² that:-

"The Portuguese territory" in East Africa "consists merely of positions almost insular, namely, Ibo, Mozambique, Quillimane, Sofala, Bazarutto, Inhambana, Delagoa Bay and Pemba Bay, where the Portuguese had made a settlement within the year (1858)." In addition to these places, Consul McLeod stated that the Portuguese held the towns of Senna and Tete in the Zambesi River . . . "Excepting at the points named, the Portuguese do not, and have never for a short period of time held even nominal possession of the coast [between Cape Delgado and the Bay of Lourenço Marques] with the exception of what is known as the Kingdom of "Angoxa."

The importance of Delagoa Bay was realised by Great Britain. When it was thought possible that the Portuguese Government would erect a fort on the Island of Inyack, the British Admiral in South African waters urged the establishment

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1. Dudley to Marquess of palmella. 5 December 1827. Quoted R.W. Bixler: Anglo-Portuguese Rivalry for Delagoa Bay. op.cit., p.429.
 2. Quoted from Hertslet's Memorandum on the Portuguese Possessions on the East Coast of Africa. op.cit.

of a British fort which 'would destroy the Slave Trade, secure an outlet for the trade of the Dutch states, and increase British trade . . . and would be a convenient coal depôt for ships.'¹ Lord John Russell considered that to negotiate with Portugal would imply doubt as to the rights of Great Britain in Delagoa Bay² and so the Admiralty was requested to take possession of Inyack and Elephant Islands. A long correspondence ensued between the British and Portuguese Governments, but it was not until after the Commercial Treaty of 29 July 1869 had been signed between the governments of Portugal and of the South African Republic that negotiations, which were to lead to the final settlement of the question, were begun. In the 23rd Article of this Treaty, the boundary between the two countries was fixed at 26°30' South latitude, thus ignoring the English claims. On the 28 September 1871 the British Government expressed its willingness to submit the matter to arbitration. It was not until four years later that the French President, who had acted as arbiter, declared his award in favour of Portugal.³ He said that:-

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1. See Article by R.W. Bixler, op.cit. p.434.
 2. Ibid. quoted from letter from Foreign Office to Colonial Office dated 22 August 1861.
 3. A. & P. 1875. Vol. LXXXIII, Portugal No.1 (1875), C.1361, p.248, Decision of the President of the French Republic, dated 24 July 1875.

1. Article by R.W. Bixler, op.cit. p.434.

'Si l'affaiblissement accidentel de l'autorité Portugaise dans ces parages [la Baie de Delagoa etc.] a pu en 1823 induire en erreur le Capitaine Owen et lui faire considérer de bonne foi comme réellement indépendants de la Couronne de Portugal les chefs indigènes des territoires aujourd'hui contestés, les actes par lui conclus avec ces chefs n'en étaient pas moins contraires aux droits du Portugal.'

A few weeks before the result of the arbitration was declared, Great Britain had taken steps to secure that the disputed territory should not fall into the hands of a third European Power. Reports had arrived in England of German activity in the district. An agent of the German Government was reported to be in the Portuguese territory of East Africa to arrange for allotments of land to German settlers, and fears were expressed as to the object of President ^{Burger's} ~~Kruger's~~ visit to Berlin and Lisbon in 1874. It was thought possible that Kruger would arrange with the Germans for the construction of a railway from the South African Republic to Lourenço Marques. It was realised that German interference in the South African Republic would 'create endless political and commercial misunderstandings and put an end to all chance of the formation of a federal union of the different states in South Africa under the British flag.'

The Foreign Office and the Colonial Office agreed to propose to the Portuguese Government that the power in whose favour the award should be made should not consider a proposal

1. Article by R.W. Bixler, op.cit. p.438.

of any other power until the power defeated had an opportunity to make a reasonable offer for the acquisition of the Bay.

On the 24 June 1875 the Portuguese Minister for Foreign Affairs gave the assurance required.¹ Twelve days earlier the British Ambassador at Paris had informed the Foreign Office unofficially that the award had been settled in favour of Portugal.²

The attempt made to settle by arbitration one of the subjects in dispute between Great Britain and Portugal on the West Coast of Africa, had also resulted in the award being made to Portugal. As in the case of Delagoa Bay, territory discovered by Portugal and claimed by her was later said to have been ceded by the independent chiefs to Great Britain. A Portuguese navigator had discovered the Island of Bulama in 1446, but it was not until 1752 that Portugal put forward formal claims to it. On the other hand, Great Britain alleged that native chiefs had ceded the island to Englishmen in 1792. The President of the United States was called upon on 13 January 1869 to act as arbitrator and gave his award in favour of Portugal on 21 April 1870. He ruled that by the time of the alleged cession to Great Britain, 'the sovereignty of Portugal had been established over the mainland

1. Telegram from Lytton (Lisbon), 24 June 1875. F.O.63/1052.

2. Telegram from Lyons (Paris), 12 June 1875. F.O.63/1052.

and over the Island of Bulama.¹

The most immediate and pressing problem in Anglo-Portuguese relations overseas seemed, by 1876, to be that of the British attitude towards the Portuguese claims on the West Coast of Africa near the mouths of the Congo River. The Convention signed at London on 28 July 1817,² which had defined the extent of Portuguese possessions on the east coast of Africa, also laid down the territories on the west coast in which the traffic in slaves continued to be permitted to the Portuguese. These were described as:-

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 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 western coast of Africa, from the 5°12' to 8° south latitude.

The question of Great Britain's recognition or non-recognition of the rights claimed by Portugal to Molembo and Cabinda did not arise until 1846. In that year a Portuguese corvette, 'Urania' captured, between 5°12' and 8° south latitude, a Brazilian vessel fully equipped for the slave trade. This vessel was declared by the Portuguese Court at Loanda to be

1. F.O.93/77/29A. See B.F.S.P. Vol.30, p.889;
" " 61, pp.1163, 1103-4.

2. *op.cit.*, p.48.

'a good and lawful prize, on the ground of having been engaged in the Slave Trade, within Portuguese jurisdiction, contrary to the municipal law of Portugal.'¹ As soon as this news reached Great Britain, Palmerston settled the question of Great Britain's attitude towards the Portuguese claims in a sense unfavourable to Portugal:- 'Her Majesty's Government does not admit the claim to right of sovereignty from 5°12' to 8° South latitude set up by Portugal.'² Such a recognition of exclusive Portuguese 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.'³

Humanitarian and commercial interests were both involved in this decision. The non-recognition of Portugal's claims to sovereignty over some of the most notorious slave-trading centres in Africa, simplified the carrying out of Great Britain's self-imposed task of the destruction of the Slave Trade, but it also removed hindrances to the development of other kinds of commerce. In spite of repeated protests from the Portuguese Government, Great Britain showed no intention of

1. Palmerston to Lord Howard de Walden, 26 September 1846, C.3531, No.6, p.9.

2. Ibid.

3. Ibid.

reconsidering her attitude until the question was once more forced on her attention by the Portuguese Government at the end of 1875. By that time Portugal had received a favourable decision in the Delagoa Bay arbitration and also the promise of commercial negotiations with the Government of India. On the 4th December, 1875 the Portuguese Foreign Minister, Senhor Corvo, informed the British Government that the Portuguese Government 'has resolved on affirming by means of actual possession the validity of their reserved rights between 5°12' and 8° South latitude.¹'

Opportunity for this move on the part of the Portuguese Government had been afforded by the action of a British Naval Commander, Commodore Hewett, who, in September 1875 had punished some natives for sacking and burning the British schooner 'Geraldine' and assassinating four of her crew. On this occasion, the British Consul at Loanda, Captain Hawkins, had accompanied the expedition which succeeded in punishing the pirates and destroying some of their villages on the banks of the Congo. This incident was but typical of many which had occurred and was recognised by the Portuguese Government as 'the inevitable consequence of the indecision in which circumstances contrary to its desire had placed the question raised in 1846 by the British Government as to the territories situated

1. Corvo to Saldanha, 4 December 1875; C.3531, No.44, p.70.

to the north of Angola.¹ They considered such an act as that practised by the British naval forces, without the previous consent of the Portuguese Government, to be a violation of Portuguese rights and an illustration of the necessity which existed for settling the question of sovereignty in a definite manner.

'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.'²

Among European nations Portugal alone had ever put forward claims to sovereignty along that part of the west coast of Africa.

Faced with the possibility of action on the part of the Portuguese, Lord Derby promised to make himself 'more fully acquainted'³ with the subject in dispute. The opinion was expressed that all Portuguese encroachment in Africa should be resisted as 'the Portuguese stop all progress and legitimate trade and either connive at the Slave Trade or are powerless to

1. Corvo to Saldanha - (Communicated to Derby, 24 January 1876) - 4 December 1875. (C.3531. No.44, p.70).

2. Ibid.

3. Derby to Saldanha, 8 February 1876. C.3531, No.45, p.78.

prevent it.¹ Lord Derby insisted that it was necessary to see what the portuguese rights were:- 'You can't keep a man out of his estate because you do not think him likely to be a good landlord.'²

One of the first tasks therefore which faced the new British Ambassador in Lisbon, Robert Morier, in 1876, was to deal with the questions at issue between the two countries overseas. Before leaving England in September 1876, Morier received verbal instructions from Lord Derby to study the question of the Portuguese position on the West Coast of Africa and to make himself 'thoroughly master of it.'³ At the same time he was instructed to bring about a settlement of the Anglo-Portuguese disputes in India 'on the terms proposed by the Government of India.'⁴ In addition there were outstanding causes of disagreement between British and Portuguese in East Africa.

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1. Minute by Lister, 29 January 1876. F.O.63/1116.
 2. Minute by Derby, 30 January 1876. F.O.63/1116.
 3. Memorandum by R. Morier, 30 June 1880. G.D.29/183.
 4. Foreign Office despatch to Morier, 14 November 1876. F.O.63/1081.

CHAPTER II.

GOVERNMENT INACTION AND AMBASSADORIAL ACTIVITY

(1876 - 1881)

The period, September 1876 to May 1881, during which Robert Morier was British Ambassador at Lisbon, forms a definite chapter in the history of Anglo-Portuguese relations overseas. It was marked by a genuine desire, on the part of certain individuals in both Great Britain and in Portugal, to put an end to the causes of dispute between the two countries. Both the British Ambassador and the Portuguese Foreign Minister had a definite plan before them, but they were unable to carry it out in full. The Portuguese Minister could not withstand the intrigues and opposition of his political rivals while Morier did not receive the support of his Home Government that he needed.

Before going to Lisbon, Morier had shown his abilities as a diplomatist. Like Stockmar, who spoke of him as his 'adopted son', Morier desire 'to bring about a political and intellectual union between England and Germany.'¹ Shortly

1. Information on Morier's life before 1876 has been taken from Mrs. Rossllyn Wemyss: Memoirs and Letters of the Rt. Hon. Sir Robert Morier, G.C.B., from 1826 to 1876. London, 1911, 2 vols.

after the marriage of Prince Frederick William of Prussia to the Princess Royal in January 1858, Morier was appointed paid Attaché in Berlin. He enjoyed the friendship and confidence of the Crown Prince to a much greater degree than his official status warranted, and gained the reputation, in the eyes of Bismarck, of being a dangerous influence in that country. For five years, 1866-1871, he served as Chargé d'Affaires at Darmstadt, followed by short periods of office at Stuttgart and Munich. The appointment in 1873 of Tenterden to succeed Hammond as Permanent Under-Secretary for Foreign Affairs was a severe disappointment to Morier. He wrote to Jowett that 'the only chance of a position in which I really might have done something and left my mark has hopelessly gone.' He had realised the necessity for real and permanent reforms in the Foreign Office but Lord Lytton had warned him that he had one defect for that particular post:- 'he was too much in earnest, and earnest men with ideas and great abilities were sometimes unsafe men.' The offer to him, in February 1876, of the post as British Ambassador at Lisbon, in succession to Lytton who had been appointed Viceroy of India, came as a pleasant surprise. He wrote to Jowett:- 'It is a first-class mission, and to jump from a chargé d'affaires-ship to a first-class mission is in itself outside the routine of promotion, and the fact that the post is one

peculiarly coveted from its pleasantness, the beauty of the climate, and its being in Europe, makes it altogether very agreeable to me.' The sincerity, independence and idealism which had characterised Morier's work in Germany and Austria was to be seen in his work in Portugal, as well as the same intense disappointment when he was unable to carry out his wishes.

Morier took over his duties from Lord Lytton in September 1876 and at a time when the internal condition of Portugal was much more stable than it had been throughout the nineteenth century. The Regeneradores Ministry of President Fontes had already held office for five years and still commanded a majority in the Cortes. This party represented the more conservative elements in Portugal. It had lost its radical elements by the breaking away of the 'Historic Left' members, who, in 1877, were reorganised into a party as the Progressistas. Within a few weeks of Morier's arrival at Lisbon, an important change took place in the Portuguese Embassy in London. During the previous two years, the Portuguese Legation had been 'more or less in a state of abeyance' owing to the age and infirmities of the Duke of Saldanha, who, at the age of eighty, had been appointed Ambassador at London. On his death, in November 1876, Senhor

1. Morier to Derby, No. 150, 24 November 1876. F.O.63/1035.

d'Antas, former Portuguese Minister at Madrid, was chosen as his successor. Morier regarded him as a colleague who 'both by intelligence and tact' he considered 'peculiarly fitted for the post.'¹ As regarded Europe, Morier believed that Great Britain and Portugal would 'always remain in smooth waters, but there were these African questions always turning up' and what he most sincerely wished was that his Portuguese colleague in London 'should be in a position, by personal knowledge and experience, to corroborate to the Portuguese Ministry what I [Morier] told them of the interest taken by the British public in African questions and the consequent necessity, if the friendship and amity recorded in Treaty paragraphs were to be living realities between the two nations - that the Portuguese Colonial system should be radically reformed.'²

Of still greater significance was Morier's relationship with the Portuguese Foreign and Colonial Minister, Senhor d'Andrade Corvo. On the formation of Senhor Fontes Ministry in 1871, Corvo had been given the portfolio of Foreign Affairs and in May 1872, that of Marine and Colonies had been added. By his dealings with the Indian and East African questions, Corvo had already shown his great interest in the

1. Ibid.

2. Ibid.

Portuguese colonies. Morier remarked of him:-

'As an eminent historian he is well aware that Portugal's greatness in former days depended wholly on her colonial position and he is convinced that her only chance of future greatness lies in her colonies. To reform the Portuguese colonial system root and branch, and to substitute life for Death was the one object of his political aspirations.' 1

He fully shared the deep-rooted sentiment of the Portuguese people that not another inch of their colonial possessions should be alienated, for in historical recollections and colonial ambitions, he found the surest foundation for a modern Portuguese nation:-

'What would be left of us as a Nation, if we were to turn our backs upon our historical recollections and stamp out such feelings?' 2

In the opinion of Morier, Corvo, 'alone of his countrymen' had realised that reform of the Portuguese colonial system could be achieved only in co-operation with Great Britain. If the right person could be found to deal with him, Corvo felt sure that 'he could come to a perfectly satisfactory scheme of inter-colonial modus vivendi' with Great Britain,³ Such a person seemed to have been found in the new British Ambassador, and a close alliance sprang up between him and Corvo. Shortly before leaving Lisbon, Morier described his

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1. Private and confidential letter from Morier to Granville, 1 March, 1881. G.D. 29/183.
 2. Morier to Salisbury, No. 36 Slave Trade, 23 September 1878 F.O.63/1117.
 3. Letter from Morier to Granville, 1 March 1881. op.cit.

relationship with Corvo in a confidential letter to Granville:-

'An intimate friendship, an amitié de coeur, such as that which subsists between him and me is in itself abnormal as between a Minister of Foreign Affairs and a Foreign Representative, and a thing if possible to be avoided. It could only happen in an abnormal country like this and in connexion with the altogether abnormal negotiations I have been engaged in.'

Morier's public despatches and private letters show clearly that he sympathised with the Portuguese point of view while he realised that it was also in the interest of Great Britain that the Portuguese colonies should be reformed and their trade increased. He realised the advantages to his own country of a prosperous Portuguese port in India, and of the portuguese as neighbours in Africa, but he always made these interests appear to coincide with those of Portugal:-

'everything in the shape of co-operation with the reality for us and the appearance for them I can get.'

It was under these unusually favourable conditions that Morier began his work at Lisbon. Although the British Government still maintained its official attitude of non-recognition of Portuguese claims in West Africa, Corvo soon became convinced of the influence of Morier on his Home Government and believed that, by following his advice, he could secure for Portugal a reversal of this adverse attitude.

1. Ibid.

2. In letter from Morier to Wylde, quoted by Wylde in a Minute, dated 1 September 1878. F.O.84/1518.

Morier, having once won this confidence, did all he could to carry through his schemes and so win official sanction for what, in origin, had been his personal plan of co-ordination. To the British Government, the three questions of Anglo-Portuguese relations in India, East Africa and West Africa always remained independent of each other. The first was looked upon as a matter to be dealt with by the India Office, the second as mainly a Colonial Office interest as it affected British possessions in South Africa, while only the third came directly within the sphere of the Foreign Office. To Morier, however, each was but a part of the larger problem, that of improving the relations of Portugal and Great Britain overseas.

The British Ambassador was convinced that the Portuguese claims to the West Coast of Africa between 5°12' and 8° south latitude, were stronger than Great Britain had assumed them to be. These claims were based mainly on 1) discovery, 2) possession, 3) recognition implied and expressed.¹

That the Congo districts had first been discovered by Portugal could not be disputed. In 1484-5, the River Congo had been discovered by Diego Cam, 'a Portuguese naval officer

1. Portugal and the Congo - A Statement by the African Committee of the Lisbon Geographical Society, March 1883. op.cit., p.11.

and a Gentleman of the Household to Dom João II, King of Portugal.¹ This Portuguese King ordered that in future all explorers should carry with them stone columns (padrões) with the arms of Portugal on one side and the name and titles of the King and his captains on the other. These were to be set up on newly-discovered lands. The first padrões were erected by Diego Cam on a cape, now known as Cape Padron, to the south of the newly-discovered river which

'as de Barros says, "is now called Congo as it passes through the kingdom of that name, discovered by Diogo Cam on this voyage, but which by the natives is called Zaire."'²

An inscription carved on the face of a rock 115 miles up the river shows that Diego Cam sailed up the river as far as the first cataract. Friendly relations were established with the local chieftain, known as the King of Congo and before the end of the fifteenth century a Portuguese mission had been sent to the Congo Kingdom. A church was built at the capital, Ambassa,³ whose name was changed to San Salvador.

Although prepared to admit the claim to 'priority of discovery' made by Portugal, other nations were not agreed that this, by itself, gave Portugal a right to exercise

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1. H.M. Stanley: The Congo and the Founding of its Free State, London, 1886. Vol.I, p.1.
 2. Peace Handbook, No.115. The Formation of the Portuguese Colonial Empire. London, 1920. p.7.
 3. Ibid. p.8.

sovereignty. Possession must succeed discovery. Morier regarded it as incontestable that Portugal had exercised 'sovereign rights of a desultory kind in the territories in question through a long series of years' and had occupied intermittently 'forts, erected here and there, for the purpose of protecting the monopoly of the Slave Trade.' He pointed out that 'during the seventeenth and eighteenth centuries, in tropical Africa, there was no question of occupation in the sense of colonisation, or of the establishment of settled government over native races, but solely of fortified stations and depôts for the Slave Trade, the distinguishing mark of sovereignty being the monopoly of the Slave Trade. Where the right to this monopoly was admitted by other nations, this was, more or less, an admission on their part, of the concomitant sovereignty.¹

Portugal complained that British opposition during the nineteenth century had made it impossible for her to occupy the lands she claimed in West Africa, but she maintained that 'though administrative jurisdiction was not introduced into the Congo, Portuguese rights and claims to it have been

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1. Confidential Memorandum by Morier on the Claims of Portugal to territories on the West Coast of Africa, situated between 5°12' and 8° South latitude, and on the grounds on which Her Majesty's Government contest those Claims. Dated 26 June, 1880. Printed for use of the Foreign Office, 29 June, 1880. F.O.84/1801 and G.D. 29/183.

perpetuated through their exercise within it of the duties of naval police and of occasional jurisdiction.' She claimed to have 'occupied in as full, and even a fuller degree Loango, Malemba, Kabinda and the Congo etc. as England has occupied the Falkland Islands, many of the South Sea Islands and a great part of Africa and Australia, and as the United States, Brazil and South American Republics occupy certain territories recognised as belonging to them':-

'We have actually occupied these territories time and again, have carried on commerce within them and exercised our rights of jurisdiction and sovereignty.' 1

A lengthy enumeration of such acts previous to 1855 may be found in a pamphlet written by Viscount de Sà da Bandeira, entitled, 'Facts and Statements concerning the Right of the Crown of Portugal to the Territories of Molembo, Cabinda, Ambriz and other Places on the West Coast of Africa.'² Later acts of sovereignty by the Portuguese on the Congo are listed in the Statement prepared by the African Committee of the Lisbon Geographical Society.³ They include examples of the restoration of order in the Congo lands by Portuguese commanders, of the bestowal of titles by royal ordinance of the Portuguese Government on native princes and the statement

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1. Statement on Portugal and the Congo, March 1883. op.cit. p.91.
 2. Lisbon, 1855. An English translation, London, 1877.
 3. Statement on Portugal and the Congo, March 1883, op.cit., pp.59-64.

that all papers relating to the coasting trade are officially made out in the name and by the authority of the Portuguese Government.

The third basis on which Portugal laid claim to the Congo lands was the recognition, direct or indirect, by other European nations of her rights of sovereignty there. French recognition, she maintained, had been recorded in the Treaty of Pardo of the 30th January, 1786. Two years previously a French squadron under M. de Montigny had attacked and demolished a Portuguese fort built, in 1783, at Cabinda. This was done 'as a protest against any interference with the right of France to trade in slaves there, where till then the trade had been de facto free.'¹ Agreement was reached under the mediation of the Spanish Government. Portugal agreed not to disturb the French in the exercise of free commerce on that coast, and France declared 'that the expedition under M. de Montigny was not intended to invalidate or to diminish the right claimed by Portugal to hold the sovereignty of the coast of Cabinda, as being part of the Kingdom of Angola, and it was promised that no officers or subjects of France should resist or interfere with that sovereignty.'² Although France later denied that this was a recognition of the rights of Portuguese sovereignty, Portugal, until June 1883, looked upon

1. Memorandum by Morier, June 1880, op.cit.

2. *Convention entre la France et le Portugal, signée au Pardo, le 30 janvier 1786, pour terminer le différend qui s'était élevé entre les deux nations sur la côte de Cabinde, en Afrique. See Koch: Recueil de traités et actes diplomatiques, T.II, p.492.*

it as a direct acknowledgement of such claims.

She also considered that Great Britain had recognised her sovereign position in the Congo lands in the Additional Convention to the Treaty for the abolition of slavery made in Vienna, 22 January 1815. This Convention, signed at London 28 July 1817, defined the territories in which the traffic in slaves continued to be permitted to Portuguese subjects,¹ and distinguished between the territories 'possessed' by the Crown of Portugal upon the west coast of Africa, and those territories 'over which His Most Faithful Majesty has declared that he has retained his rights.'

Morier maintained that this Article left England's attitude towards the Portuguese claims an open question, though, as regards the Slave Trade, 'it certainly treated the disputed territories as if they were Portuguese territories.'² Earl Kimberley, as Colonial Secretary, regarded it as showing that Portugal claimed certain rights outside what Great Britain acknowledged to be her possessions and remarked that it showed 'that we refused at the time to recognise her claims and our³ contention has therefore been all along consistent.'

The Portuguese Constitutional Charter of the 29th April, 1826 included Cabinda and Molembe as Portuguese possessions.

1. See Note 1, p. 48.

2. Memorandum by Morier, June 1880. op.cit.

3. Remarks by Kimberley on Morier's Memorandum, June 1880. G.D. 29/183.

This Declaration had passed unchallenged by any nation and Portugal looked upon this as a further recognition of her rights, especially by Great Britain who had supported the Charter by force of arms. When Palmerston was asked to explain why Great Britain had not protested at the time against these districts being included as dominions of Portugal, the Slave Trade Department drew up a Memorandum,¹ which contained the following explanation:-

'that Great Britain had used her utmost endeavour to support the establishment in Portugal of the Constitution laid down in that Charter, and that as it was only the political principles therein contained which claimed the protection and sympathy of the British nation, it would have been an ungracious act, under such circumstances, to have protested against the first Article of the Declaration of Rights, of which Great Britain constituted herself the champion.'

Morier believed this explanation to have been an after-thought and 'that at the time nobody thought anything about the question, which for years had been dormant.' On the other hand, he did not lay much stress on this plea of Portugal's for 'by the Convention of 1817 the question had been left an open one. It could not be closed by a one-sided municipal act,² however solemn.'

1. Dated 16 October, 1855. Quoted in Hertslet's Memorandum on the Claims of Portugal to Sovereignty over the Territories of Cabinda and Molembo, on the West Coast of Africa lying between 5° 12' and 8° south latitude. 23 March, 1876. F.O.63/1116.

2. Memorandum by Morier, June 1880. op.cit.

In spite of the numerous arguments put forward by Portugal in support of her claims to sovereignty on the west coast of Africa, Great Britain refused to recognise her sovereign position there. She put forward no counter-claim to sovereignty herself, but argued that Portuguese rights, acquired by priority of discovery had long since lapsed in consequence of the Portuguese having neglected to occupy the country discovered in the fifteenth century, and that the Treaties quoted by the Portuguese did not bear the construction put upon them by that Government.¹ In resisting the Portuguese claims, Great Britain had two main objects in view:-

1) the suppression of the African Slave Trade, of which those districts were for a very long period the hotbeds, and 2) the maintenance of unrestricted intercourse with the Native Tribes inhabiting that long line of coast, whom the British Government had always regarded as independent.²

Morier held firmly to the view that arbitration on the question of sovereignty in those districts should be avoided, at all costs. Great Britain had no international basis on which to resist the Portuguese claims:- 'however imperfect the Portuguese claim might be proved to be as compared with a more perfect claim, it can scarcely be denied that, in

1. Memorandum by Hertslet, 23 March 1876. op.cit.

2. Ibid.

the absence of this more perfect claim, the less perfect claim gives Portugal a prior right to occupation to other European Powers.¹

When Morier reached Lisbon in 1876, the fear of arbitration was very real. Portugal had recently had a favourable decision in both the Bolama (1870) and the Delagoa Bay (1875) cases of arbitration and was showing an aggressive attitude on the Congo coast. An open attempt by Portugal to occupy any portion of that territory must have brought the question to a settlement - 'because either the occupiers are fired at by our [British] cruisers or they are not. If they are not, the case is settled on behalf of Portugal. If they are, as Portugal cannot fight Great Britain, the question could hardly fail to be settled by mediation, which would be another term for arbitration.'² It was to avoid this issue, and to postpone a settlement of this most controversial question that Morier put forward his three-fold plan.

He wished Great Britain's influence to be supreme in Africa. This predominating influence was to be achieved not by direct colonisation, but by working through Portugal. The following 'Most Confidential' note at the end of his Memorandum of the 17th August 1877³ sets forth Morier's point of view:-

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1. Memorandum by Morier on the British position with respect to Portugal's claims to sovereignty over the Congo, 17 August 1877 (printed), F.O.63/1117.
 2. Memorandum by Morier, June 1880. op.cit.
 3. op.cit.

'Considering the extreme importance of the Congo as the great arterial communication from the West with the centre of Africa, the impossibility of leaving it permanently in its present state of anarchy, and the undesirableness of its getting into other hands than ours if it is to be appropriated, I cannot but think that our proper policy would be to acknowledge the Portuguese claims and to make them in return cede the portion of the territory claimed from the mouth of the Congo to 5°12' S., a short strip of territory but one which would give us the right bank of the Congo and the full command of its mouth. We could in the same Treaty make the Portuguese engage to regulate the whole of their traffic and commerce along the coast by the rules we laid down for our portion of the coast. It seems to me with the docility the Portuguese have always shown to our handling such a plan would give us the virtual control for all purposes of commerce and the Slave Trade of the West Coast.

Of course if this idea were entertained we should have to manoeuvre so that the proposal should come from Portugal, and not be made by us. I think that if, as is likely, Corvo returns to power next year, I could manage this.'

These suggested bases of a possible settlement of the Congo Question were never communicated officially to the Portuguese Government, but Morier obtained permission, from both Lord Salisbury and Lord Granville to urge them as his personal views. Thus, by holding out the promise of British recognition of the Portuguese claims to sovereignty on at least, the greater part of the disputed coastline, Morier secured in his Goa and Lourenço Marques Treaties valuable trading concessions to Great Britain in India and East Africa:-

'I never pledged Her Majesty's Government or exaggerated my personal influence in the matter, but I pointed out the almost irresistible force

with which Portugal would be able to plead her cause if she could produce a long chain of accomplished facts in support of her pleadings.' 1

He believed that the British public thought in terms of trade and progress, and did not realise the diplomatic importance of Anglo-Portuguese co-operation in Africa. Unless Portugal opened her trade and introduced wide-sweeping reforms into her colonial system, Morier knew that the British attitude towards that country's colonial claims would not change. Even after far-reaching changes had been effected, suspicion as to their durability still persisted:-

'If we could be certain that the liberal policy recently inaugurated would be permanent; the grounds on which we have hitherto objected to the extension of Portuguese sovereignty on the West African coast would no longer hold good.' 2

Without such a preparation, Morier knew it would be hopeless to approach the major problem of the Congo. In addition, he saw signs of a possible disintegration of the Portuguese Empire and realised the danger of such an event, to the British position in Africa.

'Owing to long continued neglect and mal-administration, the hold of Portugal over her dependencies has become somewhat precarious, and unless much needed reforms are promptly enforced, they may soon attempt to shake it off.' 3

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1. Private letter, Morier to Salisbury, 26 September 1879, F.O.84/1538.
 2. Note by Wylde, 9 May 1879. F.O.84/1801.
 3. Morier to Derby, No.47, 16 June 1877. F.O.63/1062.

Morier believed that 'the neighbourhood of the powerful and ambitious states who would be the most likely to bid the highest for such prizes' would be less to the convenience of Great Britain than 'the sluggish do-nothingness of Portugal.' With the rights of territorial ownership as then distributed in Africa, it appeared to him that Great Britain had it in her power 'to exercise a paramount influence in that continent.' He did not feel sure that this would continue to be the case

'if young and ambitious states with decided notions of their own like Germany and Italy shared between them the conquests of Vasco da Gama.' 1

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To Corvo, he gave the following advice:-

'Do not now moot the question [of the Congo]. You say that colonial reform and friendly co-operation with us are the two capital items of your policy. Begin with the first, and show that you are in earnest in changing your colonial system root and branch. Then let us take in hand all the other questions which require settlement in the Colonies. You will thus have a ground of vantage for urging your Congo claims which you have not now. You will be able to point to a new colonial system and to the friendly spirit in which you have met our views wherever our colonial interests are concerned.'

This advice was acted upon. Firstly, a revised tariff was put into operation in Mozambique. This 'established complete free trade along a thousand miles of coast' and opened up the coasting trade to the flags of all nations, doing away with almost all the port dues.³ Two years later, an official in

1. Morier to Derby, No.31, Most confidential, 15 May 1877. F.O.63/1062.

2. Quoted in Morier's Memorandum of June 1880. op.cit.

3. Ibid.

the Foreign Office could report on Portuguese East Africa that:-

'As regards the fiscal state of things, a total change has taken place, and from an almost prohibitive system the Portuguese have now reverted to a liberal system which leaves little to be desired. This change must be credited entirely to Mr. Morier's influence. It has been brought about only within the last two years and opens out a new vista in Africa's history.' 1

Secondly, the negotiations in India were continued without reference to the Congo Questions. It was only after several further delays and setbacks that they were brought to a successful conclusion. Throughout the negotiations, with one important exception, the Foreign Office acted on the suggestions of the India Office. It was originally understood that the negotiations would be confined to commercial and local matters. By the end of 1876 the Portuguese Government had expressed its willingness to accept the British suggestions² which included the entire abolition of the customs line by land and sea between the British and Portuguese possessions in India and the adoption by the Portuguese State of India of the Indian tariff with certain modifications. Great importance was attached by Portugal to the clause which was to enable Mormagão, the port of **Goa**, to have direct railway connection with an Indian trunk line. At the same time, the Portuguese Government urged the inclusion of one more point in the Treaty. It desired the renewal by Great Britain 'of the old defensive guarantees of

1. Note by Mr. Wylde, 3 May 1879. F.O.84/1801.

2. Telegram from Morier, Despatched 8
Received 9 December 1876. F.O.63/1081.

the Portuguese Possessions in India.' In an interview with Morier,¹ Corvo remarked that he did not need to remind him that 'Bombay had originally been ceded to the British Crown in return for this guarantee² and that Treaty after Treaty had renewed it.' He believed that the insertion or non-insertion of such a clause in the Treaty 'might make the whole difference in the chances the Government had of passing the Treaty itself through the Cortes.' Public opinion in Portugal was strongly anti-British owing to the persistent refusal of the British Government to allow the Portuguese to exercise what they considered to be their legitimate rights of sovereignty on the west coast of Africa. Corvo's policy of 'colonial reform and friendly co-operation with England' was not popular in his own country, and 'without the provision of guarantee, the Treaty would appear altogether one-sided and as if Portugal gave all and Great Britain nothing.' It would appear as though the Portuguese Government were 'lending their hand to the incorporation of the Portuguese Possessions into the British Empire.' By giving the required guarantee, Great Britain would clearly show that 'she did not desire additional territory'³ but only 'unhindered development of her commerce.'

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1. Reported by Morier in his Despatch to Derby, Commercial No.70, 8 December 1876. F.O.63/1081.
 2. See Note, p. 239.
 3. Opinion expressed by Senhor Soares in an interview with Morier, reported by Morier in his Despatch to Derby, No.78, Commercial, 17 December 1876. F.O.63/1081.

The Portuguese Government did not desire the 'formal renewal of any Treaty still less of the Secret Article of the Treaty of 1661', but they wished 'for a reference in the body of the proposed Treaty to the general animus of the Treaty of 1661 as embodied in Articles 11 and 15.' They proposed to do this in the following words:- 'The armed forces of the two Contracting Parties shall assist each other in the suppression of smuggling, brigandage etc., but the armed force of the one country shall not enter the territory of the other country unless called upon to do so by the competent authorities of the party requiring such armed assistance for the objects specified in this Treaty, or in former Treaties, and namely in the Treaty of 1661.'

This attempt at an 'indirect renewal' of the Ancient Treaties caused the Foreign Office to take an active part in the negotiations. Tenterden feared that if care were not taken there would 'be a dangerous mess about "defensive guarantees."² The Viceroy of India was 'prepared to treat on the basis of defensive guarantee'³ and the Secretary of State for India, Lord Salisbury, offered no objection to such a basis but stated that 'the matter is however unquestionably one for the determination

1. Telegram from Morier, D.17 December, 1876. F.O.63/1081.

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2. Minute by Tenterden, dated 22 December 1876. F.O.63/1081.

3. Telegram from Viceroy, 1 January 1877. F.O.63/1082.

of Her Majesty's Government in this country.¹ The Librarian of the Foreign Office, Sir E. Hertslet, was asked to draw up a Memorandum on the old Treaties of Alliance and Guarantee between Great Britain and Portugal.² He came to the conclusion that those old Treaties were 'inoperative' in Africa and queried whether they should be considered as still binding, under all circumstances, in Asia. He did not think 'it would be advisable to renew them, even in an informal manner, by alluding to their existence in an international engagement, as suggested by the Portuguese Government.'

After receiving this Memorandum, Lord Derby suggested to the India Office that, in any counter-draft, no reference should be made to these Treaties as he was 'very anxious not to raise any discussion on the subject of guarantees.'³ To this Lord Salisbury agreed, pointing out that 'any allusion to these ancient Treaties, concluded under different circumstances and conditions is unnecessary and undesirable.'⁴

The Portuguese negotiator in England, Senhor Soares, was able to report that his Government 'was not disposed to make difficulties upon a question of mere redaction'⁵ and a compromise

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1. India Office to Foreign Office, 5 January 1877. F.O.63/1082.
 2. Document D, p.252.
 3. Foreign Office to India Office, 23 January 1877. F.O.63/1082.
 4. India Office to Foreign Office, 26 January 1877. *ibid.*
 5. Note by Lister on his interview with Soares, 2 February 1877. *ibid.*

was agreed upon. Lord Derby agreed to allow a reference in the Preamble of the Treaty to 'the long-standing friendship between England and Portugal' although he considered it 'hardly necessary or even unusual in a Convention of so special and local a character as that upon which they were then engaged.¹ He refused any direct reference to the ancient treaties and would 'not consent to the addition of any words which would seem to specify the objects of former treaties, and which might raise unnecessary questions as to their meaning.'² It was agreed that in the final form of the clause affected, the phrase 'and namely in the Treaty of 1661' should be omitted.

Difficulties, however, arose in India where the commercial terms of the Treaty were being discussed between Lord Lytton, the British Governor-General and Soares, the representative of the Portuguese Government. A change of Ministry took place in Portugal in March 1877 when a coalition ministry of liberal tendencies under the Marquis of Avila succeeded the Regenerator Ministry of Fontes. In August 1877 there was a complete breakdown in the negotiations.

A year later, on 10 August 1878, the India Office expressed its desire that 'an attempt should be made, through Her Majesty's Minister at Lisbon, to renew the negotiations.'³

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1. Lister to Soares, 5 February, 1877. *ibid.*
 2. Lister to Soares, 12 February 1877. *ibid.*
 3. India Office to Foreign Office, Immediate, 10 August 1878. F.O.63/1083.

Two days later, Morier received a telegram telling him to suspend action 'until further instructions' owing to news received from India. This had been received in a telegram from the Viceroy:- 'The Government of India have never attached any importance to proposed Treaty about Goa, nor have we entertained or expressed any desire to reopen negotiations... we see grave objections to overtures for renewal of negotiations emanating from British Government, since any further concessions must be regarded as out of the question.' 1

This attitude on the part of the Indian Government led Morier to make a strong protest. He was very conscious of the interdependence of Anglo-Portuguese relations in India and in Africa and believed that a refusal to go on with the Treaty negotiations would

'constitute a very real grievance which would appreciably affect the existing cordial relations between the two countries and very seriously interfere with the satisfactory solution of the other questions which Your Lordship has committed to my care. For small as is the power of Portugal it should not be forgotten that across the seas our territories and our interests touch at many points... At this very moment, I am insisting on measures of exceptional vigour along the entire Portuguese Coast of East Africa with reference to the Kaffir War ... it stands to reason that the quality of the services we require depends entirely upon the spirit in which they are practically rendered and that this spirit again depends on the absence of ill-blood and the reciprocity of good offices between the two Governments. In a word, a very weak State with a very strong grievance is the most undriveable of all conceivable teams, and I appeal to Your Lordship to preserve me from having to drive such a one.' 2

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1. Telegram from Viceroy, 15 August 1878. F.O.63/1083.
 2. Morier to Salisbury, Commercial No.50, 29 September 1878. F.O.63/1083.

Meanwhile, Corvo, who was again in office, instructed the Portuguese Ambassador in London to transmit to Her Majesty's Government 'the desire of H[is] M[ost] F[ai]thful M[ajesty]'s Government to carry on the negotiations interrupted on 1st August of last year.¹ On the understanding that Portugal had officially taken the initiative, the Government of India now withdrew its objection to a renewal of the negotiations on the basis of the rejected Draft Treaty.² Morier received formal instructions, on 25 October 1878, to reopen the negotiations.³ These were at last brought to a successful conclusion by the signing of the Treaty on 26 December 1878.

Even after the Treaty had been signed, grave doubts arose as to whether it would pass through the Cortes and be ratified. Senhor Fontes' Ministry again resigned in May 1879, and the new ministry under Senhor Braamcamp showed itself very hostile to the policy of co-operation with Great Britain which the Treaty represented. To Count Casal Ribeiro, 'the avowed and determined enemy of the English alliance,' this policy appeared as 'the vassalage of the Portuguese Crown to that of Great Britain,' and a bitter personal rivalry had grown up between him and Corvo.⁴ Finally, in June 1879, the Treaty

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1. Corvo to d'Andrade, 23 September 1878. F.O.63/1083.
 2. Telegram from Viceroy, 9 October 1878. *ibid.*
 3. Salisbury to Morier, No.24 Commercial, 25 October 1878. F.O.63/1083.
 4. Morier to Salisbury, No.23 Commercial, Confidential, 7 June 1879. F.O.63/1091.

received the assent of the House of Deputies and of the Peers and ratifications were exchanged between the British and Portuguese Governments on 7th August.

Morier attributed the safe landing of this Goa Treaty to two main factors. Firstly, to the pressure he was able to bring to bear through the Stafford House Committee, the company he had been largely instrumental in forming in England to carry out the railway scheme provided for in the Treaty. This was the only part of the Treaty which appealed to all sections of the Portuguese. Had the Treaty not passed through the Cortes, the Association would ipso facto have been dissolved, and with its dissolution would probably have disappeared 'the only chance Portugal had of seeing the Railway scheme carried out.'¹ Not only his promises to Corvo but also the intrinsic value of the railway to the trade of British India determined Morier to use all his influence to prevent the failure of the agreement.

Secondly, Morier realised the advantage given him by a telegram from Salisbury which had allowed him more or less 'carte blanche' as to his language to the Portuguese Government. Braamcamp's Ministry had delayed ratification of the Treaty for as long as possible, and in remonstrating against the indefinite shelving of a Treaty already six months old, Morier

1. Morier to Salisbury, 7 June 1879. op.cit.

had been able to use 'strong language...as coming directly from Her Majesty's Government.'¹ Morier appreciated that it 'is always a nice question of diplomatic morals to what extent one can use a carte blanche of this kind' and so he sent Salisbury a copy of the letter he wrote to Braamcamp, on the receipt of his telegram. He explained that it was

'perhaps a rather strong case of amplifying a telegram, but I do not think it contains more than I was justified in putting into the mouth of Her Majesty's Government, or rather into their minds because I do not exactly state that all this was in the telegram.'²

Thus, in spite of intrigues and counter-intrigues of which Morier would have given Salisbury full details 'did we not live in such troubled times with so little leisure for the humours of Diplomacy',³ the first of Morier's three Anglo-Portuguese treaties had at last been secured. The second treaty, which was to settle Anglo-Portuguese differences in East Africa had also been signed on 30 May 1879, immediately before the resignation of the Fontes administration, but this treaty was destined never to receive ratification, while the third and culminating Congo Treaty was never officially negotiated by Morier.

1. Morier to Salisbury, Private, 22 June 1879. F.O.63/1091.

2. Ibid.

3. Ibid.

Several factors combined to make it desirable for Great Britain to arrive at a clear understanding with Portugal as to Delagoa Bay. Since the annexation of the Transvaal in 1877, the loss of Lourenço Marques, 'a port of infinite importance' to British South African colonists, and 'of very little use to Portugal,'¹ had become of greater significance to Great Britain. This significance was increased by the Zulu unrest. The Portuguese Government gave 'evidence of a friendly disposition to co-operate with Her Majesty's Government in controlling the importation of arms and ammunition, and their sale to those native tribes which are carrying on, or may possibly undertake, hostile operations against the Queen's possessions', but the Colonial Office² thought an agreement was desirable with Portugal which should secure 'a well regulated system of repressing this traffic' and should regulate the commerce and navigation in the respective possessions of Great Britain and Portugal in South Africa. The Colonial Secretary, Sir Michael Hicks-Beach, also pointed out that the existing difficulty of communication between the Transvaal and the coast, and the want of a convenient outlet for the produce of that country were hindrances to 'a complete scheme for united action between Her Majesty's officers and

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1. Morier to Salisbury, Slave Trade No.36, 23 September 1878. F.O.63/1117.
 2. Colonial Office to Foreign Office, 17 August 1878. F.O.84/1518.

those of the Portuguese Government.' The absence of such unity of action not only affected the safety of the South African colonies from a military point of view, but greatly impeded the settlement and development of the Transvaal. Before any proposals for railway construction were made, the Colonial Office considered that the Portuguese Government, 'whose Settlement would be greatly benefited by the trade which would be created, should agree, on reasonable terms, to bear its legitimate share of any expenditure, and to impose no prohibitory or oppressive charges by way of Customs Duties and Harbour Dues.'

Morier was instructed to sound the Portuguese Government on the subject, and reported that 'the Lourenço Marques Railway is a pet project not only of the Ministry but of public opinion and the prospect of its being realised will enable the Portuguese Government to grant many things which it would have been impossible for them to have done without an equivalent such as this which appeals to the public imagination.'¹ On 25 October, at the same time as Morier received instructions to reopen negotiations for the Goa Treaty, he was instructed, if possible, to 'commence and conduct² pari passu negotiations for Lourenço Marques Railway.'

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1. Morier to Salisbury, Slave Trade No.45, 23 October 1878. F.O.84/1504.
 2. Salisbury to Morier, No.24 Commercial, 25 October 1878. F.O.63/1083. op.cit.

Three months later, Morier sent home proposals for a draft Treaty which included not only railway clauses, but also commercial and slave trade arrangements and which secured for Great Britain the free use for commercial and military purposes of the Harbour of Delagoa Bay.¹ He later expressed his conviction that if the Goa and Lourenço Marques Treaties could have been presented to the Cortes together, they would quickly have passed through and have received ratification and the Congo negotiations could have been begun.² The refusal of the Colonial Office to allow the negotiations 'to assume for the present a more definite development' hindered this plan from being carried out. Her Majesty's Government ruled that Morier had misunderstood the instructions addressed to him. According to the view of the Colonial Office he should have restricted his actions to 'an endeavour to ascertain whether the Portuguese Government would be disposed to enter into negotiations.'³ The Secretary of State for the Colonies pointed out that he had known nothing about Lord Salisbury's instructions of 25 October 1878 until a copy of them was given to him on 10 February 1879:- 'whether Mr. Morier's action was or was not justified by the instructions of 25 October is a question with which of course Sir Michael Hicks Beach feels that it

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1. Morier to Salisbury, No.6 Slave Trade, 27 January 1879. F.O.84/1537.
 2. Morier's Memorandum, June 1880. op.cit.
 3. Quoted in Morier to Salisbury, No.16 Slave Trade, 7 February 1879. F.O.84/1537.

would be beyond his province to deal.'¹

The reasons assigned by the Colonial Office for the discontinuance of negotiations respecting the tariff at Delagoa Bay and the use of Lourenço Marques as a terminus of a railway to the Transvaal, were the lack of funds in the Transvaal for railway construction, the incomplete surveys which had been made and the belief that 'the traffic on the line would be for some years of the most slender proportion.'² After the British defeat at Isandhlwana, the Colonial Office definitely declared the Lourenço Marques Treaty to be 'out of the range of practical considerations,' for 'the primary necessity to which all other matters must be postponed, is that of bringing this struggle [with the Zulus] to a completely successful issue.'³

Whatever may have been the reason behind this action of the Colonial Office, the loss of three months in the Lourenço Marques negotiations resulted, in the opinion of Morier, in the failure, not only of these negotiations but also of his plans for a settlement of the Congo Question.⁴ After a personal interview with Salisbury, Morier was able to return to Lisbon

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1. Colonial Office to Foreign Office, 11 March 1879. F.O.84/1552.
 2. Colonial Office to Foreign Office, 16 January 1879. F.O.84/1552.
 3. Colonial Office to Foreign Office, 11 March 1879. op.cit.
 4. Morier to Salisbury, Private, 26 September 1879. F.O.84/1538.

in May with a draft treaty for signature. The treaty was signed on 30 May, but the Fontes Ministry resigned the same day and before Morier had been officially authorised to enter into negotiations on the Congo question. The three treaties of Goa, Lourenço Marques and the Congo were never seen as 'an harmonious and self-contained whole.' Instead, the enemies of Corvo, were able to make 'political capital out of the disjuncta membra.'¹ Corvo was accused of offering concessions to Great Britain in both India and East Africa, while Great Britain gave nothing in return. Her recognition of the Portuguese claims on the West Coast of Africa was being withheld for the third treaty which was to be 'the crowning of the policy of which the Goa and Lourenço Marques Treaties were the initiatory steps.'² Morier recognised that the Congo Question, in which unfortunately, the Portuguese grievances were not unreal, was 'daily pressing more and more for solution' but he was determined to choose his own time for bringing it to the fore and not to enter on the unsafe ground of the Congo negotiations until he was assured of England's position at Lourenço Marques.³

The Home Government still failed to appreciate the working of Morier's plan. Entirely unknown to the British Ambassador,

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1. Ibid.
 2. Morier to Salisbury, No.66 Slave Trade. Confidential, 20 September 1879. F.O.84/1538.
 3. Morier to Salisbury, private, 26 September 1879. op.cit.

the Portuguese Government had attempted to open negotiations in England on the Congo Question. Early in November 1879, Morier learnt that Salisbury had promised to discuss this question with M. d'Antas, Portuguese Minister in London.¹ Immediately on receiving this information, Morier sent the following telegram to Lord Salisbury:-

'I strongly urge that the Portuguese Minister at London should be told that Her Majesty's Government will not formally discuss any proposition respecting Portuguese claims on the West Coast of Africa until the Portuguese Government by ratifying the Lourenço Marques Treaty have shown their readiness to continue the policy of inter-colonial good relations with us from which the political party they represent has with violence and invective dissociated itself.'²

An immediate discussion of the Congo claims would enable the Portuguese Government to use the ratification of the Lourenço Marques Treaty as a means of pressure to urge their claims in West Africa, whereas by postponing such discussion till after the ratification of the Lourenço Marques Treaty, the British Government would secure the pressure necessary for this act. Lord Salisbury agreed to this mode of procedure³ and Morier received the following telegram:- 'You may use language to Portuguese Government in sense suggested in your Telegram of 14 inst.' Two months later, Salisbury, on the

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1. Salisbury to Morier, No.66, 31 October 1879 (Received 14 November), F.O.63/1117.
 2. Morier to Salisbury, Telegram, 14 November 1879. F.O.63/1117.
 3. Lister to Morier. Telegram, 15 November 1879. F.O.84/1801.

suggestion of Pauncefote, asked Morier to send home the bases on which he proposed to treat with Portugal on the Congo Question.¹ Pauncefote pointed out that, however correct Morier's views might be, they were 'subversive of the order of things under which a great British trade has been carried on for many years.'² No answer was received from this request.

Meanwhile, Senhor Braamcamp had sent in a Note to the British Government asking whether the ratification of the Lourenço Marques Treaty would be followed by the opening of the Congo negotiations.³ Morier firmly believed that such an engagement by the British Government would alone enable Senhor Braamcamp to secure the passage of the unpopular Treaty through the Cortes before its dissolution in April 1880. He therefore drafted a reply promising the Portuguese Government that 'when the South African Treaty had been accepted by the Cortes' he would inform Her Majesty's Government that he considered 'that the opportune moment has arrived for entering into a discussion of the Congo question.'⁴ He asked for the

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1. Salisbury to Morier, No.6, 17 January 1880. F.O.63/1117.
 2. Minute by J.P[aucefote], 8 January 1880. F.O.84/1801.
 3. Note from Braamcamp to Morier, 28 November 1879. Copy sent to Salisbury in Despatch No.80 Slave Trade, 6 December 1879. F.O.63/1117.
 4. Morier to Braamcamp. Confidential. Enclosed in Morier to Salisbury No.13. Confidential. 12 March 1880. FO.63/1117.

approval of the Home Government to the dispatch of this note. No reply came - a delay explained later by Pauncefote by the fact that Salisbury was at Biarritz¹ - and so on 25 March, Morier sent in his Note to the Portuguese Government without waiting for instructions. This action was neither approved nor disapproved by the Home Government, but on 6 April, Morier was informed by telegram that Salisbury could not authorise the immediate opening of the Congo negotiations, which must be left to his successor. Morier had, however, achieved his object, that of making the opening of these negotiations dependent on the ratification of the Lourenço Marques Treaty. By so doing he had transferred the responsibility for the settlement or non-settlement of the Congo Question from Great Britain to Portugal.

In August 1880, Morier had a personal interview with the new Foreign Minister, Earl Granville, and received the assurance that both he and Lord Kimberley, Colonial Secretary, would agree to the opening of the Congo negotiations as soon as the necessary ratifications of the Lourenço Marques Treaty had been exchanged. Meanwhile, Morier was authorised to urge, as his personal views on possible bases of negotiations those which he had already mentioned to Corvo and which he repeated in his Memorandum of June 1880, but he was in no way to commit

1. Note by J. Pauncefote, undated [?May 1880]. F.O.84/1801.

Her Majesty's Government to those views.¹ Thus the change of Ministry at home made no change in Morier's plan of procedure. Moreover, the growing dissatisfaction of the Boers emphasized the need for the construction of the Lourenço Marques railway provided for in the Treaty, and for the establishment of British influence at Delagoa Bay. According to Morier, the 'grief' of the Boers is 'that from the day we bid them depart out of our midst, our policy has been to cut them off from all access to the sea and to head them back into the interior whenever they have endeavoured to approach the great highway of nations.'² The Colonial Secretary also regarded the Treaty as important 'as a means of reconciling³ the Boers and to secure free transit thro' Delagoa Bay.'

Morier's untiring efforts to secure its ratification were, however, to end in failure. With Corvo out of office, and his vindictive opponents in power, Morier found himself powerless in face of the 'bad faith and misdirected cunning of the Portuguese Government.'⁴ Violent and scurrilous attacks were made in the Portuguese Press not only against the policy of co-operation with Great Britain which had been pursued by the

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1. Morier to Granville, Private. 7 August 1880 recording his interview with Granville and Kimberley, 6 August. F.O.84/1801
 2. Morier to Granville No.38, 6 May 1880. F.O.63/1101.
 3. Kimberley to Granville, 8 June 1880. G.D.29/135.
 4. Morier to Granville, Private letter, 13 June 1880. G.D.29/183.

previous ministry, but also against Morier himself and the British Government, and yet the Foreign Secretary, Braamcamp, continued to promise that he would urge the Cortes to pass the Treaty so that ratifications could be exchanged. In June 1880 after Morier had demanded 'categorically that the session be prolonged and the Treaty be accepted or rejected by the Chambers,'¹ it was referred to a Committee which did not report in favour of its adoption until 7 February 1881. Even then, the Government took no action and gave precedence 'to most trivial business.'² On 23 February, the King himself assured Morier that the Treaty would be presented to the Chamber at the end of the week, but it was not until 8 March that it finally passed through the House of Deputies. To strengthen the hand of the Government in the Upper House, Morier asked for 'a public declaration that Her Majesty's Government have engaged to enter into negotiations respecting the Congo as soon as the present Treaty is ratified.'³ The opinion of the Foreign Office towards such a declaration was expressed in a Minute by Pouncefote:- 'Considering the way we have been treated by Portugal we are hardly called upon to

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1. Morier to Granville, Telegram, 3 June 1880. F.O.63/1101.
 2. Morier to Granville, Telegram, 21 February 1881. F.O.63/1129.
 3. Morier to Granville, 18 March 1881. F.O.63/1129.

give them a sop in the shape of the Congo Treaty.¹

On 23 March, Morier had to report the resignation of the Braamcamp administration before the Treaty had been presented to the House of peers. The New Ministry, 'composed of second class Regenerators'² under the premiership of Senhor Sampaio adjourned the Cortes until 30 May. Although Morier was now, once again, certain that the Treaty would be accepted by the Peers, owing to a strong reaction in favour of Corvo, circumstances had made its ratification no longer desirable by Great Britain. After the battle of Majuba and the grant of independence to the Transvaal, both the Foreign Office and the Colonial Office agreed to an adjournment of the Treaty until the position of the Transvaal was definitely settled.³ Immediately before receiving this decision of the Home Government, Morier had 'obtained the certainty that the Treaty would have passed the peers by a very large majority.'⁴

Morier's carefully worked out three-fold scheme had failed and after five years of preparation for a settlement of the Congo Question and when success seemed to him to be almost within his grasp he had received instructions to take no further steps in the matter. Morier regarded this adjournment

1. F.O. 63/1131.

2. Telegram from Morier, 24 March 1881. F.O.63/1130.

3. Granville to Morier, No.57, 18 May 1881. F.O.63/1132.

4. Morier to Granville, No.129, 21 May 1881. *ibid.*

of the Treaty as a sign of the want of confidence of the Home Government and especially of the Colonial Office, in his judgment of the question and complained bitterly that:-

'This want of confidence in the judgment of a public servant, in regard to matters which it is his special business to be acquainted with, is discouraging to a man who strives earnestly to promote the interests of his country.

I do not believe that in my case it has been deserved.' 1

On his transfer to the Madrid Embassy at the end of May 1881,

Morier felt that he was leaving Lisbon 'in the eyes of the Portuguese public and of the diplomatic gallery as one whose policy (tho' all serious men know it to have been eminently friendly to Portugal) has been successfully resisted by public opinion and by the machinations of both the political parties, and therefore as a man who has failed and whose failure is acknowledged by his Government.' 2

Lack of strong and consistent support from the Home Government had thwarted Morier's plans. For long periods at a time he had been kept without instructions though constantly asking for them. His views and those of the Colonial Office had been frequently diametrically opposed. Faced with more immediate and pressing problems in the Near East and in Asia, the Foreign Office showed itself unwilling to enter into further discussions with the Portuguese. To have secured ratification of the Lourenço Marques Treaty would have opened up new problems with regard to the recently independent

1. Morier to Granville. No.129. 21 May 1881. F.O.63/1132.

2. Morier to Granville. Private and Confidential. 29 July 1881. G.D.29/183.

Transvaal state, as well as those in connection with the Portuguese claims in West Africa. Within a few~~months~~, the British and Portuguese Governments agreed to the abandonment of the railway clauses and 'in view of the change of circumstances which has taken place since the Treaty was signed', it was decided, in February 1882, to abrogate the Treaty¹ entirely. When the Congo Question next came to the fore, at the end of 1882, its settlement was no longer controlled by Anglo-Portuguese relations in East Africa, but the question itself had become much more complicated and its solution was only found by the calling of an International Conference.

1. Granville to d'Antas. 21 February 1882. F.O.63/1132.

CHAPTER III.

THE AFRICAN BACKGROUND, 1876-1882.

The period between 1876, when Corvo and Morier agreed to postpone discussion of the Congo Question in favour of a more comprehensive settlement of Anglo-Portuguese differences overseas, and November 1882 when negotiations were re-opened between Great Britain and Portugal was marked by many and far-reaching changes in the Congo Basin and its immediate neighbourhood. These were due to increased European interest in those regions and centred round (1) the work of Leopold II of Belgium and his African associations, (2) the expeditions of the French explorer, Savorgnan de Brazza; and (3) the commercial activities of traders of various nationalities.

(a) The Work of Leopold II of Belgium and his African associations.

The history of the founding of the Congo Free State forms one of the most amazing chapters in the story of European penetration in Central Africa. In 1876 Leopold appeared as the leader of an international and philanthropic movement whose object was to spread 'civilisation in Africa, it being desirable to combine the efforts and to organise the resources available for the purpose.'¹ Six years later, he had freed

1. Barron (Brussels) to Derby, No.99, 16 September 1876, quoting from a speech by King Leopold. F.O.10/370.

himself entirely from all international obligations and was aiming directly at exercising rights of sovereignty on the Upper Congo and at forestalling French schemes in that region. Great Britain had clearly shown her attitude towards the extension of her power over the Congo region by her treatment of Lieutenant Cameron. After crossing Africa from Zanzibar to the mouth of the Congo, Cameron had, on 28 December 1874, taken possession of the basins of the Congo and other African rivers in the name of the Queen of Great Britain,¹ but the British Government had refused to acknowledge that act. In a letter to the Under Secretary of State at the Foreign Office, R.H. Meade of the Colonial Office wrote:-

'I am to request you to acquaint the Earl of Derby that Lord Carnarvon is not prepared to take any action upon Lieutenant Cameron's Proclamation of annexation as it is too vague to be of any effect either as regards International Law or practical administration.'²

With the exception of French voyages of exploration, the way was thus left open for Leopold to pursue his own plans.

Contrary to the wishes of the Belgian people, Leopold had early shown himself determined to make Belgium a colonising Power and to find outlets for his energy, denied him by the

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1. Foreign Office to Colonial Office, 8 February 1876. F.O.84/1459.
 2. 25 February 1876. F.O.84/1459.

small, neutral and constitutional state over which he ruled.¹
 He had constantly urged the material benefits of colonies and
 the need for immediate action:-

'je crois qu'il ne faut plus perdre de temps, sous
 peine de voir les meilleures positions, rares déjà,
 successivement occupées par des nations plus
 entreprenantes que la nôtre.' 2

His early attempts to extend Belgian interests to Borneo,
 Oceania and South America had ended in failure. With these,
 and his undisguised colonial ambitions as a background, it is
 difficult not to regard his rôle as head of an International
 African Association but as a cloak under which he hoped to
 gain a share in the partitioning of the Dark Continent.³

His schemes in that Continent had two distinct aspects.
 At first, he concentrated on the opening up of a route to
 Central Africa from the East Coast and it was only after the
 arrival of Stanley at the mouth of the Congo in August 1877
 had proved that a western approach to the interior of Africa
 was also possible, that Leopold transferred his interests and
 efforts to the Congo route. His first plans had been essentially
 international in conception, but when put into practice they
 retained little of this characteristic.

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1. Much of the material used to describe the work of Leopold II and his Associations has been obtained from R.S.Thomson: Fondation de l'Etat Indépendant du Congo, Brussels, 1933.
 2. Speech by Leopold II, 17 February 1860. Cited in Descamps: Le Duc de Brabant, Louvain, 1903, p.28 and in Thomson; op.cit., p.25.
 3. This view is also expressed in E.Cammaerts: The Keystone of Europe. London, 1939. p.165.

In September 1876 Leopold called together at Brussels a Conference of leading geographers and explorers whom he addressed as follows:-

'Ouvrir à la civilisation la seule partie de notre globe où elle n'ait point encore pénétré, percer les ténèbres qui enveloppent des populations entières, c'est, j'ose le dire, une croisade digne de ce siècle de progrès; et je suis heureux de constater combien le sentiment public est favorable à son accomplissement; le courant est avec nous.' 1

Among those present at this gathering were Sir Rutherford Alcock, President of the Royal Geographical Society, Sir Bartle Frere, Sir Henry Rawlinson, J.A. Grant, Sir T. Fowell Buxton, William Mackinnon and V.L. Cameron from England; Baron von R^{ch}thofen, President of the Geographical Society at Berlin and the explorers Nachtigal and Rohlf's from ~~from~~ Germany; Baron de la Roncière Le Noury, President of the French Geographical Society and M. de Quatrefages and the Marquis de Compiègne from France. In addition, Belgium was represented, among others, by Baron Lambert and Émile Banning, while representatives from Austria-Hungary, Italy and Russia also attended. No Portuguese representative was invited. This was later said by Morier to have been an 'unintentional slight, entirely due to an unfortunate oversight on the part of the gentlemen to whom His Majesty had confided the task of drawing up the list of invitations.' 2

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1. Reported in 'L'Indépendance Belge', 14 September 1876 of which a copy was enclosed in despatch from Barron (British Minister at Brussels) to Derby, 16 September 1876. F.O.10/370; quoted in Thomson, op.cit., p.43.
 2. Morier to Derby, 26 February 1877. F.O.63/1117.

As a result of the Conference, it was decided, on Leopold's suggestion, to establish 'des stations hospitalières, scientifiques et pacificatrices' on routes from the east and west coasts leading to the interior. These stations were to have 'le caractère d'entrepôts, destinés à fournir aux voyageurs, des moyens d'existence et d'exploration' and to have as their ultimate object, the suppression of the Slave Trade in their neighbourhood.¹

An International Commission was appointed, composed of the Presidents of the principal Geographical Societies of the countries represented and of two members from each National Committee. These Committees were to be formed in each country to interest the public in the work to be accomplished and to be the instruments for its achievement. The work of the International Commission was to be directed by an Executive Committee, which was composed of a President, a Secretary-General and three members named by the Conference. Leopold accepted the office of President, Baron Greindl was nominated by him Secretary-General and Sir Bartle Frere, Dr. Nachtigal and M. de Quatrefoies were appointed members of the Committee. Only one re-union of the International Commission ever took place. This was in June 1877 when the Executive Committee was authorised to carry out the programme of founding stations

1. From report of the Geographical Conference in 'L'Indépendance Belge', 15 September 1876. F.O. 10/370.

between Zanzibar and the interior of East Central Africa. At the same time, a blue flag with a golden star in the centre was chosen as the flag of the Association.

By this time, Sir Bartle Frere had been appointed Governor of Cape Colony, so his position on the Executive Committee was taken by H.S. Sanford, a former United States Minister in Belgium. During the next three years the Committee published reports, which were reproduced in the Geographical Bulletins of the various countries, of the work done in East Africa. These consisted mostly of accounts of explorers, but after 1880 even this pretence at a separate International Executive Commission ceased. It had become practically identical with the Executive of the Belgian National Committee and the expeditions sent to East Africa were, for the most part, under the leadership of Belgian officers and consisted mainly of Belgians.

This Belgian National Committee had been formed in November 1876 with the same President and Secretary as the International Executive Committee. It was to keep in regular communication with, and to carry out the instructions of the International Commission. Any revenue in excess of what was needed by the National Committee was to be handed over to the International Commission. It was this Committee that organised five expeditions to East Africa, in the name of the

International Commission. The first expedition left in 1878 under Crespel and Cambier, the second in 1879 under Popelin and Dr. Van den Heuvel, two more were sent in 1880, one under Burdo and Roger and the other under Ramaeckers, and the fifth expedition set out in 1882 under Storms. Each of the expeditions was very expensive and badly organised and their only practical result was the establishment of a station at Karema by Cambier and one at Mpala by Storms.

Both France and Germany followed the example set by Belgium and formed National Committees. That of France was organised by June 1877 on similar lines to the Belgian Committee, and its president, Ferdinand de Lesseps, did all he could to arouse interest in France in the humanitarian and civilising aims of the International Association. As funds were still not sufficient to allow France to found 'postes hospitalières', a loan of 100,000 francs was made by the Ministry of Public Instruction and Beaux Arts at the end of 1879. Further gifts, to the value of 22,000 francs were given by the Ministry of Foreign Affairs and Marine, but no surplus remained for the International Association, which itself contributed towards the founding of two stations in West Africa by the French National Committee in 1880, over which the French flag was flown.

In Germany, the Afrikanische Gesellschaft in Deutschland had been formed by 1878 by the amalgamation of the Deutsche Afrikanische Gesellschaft, founded in December 1876 with the Deutsche Gesellschaft zur Erforschung Aequatorial Afrikas, founded in 1872. The objects of the new Society were stated to be the scientific exploration of unknown districts of Africa, the equipping of expeditions and the founding of stations, while it also promised to help the International African Association financially. The 'Proceedings' of this Society show that it gave the International Association 10,000 marks in 1878 and received from the Imperial Chancellery 20,000 marks. The following year the Government made a grant of 80,000 marks and Leopold subscribed 32,000 marks towards the cost of the establishment of a station in Africa. With the help of this sum, the station of Kakoma was founded by the Society in East Africa. Its situation had been chosen by Leopold, but the German flag was flown over it.

Unlike France and Germany, Great Britain decided not to have any direct connection with the International Commission. 'Looking at the subject from a practical point of view,' the Royal Geographical Society, of which all the British delegates to the Brussels Conference had been members, were of opinion that African exploration would 'be more effectually prosecuted by England, and the necessary funds more readily obtained,

through national enterprise than by international association.¹
 The Council, therefore, decided to establish a national fund,
 to be called the 'African Exploration Fund' which was to be
 appropriated 'to the scientific examination of Africa
 (especially the central part of that Continent) in a systematic
 and organised manner, with a view to exploration of the
 regions yet unknown to civilised Europe, the attainment of
 accurate information as to climate, physical features and
 resources, routes of access, and all such other matters as
 may be instrumental in preparing the way for the opening up
 of Africa by peaceful means.'² It was under the auspices³
 of the Royal Geographical Society that both Keith Johnston
 and Joseph Thomson were sent to East Africa.

Thus Leopold's scheme for international action in Africa
 never materialised. How far the scheme appeared to him
 practicable in 1876 it is impossible to judge, but his grant
 of financial aid to both the French and German National
 Committees is evidence that he was anxious for their work not

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1. Minute of Council, 12 March 1877 - Proceedings of the Royal Geographical Society, 1877.
 2. Proceedings of the Royal Geographical Society: Circular of the Special Committee appointed by the Council of the Royal Geographical Society to administer the African Exploration Fund, dated 16 May 1877.
 3. Letter from Royal Geographical Society to Salisbury, 12 October 1878. F.O.84/1525.

to assume a completely national character. As an outside observer of European politics he saw the possibilities of playing off one Power against another especially after 1878 and behind the professed principle of international action he pursued his personal aims of aggrandisement.

He quickly realised the significance of Stanley's voyage down the Congo and his arrival at Boma on 9 August 1877, and he at once determined to secure his services in Central Africa. Stanley tried in vain to arouse the interest of Englishmen in the Congo by writings and by lectures but no evidence has been found to show that he approached the Foreign Office at this time. Finally, in June 1878, Stanley met the Belgian king at Brussels and proposed to him 'la création d'une compagnie pour faire un tramway à vapeur des cataractes inférieures à celles de N'Tamo et l'établissement de stations et de navires à vapeur sur la partie supérieure du fleuve.'¹

The King appeared pleased with the plan and Greindl immediately tried to find the necessary capital. A Dutch Trading House, *De Afrikaansche Handelsvereeniging*, was willing to subscribe to an expedition to the Congo on condition that it should be entirely exploratory in character. This Trading House which had its European quarters in Rotterdam, had several

1. Greindl to Sanford, 11 June 1878. Quoted in article by R.S. Thomson in *Congo*, February 1931, pp.167-196, entitled: *Léopold II et le Congo révélés par les notes privées de H.S. Sanford.*

stations on the Lower Congo and was very largely connected with Great Britain in trade. A considerable portion of its shares was held by British subjects and a very large proportion of its goods was shipped annually in British vessels. The Company held the Government contract for the supply of coals to Her Majesty's Vessels of War. Its principal factory and depôt was at Banana, and from there the vessels from Europe were sent to its various establishments on the coast to be loaded with produce for the return journey.¹ It doubtless looked to an extension of its trade following the opening up of the Congo route.

Stanley, however, was not disposed to go on such a purely exploring expedition, 'in fine, says he will not, for he thinks it will lead to no good result and will associate him with failure.'² A compromise was arrived at. Stanley was to lead an expedition whose objects were stated to be similar to those of the International African Association in East Africa, but which was, in part, financed by the Dutch Trading House which, in the event of success, looked to commercial advantages from it. Thus Leopold committed himself not only to a philanthropic and scientific enterprise, but to one with a definitely commercial bias.

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1. Carnegie (British Consul at Loanda) to Secretary of State for Foreign Affairs, 14 September 1876. F.O.63/1116.
 2. Sanford to Greindl, undated. Article in Congo, February 1931, op.cit., p.173.

To finance this new expedition a company called the Comité d'Études du Haut Congo was formed on 25 November 1878. Its members were mostly traders and bankers of Belgium, Holland and England. The largest individual subscription was made in the name of the banker, M. Lambert, on behalf of King Leopold, the second largest was made by the Dutch groups of traders while the English West African trader, Mr. Hutton, and Mr. Mackinnon were also subscribers. Leopold was nominated honorary President and three vice-presidents of the Belgian National Committee - Beernaert, Anethan and Dolez - were elected honorary members. Colonel Strauch, who had succeeded Baron Greindl as Secretary-General of the International African Association became Secretary, and a few weeks later, President of the new company. The blue and white flag of the International Association was adopted as the flag of the new Comité d'Études du Haut Congo. Confusion between these two societies were therefore almost inevitable as both had the same executive officers and the same flag. Strict silence was imposed on all members of the new Society. Until the publication in Germany, in 1916 and 1918, of a selection of papers from the Belgian Archives which included some dealing with the formation and history of the Comité d'Études du Haut Congo¹ nothing definite was known about the Society. These

1. A series of articles were also published in the Deutsches Kolonialblatt, from May 1916 to February 1918, under the same heading of 'Aus den Archiven des belgischen Kolonialministeriums.' Professor Thomson includes quotations from both these sources in his work: Fondation de l'Etat Indépendant du Congo, op.cit.

papers show that its objects were to determine whether it would be possible to establish communications between the Upper and Lower Congo and develop trading relations of sufficient importance, to defray, within a reasonable length of time, the cost of a transport company. All political objects were definitely renounced, the members being guided solely by philanthropic and scientific considerations. As soon as three quarters of the capital was used up, a meeting was to be held to discuss means of raising further sums or to arrange for the abandonment of the enterprise.

Until 1880, no public reference was made to this new departure of Leopold's, but in the Public Session of the Belgian National Committee that year the secretary announced that:- 'M. Stanley a été chargé par une société composée de capitalistes et de philanthropes de divers pays, de reprendre en détail l'exploration du Congo.¹'

Before this announcement was made, however, the Comité d'Études du Haut Congo had been dissolved and Leopold alone was carrying on the work under its former name. While Stanley was on his way to the Congo in January 1879, the Dutch Trading House had failed and its successor, l'Afrikaansche Venootschap, had demanded the return of its predecessor's subscription. Leopold had taken this opportunity to free himself from all dependence on foreign subscriptions. Sanford urged him to do

1. Quoted by Thomson, op.cit., p.54.

this so that the expedition could be brought back to its

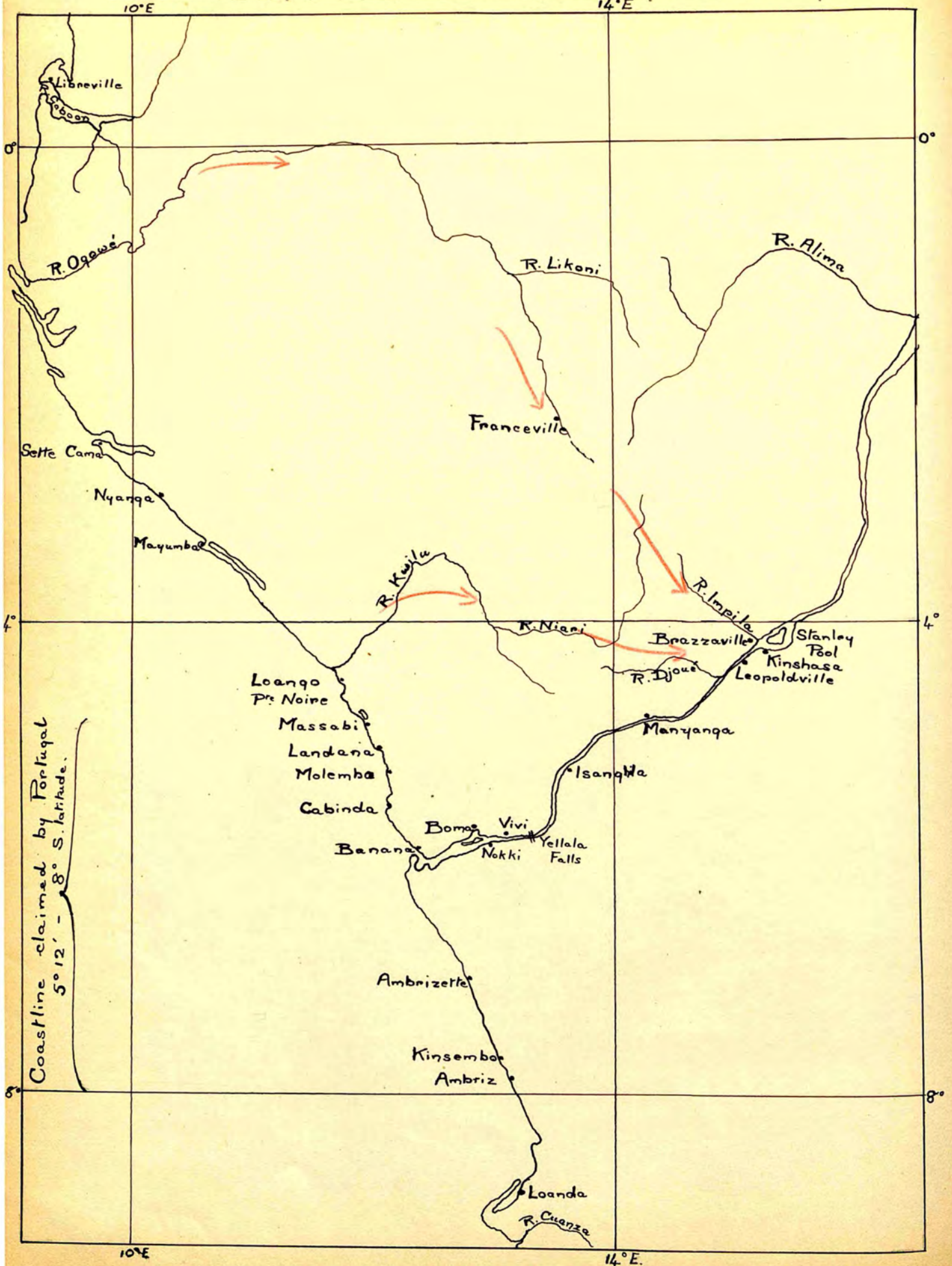
'purely philanthropic character.' His advice to the King was 'to pay back every subscriber - the Englishmen had held back - only two having subscribed and the balance, after the Dutch Company's quota was deducted, only amounted to some 250,000 francs in all.' 1

It was more probable that Leopold took this advice because he realised that it was necessary to establish political power on the Upper Congo in order to prevent French supremacy there. He could not attempt to do this while he was under the obligation to report to foreign subscribers.

As three quarters of the capital was soon used, Leopold had called a meeting of the Comité d'Études du Haut Congo on 17 November 1879. To have declared the enterprise a failure and then have continued it on his own would have aroused suspicion, so Leopold laid a plan before the members. He promised to provide the necessary capital himself for establishing three stations on the Congo and to divide any profits, during the first three years, from these stations among the members if they would agree to the dissolution of the Comité. To this no objections were made. Henceforward, Leopold was in sole control. No suspicion of this change seems to have become public and it is probable that Stanley 'ne se rendit jamais compte qu'il fût au service d'une seule personne pendant presque toute sa carrière au Congo.' 2

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1. Letter from Sanford to Stanley, 4 August 1879. Article in Congo, February 1931, op.cit., p.180.
 2. Thomson, op.cit., p.77.

Sketch Map to illustrate the African Background.



He continued his slow journey up the Congo and reported the founding of Vivi station in January 1880, of Isanghila in February 1881, of Manyanga in May and finally his arrival at Stanley Pool and the founding of Leopoldville in December 1881, but only after the right bank of the Pool had already been claimed for France by Savorgnan de Brazza. The result of French action was clear to Leopold. He at once decided to secure the Niari-Kwilu route to the Upper Congo and so isolate the territory claimed for France from the Lower Congo. For this purpose he sent out Dr. Pechuel-Loesche, in January 1882, to the Niari-Kwilu district. Dr. Pechuel-Loesche had previously taken part in the German voyage of exploration of the coast of Loango, between the Ogowé and the Congo, which had been conducted by Güssfeld in 1873-5. In September 1882, he received instructions from Leopold to secure rights of sovereignty for the Comité d'Études from the native chiefs:-

'Nous n'arriverons jamais à exercer là une influence importante pour la civilisation, tant que nous ne posséderons pas de territoires indépendants et de prérogatives adéquates pour les gouverner et pour y introduire les rudiments d'organisation commerciale.' 1

This expedition was not carried out immediately as Stanley met Dr. Pechuel-Loesche at Vivi and left him in charge of his work while he returned to Europe, but before the end of 1882 Stanley was back again on the Congo. This time he had

1. Quoted by Thomson, op.cit., p.88, from Pechuel-Loesche: Kongoland, p.18.

definite instructions to establish stations and to obtain the cession of rights of sovereignty from the native chiefs from Vivi to Stanley Pool, and to secure the Niari-Kwilu as an alternative route to the Upper Congo. Leopold had also expressed to the British Government his dissatisfaction with the possibility of land near the mouths of the Congo being placed under Portuguese jurisdiction. This, he said, would give 'a fatal blow' to his plans.¹ There could be no doubt that, by this time, Leopold was aiming at sovereignty on the Upper Congo.

Of this possibility, Great Britain appeared to be entirely ignorant. In a private letter to Lister, dated 3 December 1882, the British Ambassador in Brussels, J. Savile Lumley, wrote as follows about the 'Congo Association or Belgian Trading Company':²-

'The King's object is twofold, the creation of some enterprise which shall mark his reign and the desire of opening new markets for Belgian commerce and industry in Central Africa . . . The King's best friend would be glad to see His Majesty abandon the undertaking altogether which will continue to be a heavy drain on his Privy Purse, without any practical result and may give rise to complications with France. . . '.

Three months later, Lister still spoke of the 'Belgian Association' as 'a small geographic and philanthropic society

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1. Lumley (Brussels) to Granville, 30 April 1881. G.D.29/156.
 2. Lumley to Lister, Private, 3 December 1882. F.O.84/1802.

composed of members of various nationalities who have been indulging their taste for exploration and road-making in Africa at the expense of the King of the Belgians.¹

It is clear from these, and similar comments, that in Great Britain, Leopold's work in Central Africa was not yet regarded seriously or of any lasting importance.

(b) France and Expeditions of Savorgnan de Brazza.

The success which attended Stanley's expedition of 1874-77, in addition to its effect on Leopold's schemes in Africa, also had important results for France. On several occasions since the middle of the nineteenth century, attempts had been made by French explorers to solve the mysteries of the lands through which the Ogowé River flowed before it reached the French Province of Gaboon. One of these expeditions was in progress while Stanley was conducting his epoch-making voyage. Savorgnan de Brazza, an Italian by birth and a naturalised Frenchman, had received support from the Minister of Marine and Colonies for an expedition to explore the navigable course of the Ogowé owing to the commercial importance of that river to the Gaboon.

The Marquis de Montaignac de Chauvance, Minister of Marine and Colonies, had recognised the importance of de Brazza's expedition:-

1. Note by Lister, 22 March 1883. F.O.84/1802.

'j'ai reconnu qu'il y aurait en effet un sérieux intérêt, au double point de vue de la science et de l'extension de notre commerce, à ce que l'importance réelle du fleuve, l'état des populations qui habitent ces contrées, leurs ressources commerciales, ainsi que les relations qu'il serait possible d'établir avec elles fussent constatés d'une manière plus certaine que cela n'a pu être fait jusqu'à ce jour. J'ai décidé, en conséquence, que vous effectueriez ce voyage, dans les conditions, énoncées dans votre travail et que le département de la marine vous prêterait en personnel et matériel, le concours que vous lui avez demandé.' 1

After discovering the rivers Alima and Licona, though not realising that they were tributaries of the Congo, de Brazza returned to France where he heard of Stanley's arrival at the mouth of the Congo after following the course of that river across Africa. He became convinced that it would be possible to open a direct route for France from the Ogové to the Congo and so secure for that country the rubber trade of the interior.

Meanwhile, the importance of de Brazza's expedition had not escaped Leopold. He seems to have realised at once the implications of French action in the Ogové region, and to have tried to secure de Brazza's support for his schemes of international action in Africa. He received the explorer in August 1879 and conferred on him and his companion, M. Ballay, 'L'Ordre de Léopold.'² There is no evidence to show that

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1. Letter from the Minister of Marine and Colonies to de Brazza, 15 February 1875. Quoted in Revue Maritime et Coloniale, Tom 76, 1883, p.535.
 2. Letter from Strauch to Sanford, 22 August 1879. Article in Congo, February 1931, op.cit., p.78.

Leopold knew that de Brazza was already, in some degree, an agent of the French Government. Unlike Stanley, de Brazza refused either to enter the service of Leopold or to conduct an expedition along the Ogowé and found 'philanthropic and scientific stations' for the French Committee of the International African Association. Instead, he suggested that this should be done by another officer, Mizon, while he himself continued further explorations. As Mizon did not know the country, de Brazza agreed to choose the sites of two stations, one on the Ogowé and one on the Upper Congo, on condition that:-

'l'établissement de ce pavillon international sur les stations occidentales ne viendrait pas léser les intérêts politiques et commerciaux français, à portée d'une de nos colonies.' 1

Before his departure from France, however, the French National Committee had decided that the French, and not the International flag should be flown over the stations when founded, and had taken a step which, in effect, meant that it was no longer a branch of the International Association.² It was on this understanding that the French Government made its grants to the expedition. Leopold's gift of 20,000 francs given in the name of the International African Association was also accepted and the cloak of international action retained.

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1. See Thomson: op.cit., p.79. Quoted from Revue Maritime et Coloniale, Tom 76, 1883.
 2. Confidential information given to Professor Thomson. See Thomson: op.cit., Note (3), p.80.

It is clear that Leopold was not deceived as to the objects of de Brazza's return to Africa. In December 1879, and again in January 1880 Stanley was urged to hurry on and to arrive at Stanley Pool before the French explorer:-

'M. de Brazza tentera de descendre l'Alima jusqu'à son confluent avec le Congo où il espère arriver avant nous. Nous n'avons pas de temps à perdre.' 1

Stanley did not comply with these requests for haste. De Brazza founded the station of Franceville on the Upper Ogowé and then on 3 October 1880, he took formal possession, in the name of the French Republic, of the right bank of Stanley Pool where he founded Brazzaville station. By so doing he was said to have entirely 'cut off the value of the lower river' and to have annexed 'the Gate to the Interior of Africa to the Kingdom of France.'² Leaving the Senegalese sergeant, Malamine, to defend the interests of France, de Brazza descended the Congo and met Stanley near the Ngoma mountain on 7 November. It was not until July 1881 that Stanley reached the Pool, and it was four months later before he was able to establish the station of Leopoldville on the left bank.

Meanwhile, de Brazza had explored the valley of the Niari and realised its advantages as a line of communication between Stanley Pool and the French coastal possessions. He

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1. Staunch to Stanley, 30 December 1879. Quoted by Thomson, op.cit., p.81.
 2. Secretary of the Baptist Missionary Society to Granville, 25 June 1881. F.O.84/1801.

returned to France, however, without taking formal possession of it for France. Once again, Leopold did all he could to forestall the French. By securing the Niari-Kwilu route for his Association, he could cut off the recent French acquisitions on Stanley Pool from the Lower Congo and furthermore, guard against the possible results of Anglo-Portuguese negotiations by securing an alternative route to the sea from the Upper Congo.

Thus he planned the expedition of Dr. Pechuel-Loesche.¹ For a time it seemed as though there would be open antagonism between de Brazza and Stanley. The disappointed and dis-

illusioned Belgian agent 'ne laisse pas échapper l'occasion de parler en termes amers de M. de Brazza. Il reproche à celui-ci de lui avoir enlevé le bénéfice de ses travaux et de ses peines et d'avoir donné un caractère exclusivement français à une entreprise qui aurait dû rester internationale.'²

The same criticism was being levied against the work of Stanley:- 'à peine une station était-elle fondée que Stanley en confiait le commandement à un officier de l'armée belge.'³ This rivalry was not allowed to extend. On 16 October 1882, France promised to allow freedom of trade and of access between the stations established by de Brazza and

1. See p. 113 of this chapter.

2. Le Baron Brin (Bruxelles) à Duclerc, 7 October 1882. D.D.F. 1re Série, IV., p.514.

3. Ibid.

those of the Comité d'Études du Haut Congo.

'Suivant le désir que V[otre] M[ajesté] a bien voulu me faire exprimer, il est convenu qu'aucun obstacle ne sera apporté aux relations entre les stations établies ou à établir par l'Association internationale africaine et le Comité d'études du Congo. Le passage de l'une à l'autre desdites stations, par le territoire situé entre le Stanley Pool et les rivières Imila et Djoué, ne sera soumis par nous à aucune charge ni entrave, soit quant aux personnes, soit quant aux articles transportés en transit.' 1

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It has been pointed out that this concession given, according to Duclerc, through the desire of France to assist 'la généreuse entreprise' of Leopold's was probably given in return for a much more substantial concession on the part of the Belgian King. Having accepted Leopold's money, France was under at least a moral obligation to the International African Association, but on 21 October, M. de Lesseps declared publicly at the Sorbonne that the two stations of Franceville and Brazzaville would be ceded to the French government as soon as de Brazza's Treaty with Makoko, the chieftain on Stanley Pool, had been ratified. Acquiescence in their absorption by France has been suggested as the payment which Leopold had to make in order to secure free access to the sea by the Ogowé route. He had not yet secured the Niari-Kwilu route and was anxious to guard against the consequences of a recognition by Great Britain of the claims of Portugal to the mouths of the Congo.

1. Duclerc to Leopold, 16 October 1882. French Yellow Book: Affaires du Congo et de l'Afrique Occidentale, 1884, No.1. Quoted by Thomson, op.cit., p.91.

2. See Thomson, op.cit., p.92.

On 18 November 1882 de Brazza's Mokoko Treaty was ratified by the President of the Republic; ten days later, de Lesseps formally ceded to the French Government the two stations founded by the French National Committee of the International Association. Thus was brought to a close the first stage in the struggle for access to Central Africa.

(c) Trading interests in the Lower Congo districts.

While the Upper Congo region was the scene of rivalry between France and the Comité d'Études, the districts near the mouths of the Congo and along the coastline from $5^{\circ}12'$ to 8° south latitude witnessed considerable friction between representatives of various nationalities. The absence of any supreme governmental authority in these areas provided opportunities for continual disputes among the white traders, and still more frequently, between white traders and the natives. Occasionally, acts of excessive cruelty were perpetrated, as at the time of the Congo atrocities in 1877 when large numbers of native men and women were drowned on the pretence that they had shared in a conspiracy to burn down a Dutch factory, rented by a Portuguese trader. '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.¹

On the occasion of the disturbances in 1877 'the matter had first been taken in hand by Her 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 enquiry. 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 actions of Her Majesty's cruisers, but he had finally yielded to the somewhat threatening remonstrances of the British Consul.²

Although it was proved that a British subject, named John Scott, trading at Boma had had a share in the atrocities, no practical means existed of bringing him to trial:-

'The Courts of this country [England] would indeed have jurisdiction to try him under section 9 of the Criminal Law Consolidation Act . . . but it would be very difficult to procure the attendance of witnesses; and

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1. Consul Hopkins (Loanda) to Derby, 29 May 1877. F.O.63/1117 and 'extract' in A. & P. XLVIII (1883), C.3531, No.47.
 2. Gould (Lisbon) to Derby, Slave Trade No.53, Confidential, 4 August 1877. F.O.63/1117, and No.49 in C.3531, op.cit.

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 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.' 1

Since early in 1876 the British Consul at Loanda had had rights of jurisdiction 'over that part of the coast between Black Point and Cape St. John, which comprises the disputed portion of the seaboard and which had not hitherto been included within his jurisdiction.'² Even seven years later, however, the British Consul still found it almost impossible to carry out the new duties assigned to him:-

'Although the Congo is but 24 hours sea voyage from Loanda, there exists no regular communication, and for weeks there is no opportunity of sending or receiving intelligence from any part of the coast. Her Majesty's Naval Forces on the West Coast of Africa make their headquarters at Cayre Coast Castle and occasionally visit this port. Last year for over four months no British man-of-war arrived here, and when any call they are under orders to remain for a limited period, the consequence is, as it has happened, that during their stay it has been either inconvenient for me to leave Loanda or there may have been no urgency to visit any part of my Consular district, while since the 9th of last month my presence has been required at the port of Kinsembo, in consequence of a question having arisen between British traders and the natives, I have not had any available means of proceeding thither.' 3

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1. Pauncefote to Hopkins, 31 August 1877. F.O.63/1117 and No.50 in C.3531.
 2. Derby to Harris, to be communicated to Count Bylandt Netherlands, No.5 Consular and Confidential, 8 May 1876. F.O.63/1116.
 3. Cohen to Granville, Slave Trade No.3, 3 January 1883. F.O.84/1803.

On the other hand, the position of the Portuguese authorities was equally unsatisfactory. It was their continual complaint that if they '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.' 1

It was under these very unsatisfactory conditions that a number of European traders of various nationalities had established factories in the Congo districts. Innumerable discrepancies exist in the accounts given of the extent of this trade. The Portuguese Foreign Minister reported, in 1882, the number of factories existing on the banks of the Zaire as 49, 'of which 26 are Portuguese, 12 Dutch, 7 French and 4 English.' In addition to this numerical preponderance of Portuguese factories he added that 'the foreign houses are generally managed by Portuguese, our language being the only one that is known throughout all this region.' 2

Only two months later, the British Consul at Loanda summarised the position of the European trading stations on the West Coast of Africa. 3 On the banks of the Congo itself he

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1. Gould to Derby, reporting his interview with the Portuguese Minister of Marine and Colonies, Slave Trade No.53. Confidential, 4 August 1877. F.O.63/1117 and No.49 in C.3531.
 2. de Serpa to d'Antas, 8 November 1882. Communicated to Granville, 22 November. F.O.84/1802; A. & P. LVI (1884), Africa No.2 - 1884, C.3885, Correspondence relating to negotiations between the Governments of Great Britain and Portugal for the conclusion of the Congo Treaty, 1882-1884. No.1.
 3. Cohen to Granville, Slave Trade No.1, 3 January 1883. F.O.84/1803.

reported 4 British, 5 French, 4 Portuguese, 2 Dutch and 1 Belgian station. Between Angola and the southern bank of the Congo he listed 11 British, 9 French, 2 Portuguese, 5 Dutch, 1 Belgian and 1 German trading station and north of the Congo, 5 British, 1 French, 6 Portuguese, 2 Dutch and 3 American stations. According to this report therefore, Portugal had only 12 trading stations out of a total of 62, and of these 6 were north of the Congo.

Much of the discrepancy shown between the figures given by the British and the Portuguese respectively was doubtless due to the varying interpretations of a 'trading station'. In the Congo itself, the British Consul recognised only 3 Portuguese factories at Boma and one at Nokki but he

acknowledged that there were 'at some of the villages situate in the creeks, with which the river abounds, some Portuguese or rather colonial born Portuguese, who carry on a small barter trade, but as neither the localities nor the business justify the construction of proper dwelling houses or the direction entrusted to paid employés' he thought those

establishments could hardly come within the term of trading factories. There is but little doubt that such establishments would be looked upon as trading stations by the Portuguese.

The British Consul, however, gave further evidence of the relatively small part played by Portugal in the Congo trade. The whole of that trade, he said, was carried on by English, Dutch and French capital, 'it is from these countries alone that goods and merchandise are brought, and to which also all the produce is exported.'

Only one Portuguese firm carried on a direct export and import trade with Europe, the other Portuguese traders being 'literally dependents of the Dutch, English and French firms' to whom they supplied goods at prices fixed in accordance with the market value in Europe. Owing to the absence of statistics, the Consul was unable to give the exact value of the imports and exports but he wrote that 'the value of produce exported last year from the Congo alone has been roughly estimated at between 180,000 and 200,000 pounds and the imports calculated at 8% of the exports, while the value of exports and imports from the ports south and north of the Congo is estimated at a much larger amount.'

With regard to shipping, Cohen continued:-

'the ocean traffic is carried on by English, Dutch and French vessels, steam and sailing, the number calling at the Congo is estimated at between 40 and 50 in the year; while the British and African, and the African Steam Navigation Companies run a steamer, alternately, once a month from Liverpool touching at all the principal ports on the coast, making Loanda the final port of call.'

He denied that the Portuguese language was known all over the Congo region and that the Portuguese generally managed the foreign houses. Where Portuguese were employed, he attributed it not to the fact that they were conversant with the native dialects 'for they are not, nor are the natives of the Congo conversant with the Portuguese language' but 'they either serve for less pay than those of other nations would' or at many of the localities no other would be found to live in them.' He did not _____

think that the Portuguese were as numerous on the coast as subjects of other nations.

Information received from British traders in the Congo district and from Chambers of Commerce in England to a very large extent either supplemented or confirmed the consular reports. In April 1883 a paper on the position of the Portuguese in the Congo, 'drawn up by some gentlemen in Liverpool who are well acquainted with the subject from having traded and resided there' was sent to the Foreign Office.¹ They stated that:-

'the Portuguese have never had, neither have they now, any trading establishments of importance north of Ambriz or in the Congo. They have never had any communication between Portugal and this coast, nor carried on trade of any kind. All the Portuguese subjects that are employed in trade north of Ambriz, and in the Congo River are simply, with one or two exceptions, carrying on trade with the natives on account of the English and Foreign houses. Not one single ton of produce goes from these places to Portugal, and only last January, for the first time, the Portuguese Mail Steamer from Lisbon to Angola called at the Congo River; not that they had any cargo to land or receive, but merely to show that they are now taking some interest in this place . . . '

Several years earlier, a Manchester merchant, Mr. Hutton,² had stated that the trade with the west coast of Africa between Kinsembo and Molembo was carried on principally with British manufacturers and that:-

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1. Enclosed in a letter to Lister from the African Steam Ship Company dated 2 April 1883. F.O.84/1805.
 2. Letter from Mr. Hutton to Derby, 7 December 1876. F.O.63/1116.

'At the present time a British mail steamer leaves Liverpool every three weeks, with cargo for the ports in that district, and another large British steamer is engaged regularly in the same trade, in addition to which several British vessels and small steamers owned by mercantile firms are employed in that part of the west coast of Africa . . .'

Of the two British firms trading to the Congo coast, the oldest, the African Steamship Company, had started under McGregor Laird a steamship service to the West Coast of Africa in 1852, though it had headquarters in London only till 1875. Six years earlier, in 1869, a British and African Steam Navigation Company was formed in Liverpool by Alexander Elder and John Dempster to run steamers from Liverpool to West Africa. From this time onwards, until their amalgamation in 1890, these two trading companies appear to have controlled the greater part of British trade in, at least, the Congo districts of West Africa. Other British traders there included the 'National African Company', the firm of Messrs. Hatton & Cookson and Mr. John Holt, but these were all 'supporters' of the British & African Steam Navigation Company - united, no doubt, by fear of the effect of French or Portuguese action on their trading interests.

It was contrary to the custom of the country for white traders to barter direct with the natives from the interior. This was done by 'lingsters' or 'go-betweens' who were generally either former slaves who had learnt the Portuguese

1. Memorial from the British & African Steam Navigation Company, dated 28 November 1882. F.O.84/1802.

language or natives who had lived near the coast and learnt either English or Portuguese from the traders. The most important products brought from the interior were wild rubber and ivory. In return, manufactured goods, largely Lancashire cotton and woollen goods, arms, ammunition, gunpowder and spirits were exchanged. In addition to the direct trade carried on between Great Britain and the Congo districts, French and Dutch merchants purchased in England goods to a considerable amount which were exported first to their respective countries and thence to their trading stations on the Congo.¹

In the trading stations themselves a form of contract labour which, in practice, was indistinguishable from slavery, was almost everywhere in existence. According to the British Consul at Loanda in 1877, the only trading houses along the coast from Ambriz to Black Point which did not employ slaves were the English and French factories at Kinsembo and 'perhaps the English houses at Ambrizette.'² The Portuguese Government also acknowledged in 1882, that 'free labour, in the true³ acceptation of the word, is quite an exception on the Zaire.'

1. Letter from Mr. Hutton to Derby, 7 December 1876.
F.O.63/1116.

2. Hopkins to Derby, No.28, Confidential, 12 June 1877.
F.O.63/1117.

3. de Serpa to d'Antas, 8 November 1882, op.cit.

The greater part of the negroes said to be under contract were delivered at the dwellings by the native Chiefs, who received money or goods in exchange for them and bound themselves, in the event of their attempting by flight to break a contract which they did not voluntarily enter into, to recapture and bring them back again to the workshops. ¹ Some of the Europeans, especially the Dutch, had the reputation of well-treating these 'Krumanos', but there was 'nothing for them to look forward to but a life of daily toil for what they eat, and the scanty rag that covers them.' ²

In the opinion of Consul Hopkins this slave labour was continued because it was cheap and had come to be looked upon as perfectly just.

In July 1882, the British Government received further information from its consul at Loanda, on the kind of slave labour which was in existence in the Congo lands. He reported that:-

'It is customary for traders in the Congo to give the native chiefs goods in advance, and if the value is not met by the equivalent in produce it is made by supplying slaves, who are kept as domestic servants and factory labourers . . . by accepting them the debt is foregone and they remain, as it were, bonds-people to be used and employed as circumstances require.' ³

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1. Ibid.
 2. Hopkins to Derby, 12 June 1877, *op.cit.*
 3. Cohen to Granville, No.7 Slave Trade, 16 July 1882. F.O.84/1802.

This time, the British Government decided to pass an Order-in-Council to stamp out the system as far as it applied to British traders, though Lister remarked that they had 'no reason to believe that either France or Portugal would do anything to interfere with the Slave Trade.'¹

Such was the condition of affairs in this much-disputed area when the 'Congo Question' began, towards the end of 1882, to assume an international importance. Without an organised government, the white traders had, of necessity, taken the law into their own hands, sometimes with disastrous results for the natives. The claims of the only European country with any pretence at a right of exercising sovereignty there, were denied by Great Britain whose traders dreaded the possibility of a change in this attitude of their country.

1. Note by Lister at end of preceding despatch, Cohen to Granville, 16 July 1882.

CHAPTER IV.

RENEWED ANGLO-PORTUGUESE NEGOTIATIONS, NOVEMBER 1882 TO JANUARY 1883.

The circumstances in which Anglo-Portuguese negotiations were reopened in November 1882 differed fundamentally from those in which Morier had begun his work in 1876. The changes in Central Africa were making it probable that 'that waterway into Africa, which it has hitherto been our [British] policy to keep free, will soon be blocked' by the activity of other Powers.¹ It was recognised that it was now 'too late to establish a British monopoly were such a course in any way desirable.'² Central West Africa was no longer to be reserved for individual explorers, scientists and traders but was to become the hunting ground of Government agents and of diplomatists. De Brazza's so-called voyages of exploration had resulted in the establishment of French governmental control at Stanley Pool, Stanley himself, the leader of a 'purely humanitarian and scientific expedition' had returned to Africa with Treaty Forms to secure rights of sovereignty

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1. Note by C.H. Hill of the Foreign Office, 27 September 1882. F.O.84/1802.
 2. Note by Lister, 19 October 1882. Ibid.

from the native chiefs for the Comité d'Études du Haut Congo. Although this Association was entirely under the control of the King of the Belgians it had, before the end of 1882, assumed the name of 'l'Association Internationale du Congo', 'à faire ressortir à nouveau le simulacre d'internationalité dont on avait déjà entouré l'Association.'¹ At the same time, it was thought that the Portuguese Government was ready to make almost any concession in order to secure recognition by Great Britain, of Portugal's claims to the Congo lands.

On the other hand, both traders and Consuls stationed along the West Coast were showing themselves anxious for an extension of direct British influence in those regions. Cohen, British Consul at Loanda, constantly urged the necessity of the establishment of a Vice-Consulate near the mouths of the Congo. In November 1882, the Directors of the Manchester Chamber of Commerce sent a memorial to Earl Granville which included the following request:-

'This Chamber would respectfully pray that Your Lordship will favourably consider the necessity for the appointment of a resident British Consul or Consular Agent whose duty shall be essentially that of watching over the interests and trade of Great Britain on the Congo and on the neutral coast between French and Portuguese possessions and ... this Chamber would venture to suggest the important advantages to be derived by a steamer or gunboat being permanently stationed on the South West coast and placed at the disposal of the Consul or Consular Agent appointed there.'²

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1. Quoted by Thomson; op.cit., p.90 from Cattier: Droit et Administration, p.19.
 2. Memorial of the Director of the Manchester Chamber of Commerce, dated 13 November 1882. F.O.84/1802.

Similar requests were sent by many other trading firms and Chambers of Commerce. To have complied with such requests would have raised the whole Congo Question once more -
 'To whom should such a Consul be accredited?'¹

Another important characteristic of this period was the desire expressed by several native chiefs to secure protection of a European Power. In 1874 the Sultan of Zanzibar had asked for German protection and in 1879 the Chiefs of the Cameroons had sought for that of Great Britain. With reference to this latter request, the British Consul on the Gold Coast, Edward Hyde, had expressed the opinion that:-²

'it may be found that there are more serious issues^s involved in the refusal of it than in compliance with it . . . for on finding England deaf to their entreaties they may seek the protection of the French, who if once established in the Cameroons would in all likelihood extend their commerce in both directions along the Coast, and to the southward, acquiring the territory - a valuable trading country - as far as their present settlement in Gaboon. To the Westward we should find before long their traders in the Oil Rivers where unfettered by Treaties, not like our own are, they - might penetrate beyond the seaboard and do much injury to the Trade we have for so many years kept in our own hands.' In view of these possibilities, he urged the desirability of placing under British rule 'all the Territory commencing at some convenient frontier line to the south of the Cameroons and extending as far as, and to include, Benin to the West. This might be made into a Protectorate, or a Colony or given over to a Chartered Company of British merchants.' This change would, he added, 'exclude a Foreign Government from obtaining a footing in the Country.'

1. Note by C.H. Hill, 18 October 1882. *ibid.*

2. Hewett to Granville, 14 January 1882. F.O.27/2614.

In spite of the growth of Imperialistic ideas in Great Britain¹ and the advice of 'men on the spot', no action was taken to extend Great Britain's influence or responsibilities in Africa. Gladstone himself was opposed to further annexations. During a debate in the House of Commons in March 1882 he said that throughout the whole of his political career he could not recollect an occasion on which he had given or taken 'a step in a controverted matter except on the side which was opposed to annexation.'² Ten years earlier in a debate in the House of Commons arising from a suggestion that Great Britain should establish a British Protectorate at Fiji, he had said 'that Her Majesty's Government would not annex any territory, great or small, without the well-understood and expressed wish of the people to be annexed, freely and generously expressed,³ and authenticated by the best means the case would afford.' The Colonial Secretary, Lord Kimberley, also opposed further annexations in 1882 on the grounds that the responsibilities of Her Majesty's Government on the West Coast of Africa were already very heavy and that it was very undesirable to add to

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1. See Bodelsen; Studies in Mid-Victorian Imperialism, London. 1924. Chapter II, pp.74-145.
 2. Hansard, 3rd Series, Vol. 267, p.1190. Quoted by Aydelotte: Bismarck and British Colonial Policy - The Problem of South West Africa, 1883-5. Philadelphia. 1937. p.5.
 3. 25 June 1872, Hansard, 3rd Series, Vol.212, p.217.

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 them. He pointed out that 'the climate of all parts of West Africa is very pestilential and prejudicial to the life and health of Europeans,' that 'past experience shows that extension of British occupation would probably lead to wars with the interior native tribes and heavy demands upon the British taxpayer.' Finally, 'the questions of domestic slavery and of fugitive slaves from the inland tribes which must necessarily arise, would, in Lord Kimberley's opinion, be of themselves sufficient to deter Her Majesty's Government from undertaking such a responsibility' as was proposed in the Cameroons. Considerable feeling seems to have been aroused among the Foreign Office officials by the reasons given for inaction by the Colonial Office.

'Africa is a disheartening country enough to deal with under any circumstances and with the best will and intention to foster and develop its trade, but if we are to be deterred from steps in that direction by considerations of trouble, disagreeable questions and present financial drawbacks, I confess it seems hopeless to drift on, and a dog in the manger policy to block its trade and keep out other nations, like the French, who might at least show the energy of new brooms.' 2

Lister contradicted the views of the Colonial Office on the climate of all West Africa and wished more information could be obtained before an important offer were refused in ignorance. He suggested that Lord Granville should take an

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1. Letter from Colonial Office to Foreign Office, 15 April 1882. F.O.84/1627.
 2. Minute by C.H. Hill on the letter from the Colonial Office, 15 April 1882. *ibid.*

opportunity of speaking to Lord Kimberley:- 'A departmental correspondence on the subject would not be desirable.'¹ In face of Lord Kimberley's continued opposition to annexation, Consul Hewett was requested to pay a special visit to the Cameroons and report on the country and its kings. In order to prevent the Kings turning to France or Portugal for protection he was to carry some civil messages to them in answer to their offer of handing over their dominions to England.

This question of the Cameroons illustrates the different attitudes of Englishmen towards African questions in 1882. The possibility of other European nations encroaching in districts where British trade and influence were established, or to which they might one day be extended, was forcing African problems to the fore. The attitude of the Colonial Office alone was definite, but that of the Foreign Office tended to be opposed to the negative policy of doing nothing, though there is no evidence to show that it looked upon West African affairs as questions of immediate urgency.

Since the retirement of W.H. Wylde on 30 March 1880, no fresh appointment had been made to the office of 'Superintendent of the Consular and Slave Trade Department.' With the exception of the three years, 1870-73, when he was Superintendent of the Commercial and Consular Department, W.H. Wylde had had charge

1. Minute by Lister on the same letter. *ibid.*

of Slave Trade business since 1859, first as Senior Clerk for eleven years, and then as Superintendent of the Consular and Slave Trade Department for eight years, 1873-1880. His retirement left the Correspondence relating to the suppression of the Slave Trade on the East and West Coasts of Africa in the hands of an Acting Senior Clerk, and Consular Business in the hands of an Assistant Clerk in Charge. Both divisions were under the superintendence of T.V. Lister.

It is clear that both Lister and Dilke feared French aggression. The Convention signed on 28 June 1882 between Great Britain and France defining the limits of the possessions of the two Powers on the West Coast of Africa, north of Sierra Leone, had not yet been ratified, and there were signs of increased French activity in the Niger region. De Brazza had originally been instructed to go to that region, but news of Stanley's arrival at the mouth of the Congo had led to a change in his plans.¹

Although the Government recognised, to an increasing extent, the threats to British interests involved in an unrestricted extension of French and Portuguese influence in West Africa, there is no indication that it looked upon Germany also as a possible rival. At the end of 1882, friendly

1. Memorandum of conversation between Mr. Hutton (trader to West Coast of Africa) and Mr. Meade (Under Secretary of State for the Colonies) enclosed in letter from Colonial Office to Foreign Office, 6 January 1883. F.O.84/1803.

relations existed between the two countries. The British occupation of Egypt and consequent break from French co-operation had emphasised the need for German support. Like British subjects, German traders and explorers had forwarded numerous requests and schemes for the extension of their country's influence overseas, but prince Bismarck had refused to comply with any of them:- 'So long as I am Chancellor we will carry on no colonial policy.'¹ At that time, Bismarck's actions coincided with his words.² In 1872 he had refused to grant the request of the ruler of the Fiji Islands that he should have the protection of the German Empire. Two years later he refused a similar request from the Sultan of Zanzibar. Petitions of German traders were likewise refused. In 1874 Hamburg firms had petitioned Bismarck to establish a consulate-general for West Africa at Fernando Po and the following year a representative body of colonial politicians and African merchants had laid before him a formal scheme of colonisation which would have included the acquisition of Delagoa and St. Lucia Bays. No action was taken. Bismarck pointed out that 'much as he was in principle in favour of the acquisition of colonies the question was, however, so very difficult a one

1. Quoted by Aydelotte, op.cit., p.20.

2. Material for this account of Bismarck's early attitude towards colonisation has been taken mainly from Aydelotte: op.cit., & from Dawson: German Empire, 1867-1914. (1919).

that he hesitated to undertake the matter without adequate preparation and a definite impulse from the nation itself.' He added that the situation, both foreign and domestic, was unfavourable.¹

German explorers resented this attitude of Bismarck's. On his return to Germany after exploring the Cameroon country, the explorer Gerhard Rohlfs exclaimed:- 'Is it not deplorable that we are obliged to assist, inactive and without power to intervene, in the extension of England in Central Africa?'² While unwilling to pursue a policy of colonisation, Bismarck had not shown himself indifferent to the trading interests of his countrymen. He himself wrote, on 4 March 1874:-

'If the Government of his Majesty renounces the pursuance of a colonial policy of its own, it is all the more bound to protect German trade against unjustifiable interferences.'³

In 1876 and in 1879 he granted consular protection to German traders in districts not claimed by other European Powers and secured commercial rights for German traders in the Tongan Islands and in Samoa. By the close of 1882, the Bremen merchant, Lüderitz was seeking German consular protection for his undertaking on the coast of South West Africa. On this occasion,

1. Quoted by Aydelotte, op.cit., pp.19-20, from Hahn and Wippermann: Fürst Bismarck, Sein Politisches Leben und Wirken, V, pp.3-4.

2. Quoted by E.Lewin: The Germans and Africa, (London, 1938) p.65.

3. Quoted by Aydelotte, op.cit., p.25 and by Dawson, op.cit., II, p.176.

Bismarck declared that certain information had to be obtained from London before a final answer could be given. On 4 February 1883 the German Chargé d'Affaires in London, Count Herbert Bismarck, received a despatch asking him what claims Great Britain made in South West Africa. This despatch contained no hint that Bismarck had decided on a colonial policy and 'there is no reason to believe that this despatch did not represent Bismarck's intentions at the time it was sent.'¹ Great Britain, therefore, had been given no reason to suspect the later developments of German policy in Africa. She entirely ignored the increasing German trading interests in West Africa and concentrated only on the possible rivalry of France and Portugal.

Since the failure of the Lourenço Marques negotiations, the Congo question had been left in abeyance. The carrying out of the Treaty of Berlin was still occupying much of the time and attention of the Foreign Office, which was also faced with problems ^{in the} in North West ^{of} India and in Egypt, but a certain amount of anxiety had been felt through the uncertainty as to the attitude which the French Government would take towards the treaty made by de Brazza. On 10 April, 1882 Lyons had been instructed to find out whether the Makoko Treaty would be accepted as genuine by the French Government, and if so,

1. Aydelotte, op.cit., p.29.

whether they would recognise it.¹ In spite of three enquiries made of the French Government, Her Majesty's Embassy in France had not been able, even six months later, to discover whether France intended to ratify the Treaty.²

Reports on the progress of the de Brazza and Stanley expeditions had occasionally brought Central African affairs to the notice of the Foreign Office. It was being realised that it was 'inevitable that the river [Congo] must be opened up' and that Great Britain could not close it to all nations.³ The plan suggested by Robert Morier in August 1877 as a solution of Anglo-Portuguese differences in the Congo district was revived and found supporters in the Foreign Office.⁴ In order to counter-act the French scheme of tapping the trade in the Upper Congo and diverting it by the Ogowé River to the Gaboon, C.H. Hill thought that Great Britain should occupy a commanding position on the Congo by putting into operation Morier's plan. Great Britain should allow the rights of the Portuguese to the country from Ambriz to the south bank of the Congo in return for certain trading concessions and for their recognition of Great Britain's rights, which she would enforce, to the north

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1. Lister to Lyons, Slave Trade No.23, 10 April 1882. F.O.84/1802.
 2. Plunkett to Granville, Slave Trade No.62, 6 October 1882. *ibid.*
 3. Minute by C.H. Hill, 18 October 1882. *ibid.*
 4. See p. 74.

bank.¹ Lister agreed that such a proposal would 'secure all that we want for some way up the river' but he hesitated to support it as it would involve 'a fresh African settlement and all that follows.'²

It was left for the Portuguese Government to make the first direct overtures for a renewal of Anglo-Portuguese negotiations. A General Election held in Portugal in the autumn of 1881 had resulted in a complete victory for the Regenerators who, under Senhor Fontes, were to hold office again for another five years. The position of Foreign Minister, formerly held by Corvo, who was now Portuguese Ambassador in Paris, was filled by de Serpa. Although during his previous tenure of office, Fontes had been criticised for his subservience to the British demands, he once more showed himself ready to enter into negotiations with Great Britain in order that Portugal's claims to the Congo districts should no longer be disputed. He explained that de Brazza's explorations aroused no fear in Portugal's Government that France, 'a Power which is friendly to Portugal, which respects the rights of other nations, and is connected with Portugal by Treaties which expressly recognise our sovereignty over the territories under notice,

1. Minute by C.H. Hill, op.cit.

2. Minute by Lister, 19 October 1882. *ibid.*

would wish to usurp that which belongs to us.' 'But,' he added, 'the continuation is always dangerous of a state of things which, through the apparent abandonment of those regions by Portugal, arising from the want of effective occupation, might lead the opinion of a great nation astray, and operate upon its Government in a sense opposed to justice and to international law.'¹

D'Antas, who was still Portuguese Ambassador in London was given instructions to conduct the Anglo-Portuguese negotiations in London should he find the British Government willing to open them. The Acting British Chargé d'Affaires at Lisbon, W. Baring, reported that 'fearing extension of French influence in West Africa, the Portuguese Government is very anxious to come to an arrangement with England on the subject of the Congo.'²

The previous day, 22 November, Lyons had announced that the French Chamber of Deputies had passed unanimously the bill authorising ratification of the de Brazza Treaty and he had summarised the conclusions of the Committee set up to report on the Bill.³ This Committee affirmed firstly, that the French were 'undoubtedly the first occupiers' of the territory,

1. de Serpa to d'Antas, 8 November 1882, op.cit.

2. Baring to Granville, Slave Trade No.20, 23 November 1882. F.O.84/1802.

3. Lyons to Granville, Slave Trade No.83, 22 November 1882. *ibid.*

secondly, that 'their eminently liberal colonial organisation secures to the commerce of all nations the same liberty and the same advantages as are enjoyed by their own commerce, wherever their flag floats,' and finally, that 'France being nearer to Africa than most other nations, and more directly interested than other nations in the future of that continent in consequence of her possession of Algeria, Senegal and Gaboon, and the numerous factories which she has on the West Coast, cannot allow herself to be outstripped in the progress of the civilised world towards regions which only yesterday were shrouded in mystery.'

No doubt now remained as to French intentions in Central Africa and it was realised that the actions of de Brazza

'threaten complications of a more serious nature than have hitherto been raised by the question of Portuguese jurisdiction between latitude 8° and 5° 11' seeing that the validity of the objections to the latter pretension may be open to some measure of doubt.'¹

The British Government therefore decided to take steps to restrict the sphere of action of France in Central Africa. This was not to involve Great Britain in any increased territorial responsibility, but it implied the reversal of a policy which had been followed by all British Governments since 1846.

Although both Salisbury and Gladstone had indicated their willingness to reconsider the British position with regard to Great Britain's attitude towards Portugal's claims on the West Coast, no governmental action had ever been taken. On 25 November 1882, Granville explained in a letter to Lord Kimberley the considerations which had led him to think that

1. Original draft of Foreign Office letter to Colonial Office, 25 November 1882. In the letter as sent the following wording appeared:- 'threaten monopolies detrimental to British Commerce.' F.O.84/1802.

'the adverse line hitherto taken by Her Majesty's Government as regards the settlement of the Portuguese along the West Coast of Africa, 5°12' - 8° South latitude might now with advantage be reversed.'¹

Granville followed the lines laid down by Morier in his arguments in favour of a reversal of the British attitude, and emphasised firstly, the weakness of the British position. No longer could Great Britain claim a right of interference on humanitarian grounds since the Slave Trade no longer existed in that portion of territory to which the Portuguese lay claim, and furthermore, the Portuguese had recently directed much of their energy to the suppression of that traffic in their own possessions. Apart from considerations of the Slave Trade, Granville reminded Kimberley that 'the objections made by England to the jurisdiction claimed by Portugal between latitude 8° and 5°12' are not . . . sufficiently strong to justify the risk of complications which might at any moment arise with the Government of His Most Faithful Majesty under present circumstances.' The weakness of Great Britain's legal position had been thoroughly worked out by Morier who had shown that in a case of arbitration the attitude of Great Britain could not be defended.

Finally, Granville explained why he thought the present time the most opportune one for reversing the policy hitherto

1. Letter from Foreign Office to Colonial Office,
25 November 1882. *ibid.*

upheld by the British Government:-

'the steps recently taken by de Brazza . . . with the knowledge and approbation of the French Cabinet and Legislature, in entering into Treaty engagements on behalf of the French Government with native chiefs on the Congo appear to threaten monopolies detrimental to British Commerce.'

He proposed that Great Britain should recognise the Portuguese claims in order to prevent France from extending her claims to the mouths of the Congo, and that she should also secure conditions from the Portuguese which would ensure freedom of trade and navigation on the Congo. In addition, the opportunity was to be taken of strengthening Great Britain's position on the Gold Coast by demanding from Portugal the cession of all her possessions in the neighbourhood of Whydah. The terms agreed to in the unratified Lourenço Marques Treaty with regard to freedom of navigation of the Zambesi were also to be revived. Thus it was hoped that Portugal would be ready to make great concessions in order to secure a settlement, in her favour, of the long-standing dispute on the Congo coast.

The Colonial Secretary agreed in general to the propositions, but suggested a re-wording of Article 4 so that it should run:- 'The transfer to Great Britain of all Portuguese rights or claims of whatever description on the west coast of Africa between 5° West and 5° East longitude.'¹ Characteristic

1. Letter from Colonial Office to Foreign Office. Immediate.
1 December 1882. F.O.84/1802.

of Great Britain's policy of preventing another country from gaining influence near her own possessions was Kimberley's suggestion that:-

'it would be desirable to obtain from the Portuguese Government a declaration that Portugal claims no part of the South African coast south of latitude 18° on the west side and latitude 26° 30' on the east side, which it is understood are the southern limits of the Portuguese authority at present recognised by Her Majesty's Government, and further that where her claims to the coast and the mouths of rivers is admitted, it is not consequently admitted that she owns the Continent to an unlimited distance from the Coast.'

Granville was 'not aware of any objections to the proposed amendments,' but asked for the opinion of others.¹ Lister pointed out the difficulties in the way of wording the last amendment, but Pouncefote emphasised the need of guarding against such pretensions, as 'the doctrine of International Law would support a claim as far inland as the sources of the Rivers.' He also suggested that attention should be paid to the recent request of the King of the Belgians who, in a Memorandum forwarded by the British Ambassador in Brussels,² had asked that, in any engagement between Great Britain and Portugal, an assurance should be given that the roads and stations of the Association and the goods required by them should

1. Minutes on the Colonial Office letter by Granville, Lister, Pouncefote and Dilke. *ibid.*

2. Savile Lumley to Villiers. Private. 3 December 1882. *ibid.*

be subject to no tax or duty. Dilke's comment was:- 'Yes, but I think the whole thing should be hurried forward.'

The amendments suggested by the Colonial Office were embodied in the despatch sent to d'Antas on 15 December.¹ Granville stated that 'the present moment, when the attention of Europe is being specially called to the navigation of the great African rivers, appears to offer a favourable opportunity for settling doubtful points, and for establishing the general right of all nations to the free use of those great highways of commerce.' He restrained^f from a discussion of the historical bases of Portugal's claims and of the points upon which the two Governments had been for many years at issue. He acknowledged that advantages would accrue from the recognition of Portuguese jurisdiction in the disputed areas, and laid down six bases upon which Great Britain would be willing to enter into negotiations with Portugal. These concerned:-

- 1) Great Britain's recognition of the sovereignty of Portugal over the West Coast of Africa, 8° - 5° 12' South.
- 2) Freedom of navigation on the Congo and the Zambesi and their affluents.
- 3) A liberal tariff in all Portuguese possessions in Africa.
- 4) Due consideration being given to all privileges hitherto enjoyed by British subjects under Treaties made with native chiefs in the Congo districts.

1. Granville to d'Antas, 15 December 1882. F.O.84/1802, and C.3885. op.cit., No.4.

- 5) Suppression of the Slave Trade and of Slavery.
- 6) The transfer to Great Britain of all Portuguese rights and claims on the West Coast of Africa between 5° W. and 5° E. longitude.

The Portuguese Government accepted these bases and further exchanges of views took place. On 23 January 1883, Granville informed d'Antas that 'Her Majesty's Government see no objection to the terms of Articles I, II and IV and are prepared to accept a VI Article in the sense indicated by you.¹ By the 1st February, it appeared to the Portuguese Government that 'the negotiations seemed to be in the way of coming to a speedy conclusion.'² It was soon to be seen that Great Britain took a very different attitude towards the progress of the negotiations.

1. Granville to d'Antas, 23 January 1883. F.O.84/1803 and C.3885, No.6.

2. de Serpa to d'Antas, 26 June 1883. F.O.84/1806 and C.3885, No.11.

CHAPTER V.

DIFFICULTIES AND DELAYS.

The re-organisation of the Foreign Office establishment, which took place early in 1883 pointed to a realisation by Great Britain of the increasing importance of African affairs in foreign policy. The office of Superintendent of the Consular and Slave Trade Department, left vacant since the retirement of W.H. Wylde in March 1880, was abolished, and a significant change was made in the name of the Department. Henceforth it was to be known as the 'Consular and East and West African Department.'¹ It was still to deal with 'Correspondence with Her Majesty's Ministers and Consuls abroad and with all matters relating to the Consular Service (except in China, Japan and Siam)' as well as with the 'Correspondence on all matters relating to the suppression of the Slave Trade' as W.H. Wylde had done since 1873, but a change was made in the grouping of the correspondence. After the receipt by Consuls of the Circular dated 23 February, 1883 all correspondence relating to East and West Africa, including that dealing with the Slave Trade, was to be included in a new series to be called 'Africa'. The old 'Slave Trade' series of

1. Foreign Office Circular, dated 23 February, 1883.
F.O.83/775.

despatches was discontinued. Correspondence formerly dealt with in the Slave Trade Department, and which did not relate to East and West Africa and so would not belong to the 'Africa' series of despatches was to be transferred to the 'Consular' series. Thus there was a complete separation of business relating to East and West Africa from correspondence on any other Consular or Slave Trade matter and co-ordination between all the various issues involved in any negotiations relating to East and West Africa was greatly simplified. Percy Anderson, a Senior Clerk, was put in charge of the re-organised Department. Since 1873 he had had charge of the Department dealing with Austria-Hungary, Bavaria, Belgium, Denmark, Germany, Netherlands, Sweden and Württemberg.

These administrative changes at home were at once followed by a keener interest being shown in the Anglo-Portuguese negotiations. On 19 February, Percy Anderson made his first pronouncement on the Congo Treaty negotiations:¹

'I have not liked to say anything about this subject since I took the Africa Department, until I had thoroughly studied it and mastered the details. This I think I have now done.'

His conclusions were that Great Britain must be firm in pressing for better terms:-

1. Note by H.P. Anderson, 19 February 1883. F.O.84/1803.

'Practically if we were to give way to them [the Portuguese] now, they would purchase our recognition by a liberal tariff for ten years - at the end of that time when they had made their occupation good, we should be at their mercy.'

He did not think Portugal had yet shown herself ready to give effective guarantees for the free navigation and levy of reasonable tolls on the Lower Congo. Unless these were made 'binding and durable' and no loophole left through which it might be possible for the lower river to be barred and obstructed, Great Britain would 'play the game of the French whose idea seems to be to divert the upper trade from the mouths of the Congo and get it down the river das Montas north of the new frontier.'

Instead of giving such guarantees, Portugal had made difficulties about opening the coastal trade to British vessels, about a definition of the limits of jurisdiction inland, about a Slave Trade article and about the wording of an article safeguarding missionaries and their works. She had agreed to put in force, in the Congo districts, the liberal Mozambique Tariff of 1877, but wished to limit this concession to ten years. In addition, Percy Anderson said there were indications that Portugal would 'take steps to hasten occupation' of the disputed coastline before the Treaty was concluded. He commented separately on each article of the draft Treaty under discussion and offered to draw up a revised draft, with the approval of Granville. The articles dealing with freedom of navigation,

coasting trade, tolls and transit dues, position of Protestant missionaries and of other foreigners in the Congo lands, and with the Slave Trade were to be exemplified and made more definite. Lister agreed generally to the alterations suggested by Anderson and Granville agreed to Lister's 'observations on Mr. Anderson's able papers.'¹ For the first time, the attitude of other nations was regarded as of importance in an Anglo-Portuguese settlement. Anderson suggested that Great Britain should 'engage to use her good offices to obtain from other Powers' a recognition of the Portuguese claims to sovereignty over the Congo districts.² Lister agreed that:-

'Our recognition of Portuguese jurisdiction ought to be made in some way dependent upon similar recognition by other Governments. Otherwise British traders would be liable to exactions which traders of other countries would refuse to pay, and Her Majesty's Government would be powerless to defend them.'

But he thought it should be for Portugal, not for England,³ to obtain such recognitions.

On 15 March, a despatch,⁴ based on a draft drawn up by Anderson, was sent to d'Antas explaining the position of Great

1. Minute by Granville, F.O.84/1803.
2. Project of the Treaty respecting the Congo, with notes by Anderson, *ibid.*
3. Minute by Lister on suggested alterations to draft treaty, 19 February 1883, *ibid.*
4. Granville to d'Antas, 15 March 1883, *ibid.* and C.3885, No.8.

Britain with regard to the negotiations. This despatch clearly indicated the attitude that the British Government was to uphold in public towards the negotiations:-

'Since public attention has been drawn to the subject, the observations in the press of both countries have indicated the existence of erroneous impressions as to the scope and character' of the Anglo-Portuguese discussions.

Granville had previously remarked that an early draft of the despatch seemed to him 'very good', but as it was partly for home consumption it did not sufficiently show the advantages Great Britain claimed in those territories in which she already acknowledged Portuguese sovereignty.¹ Thus, in the final despatch, reference was made to the willingness of Portugal to extend a more liberal commercial system to all her existing African possessions. Reference was made to the need for a 'change of treatment' of the African continent since an important field for commerce had been opened up by 'the successful efforts of Livingstone, Stanley and other explorers.' 'The attention of traders in all parts of the world is being attracted to it' and Great Britain, striving for no exclusive rights or privileges, believed that 'an arrangement between Great Britain and Portugal, based upon principles of freedom and equal advantages to all countries, would greatly contribute

1. Minute by Granville, 22 February 1883. F.O.84/1803.

to prevent rivalries and jealousies, so likely to be injurious to a rising trade.' It was pointed out that the Treaty 'could not be a mere dual arrangement between the two countries, for it is obvious that there could be no advantage in concluding a Treaty which would not be accepted by other Powers whose acceptance would be indispensable before it could come into operation.'

The British and Portuguese Governments had agreed that the chief objects to be attained were 'the abolition of slavery and the civilisation of Africa by the extension of legitimate commerce,' but there was still 'a divergence which requires to be reconciled upon some questions of vital importance.' Amongst these, was that of the recognition by Great Britain of the sovereignty of Portugal over the territory from 5° 12' - 8° S. latitude on the west coast of Africa:-

'Her Majesty's Government have never receded, and do not now recede, from their contention that the claim of Portugal is not established. But they are not looking back to the past, they are providing for the future', and in view of the development of 'trade of a legitimate character' in those districts 'they are disposed to think that it would be desirable that the control of police should be in the hands of a European Power, and out of friendship to Portugal they would be prepared to recognise her as that Power, with the full confidence that their action in so doing would be justly appreciated; but they feel it absolutely incumbent on them to make their recognition dependent on certain conditions . . . From their own point of view, the position of Her Majesty's Government was not that of asking concessions as a favour, but of attaching them as a condition . . . No obscurity, therefore, must exist on the following points. There

should be no differential dues, no transit dues; the freedom of trade and navigation of the River Congo should be absolute, involving exemption from all river dues or tolls; equality should be secured to missionaries of all creeds, a geographical definition of the extent inland of Portuguese jurisdiction must be laid down and the engagement as to commercial freedom and tariff regulations must be durable and binding.'

In spite of the great difference in the tone of this despatch from any previously received by the Portuguese Government, de Serpa agreed in principle, with most of the considerations in Lord Granville's note, but objected to the immediate definition of an inland frontier of the Zaire districts which appeared to him to present 'invincible practical difficulties.'¹ It was only on the receipt, early in June,² of a revised Draft Convention,² embodying the considerations dealt with in the despatch of 15 March, that de Serpa expressed great surprise and astonishment at the demands made by the British Government:³-

'What His Majesty's Government were not at all prepared for was to find in the draft accompanying Lord Granville's last note such deep alteration in the form and sense of those Articles which had already been agreed upon by the two Governments, and other articles, embodying new and important points, which had not been previously discussed.'

In this revised Convention, it was laid down that Portuguese jurisdiction should cease at Porto da Lenha on the

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1. de Serpa to d'Antas, 24 March 1883. (Communicated to Granville, 29 March) F.O.84/1803 and C.3885. No.9.
 2. Granville to d'Antas, 1 June 1883. *ibid.* and C.3885. No.10.
 3. de Serpa to d'Antas, 26 June 1883. (Communicated to Granville, 7 July), *ibid.* and C.3885. No.11.

Congo, only thirty miles from the coast. The Portuguese Government pointed out that no reason 'either geographical, ethnographical, historical or traditional' existed to justify the choice of this place:-

'Above Porto da Lenha, the navigation of the river is easy up to Vivi, there are factories of different nationalities, there are Catholic and Protestant missions, there is an active trade between foreigners and natives, and the same social and economical state exists there as in the lower part of the river.' In addition there is near Vivi 'a Portuguese monument, erected there in the sixteenth century by the first missionaries of civilisation in West Africa.'

By enforcing such a clause, de Serpa pointed out that 'a sadly privileged area would be sanctioned between Porto da Lenha and Vivi where no civilised jurisdiction would extend and where slavery, more or less disguised, could exist.

The Portuguese Government also objected to the British proposal that an International Commission should be appointed to supervise the river navigation. 'Besides presenting most obvious political difficulties,' the Portuguese Government said that such a Commission was 'perfectly unnecessary, from the moment it is agreed that the navigation of the rivers shall be perfectly free, without being subject to any transit dues or others, and without monopolies or exclusive concessions, in accordance with the corresponding Article already accepted by Earl Granville in his note of the 23rd January.'

The revised Convention also laid down that no duties were to be levied on goods in transit through the territory to be recognised as Portuguese. The Portuguese Government agreed that free transit was an excellent principle between nations

whose territories were contiguous but as there were no territories in the interior of Africa, contiguous or even near to theirs where a regular state of things and a civilised jurisdiction were in existence, an efficient supervision of goods in transit would be an impossibility. They were, however, willing to agree not to levy transit duties or any other imposts upon goods legally imported into their territory.

Furthermore, Great Britain now required Portugal to apply a new and liberal Tariff to all her African possessions, not only to those near the Congo. To this demand, de Serpa replied that the system of administration in Portugal's other possessions 'cannot be suddenly transformed', though he repeated the promise already made on 26 December 1882, that their tariffs should not be raised for a certain specified length of time.

Objections were still made by Portugal to the Slave Trade Article, which provided for Anglo-Portuguese co-operation in the suppression of that trade. She insisted that its terms should only apply to the Province of Mozambique, 'the only port where at present it may still be necessary or convenient.' Finally, Portugal was now required to give concessions in the Shiré district owing to 'the necessity of giving security to various British Missions in the neighbourhood of Lake Nyassa.'

This the Portuguese Government declared itself unable to do as it involved 'a cession of territory, which in the opinion of this Government would be injurious to their Colony of Mozambique.'

This Draft Convention showed clearly that the British Government had begun to realise that various issues were involved in the settlement of this long-standing dispute with Portugal. No longer could the Congo Question be treated as a purely local discussion between Great Britain and Portugal. Not only were the immediate interests of Great Britain, as represented by traders and missionaries, affected but effects of the renewed Anglo-Portuguese negotiations had made themselves felt throughout West and Central Africa. Foremost among the wider international issues involved was that of Anglo-French relationship, particularly in the Niger region:-

'There may be some danger of the French Government regarding the arrangement now under consideration between Her Majesty's Government and that of Portugal for a recognition of the claims of the latter country over the Congo, as being framed in a spirit hostile to themselves, and intended as a practical reply to their action with respect to the de Brazza Treaty. Should this be the case and should a feeling of soreness and irritation arise in France on the subject, the French Government might be tempted to retaliate upon this country by fresh annexations in the Niger and elsewhere.' 1

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1. Letter from Colonial Office to Foreign Office, 6 January 1883. F.O.84/1803.

The importance of the Niger region to British trade had been described by one of the British West African traders, Mr. J. Hutton of Manchester in an interview he had with Mr. Meade,¹ Assistant Under-Secretary-of-State for the Colonies. The trade of the Niger river, he had said, was almost exclusively in English hands and was of immense annual value. The French were endeavouring to establish themselves on the Headwaters of the Niger and large votes had been taken in the French Parliament for that purpose. They had made treaties with local chiefs of an exclusive character and Mr. Hutton feared that if they obtained territory on the mouths of the river they would ~~destroy~~ British trade. He added that, at that time, there was only one French Company trading on the Niger,² the House of Cyprian Fabre with its headquarters at Lagos. The local manager of that Company, he said, was a military man and he had been appointed French Consul for the Niger. Mr. Hutton believed that the activity of the French in many quarters in Africa where they came into contact with the British was largely due to their desire to force Great Britain to buy them off with Gambia.

To prevent an active anti-British policy from being pursued by France in the Niger, Lord Derby, who had succeeded

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1. Copy of Memorandum of this interview was enclosed in above letter from Colonial Office to Foreign Office, 6 January 1883.
 2. The name of this Company was not recorded in the Memorandum but mentioned in a Minute by J. Pauncefote, dated 3 February 1883. F.O.84/1649.

Lord Kimberley as Colonial Secretary in December 1882, proposed that an explanation should be sent to the French Government as to the nature of the renewed Anglo-Portuguese negotiations.¹ The French Government should be told that 'the arrangement with Portugal is simply a settlement of a long-standing claim, which has not been hitherto admitted by Her Majesty's Government' and that in any arrangement made, care would 'be taken to secure freedom of access to the Congo for the commerce of the whole world.' He suggested that, at the same time, an intimation should be sent to the French Government that there were 'other large rivers in Africa where British trade predominated and that Her Majesty's Government could not acquiesce in the repetition of measures, such as those of de Brazza on the Congo, designed to give to France exclusive rights of sovereignty and jurisdiction.' Finally he suggested, for Granville's consideration, 'whether it would not be desirable to take the opportunity of an explanation on the Congo question, to ascertain whether the French Government would be willing to come to an agreement with Her Majesty's Government for the settlement of their respective positions in West Africa, on the basis of a line of demarcation being drawn between the portions of the coast over which respectively the

1. Letter from Colonial Office to Foreign Office, 6 January 1883, op.cit.

two Governments should be at liberty to exercise and acquire political influence.'

An official in the Foreign Office, Mr. C.H. Hill, supported the view that French advances in the Niger threatened British interests there.¹ He thought Granville might think the question of the British attitude towards these advances one for the Cabinet, but meanwhile he suggested that the Colonial Office letter should be sent to the British Ambassador at Paris for observations. This course was followed.

While agreeing in principle to a line of demarcation between the French and British possessions in West Africa, Lyons did not think that either the time or the method of approach suggested by Lord Derby was propitious.² He noted that:-
'In all dealings with the French Government at this time, the particularly sensitive and irritable state of French feeling towards England just now existing cannot be left out of account.' He corroborated the belief of the Colonial Secretary that 'the coincidence in point of time of the [Anglo-Portuguese] negotiation with the affair of the de Brazza Treaty is in fact regarded by the French Government as a sign that it is conducted in a spirit adverse to them and is intended more or less as a reply to their action with regard to that Treaty.' He thought

1. Minute by C.H. Hill, 6 January 1883. F.O.84/1636.

2. Lyons to Granville, No.18 Slave Trade, Confidential, 16 February 1883. F.O.84/1637.

that any attempt to explain the negotiations would be 'quite as likely to provoke such discussions as to allay soreness and irritation.' The threat of Her Majesty's Government to resist by force the repetition of a Treaty similar to that of de Brazza, 'might be provocative rather than deterrent, while in any case it would undoubtedly cause exasperation.' The most favourable opportunity for proposing a line of demarcation would, in Lyons' opinion, be the occasion of the ratification of the Sierra Leone Convention of June 1882.

When informed of these objections made to his plan of procedure, Derby had nothing further to add save that he was 'not in favour of any immediate action.' Percy Anderson, on the other hand, was more aggressive:-

'it must become a serious question whether we should not protect ourselves against the French by action rather than by a paper line of demarcation, if indeed, we could get one out of them.' 1

This interchange of views showed how little the Colonial Office understood the real state of tension between Great Britain and France, and it also made it clear that the Congo Question could not be isolated from other Anglo-French subjects of disputes. While the Egyptian situation was causing increased tension between the two countries, French action in West Africa was opening up fresh spheres of rivalry.

1. Minute by P. Anderson, 23 February 1883. F.O.84/1637.

Early in March 1883, the British Government learnt from Lyons of de Brazza's return to Africa as head of what was 'virtually a Government expedition', as it was subsidised and furnished with arms and supplies of all kinds by the French Government.¹ The main object of this expedition was to secure the Niari-Kwilu route for France,² but de Brazza was to find himself forestalled by agents of King Leopold. Before his arrival, Grant Elliott and Lieutenant Van de Velde, under orders from Stanley, had established trading stations and concluded treaties with the native chiefs of this region by which rights of sovereignty were ceded to the Congo Association.

Another expedition, however, under Lieutenant Cordier, Commander of the 'Sagittaire', had been sent to claim the coast, adjoining the Niari-Kwilu valley, for France. This expedition arrived at Loango on 8 March 1883 and treaties were signed with chiefs of the surrounding districts. By the end of May 1883, Challemeil-Lacour assured Lyons that, although he had not yet consulted his colleagues, 'for his own part, he thought that the treaties were quite acceptable and that it would be advisable to ratify them.'³

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1. Telegram from Lyons, 8 March 1883. F.O.84/1804.
 2. General instructions given to de Brazza:- Devaux to M. de Brazza, February 1883. Fr. Yellow Book, op.cit., No.4.
 3. Lyons to Granville, No.39 Africa, 30 May 1883. F.O.84/1805.

In addition to these forward moves on the part of the French in the Niari-Kwilu region, M. Challemeil-Lacour had made the important pronouncement to the British Ambassador that 'most certainly as matters now stood, the French Government did not admit the claims put forward by Portugal to that portion of the Coast [5° 12' - 8° S.]. The French Government were well aware of the pretensions of Portugal, but this was a different thing to agreeing that those pretensions were well-founded.'¹ This statement directly contradicted the assurances persistently given by Portugal to Great Britain that France recognised her claims to the Congo coast:-

'No European nation, unless it be the Government of Her Britannic Majesty, since the year 1846, has ever disputed the rights of sovereignty of the Crown of Portugal over the territories treated of . . . France acknowledged them by the Treaty of 1786, and if this date be somewhat remote, it is equally certain that even recently, on the occasion of the approval of a Treaty made in the name of France with one of the inland Chiefs in the vicinity of the Congo, the French Government, both by its declarations in the Senate, and more explicitly by the declarations M. Duclerc made to His Majesty's Chargé d'Affaires, showed that it respects the reservation of the rights of Portugal.'²

The declaration in the Senate referred to was that made on 28 November 1882 with reference to the Treaties made by de Brazza that they 'ne contredisent même en rien les prétentions

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1. Lyons to Granville, No.35 Africa, 23 May 1883. F.O.84/1805.
 2. de Serpa to d'Antas, 24 March 1883, op.cit.

historiques qui s'étendent plus loin que les territoires placés sous la domination effective du Portugal,¹ for Brazzaville was north of 5° 12' South latitude. The declarations made by M. Duclerc to the Portuguese Chargé d'Affaires, Senhor d'Azevedo, were said to prove still more clearly that France recognised the rights of Portugal to all the territories on the left bank of the Congo. On 9 December 1882, Duclerc was said to have repeated what he had already said on 24 November, that:- 'le territoire cédé à la France était situé sur la rive droite du Zaire et, par suite, en dehors des limites des prétentions portugaises dont le Gouvernement français reconnaît la légitimité.'² This statement by Duclerc appeared only in the Portuguese versions of the interviews. When later, Ferry asked for an explanation of these assurances attributed to Duclerc, the latter replied that he could find no record to justify them and that:-

'ce n'est pas au moment où je voulais ouvrir à l'action de la France les régions et la navigation du Congo que j'aurais reconnu à une Puissance quelconque le droit de nous en fermer l'accès.'³

Although France thus, later, accused Portugal of misunderstanding her attitude towards that country's traditional claims, in 1882

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1. Thomson; op.cit., p.130. [Quoted from France, Débats, Sénat, 9 janv. - 19 mars 1883, p.31].
 2. d'Azevedo to de Serpa, 9 November 1882. Portuguese White Book: Documentos Apresentados às Cortes na Sessão legislativa de 1884. Questão do Zaire. No.2; French Yellow Book, op.cit., Annexe No.1 to No.15.
 3. Duclerc to Ferry, 26 April 1884. French Yellow Book, op.cit., Enclosure in No.21, Ferry to Laboulaye, 3 May 1884.

there was justification for Portugal's belief that France was prepared to recognise her claims to sovereignty in West Africa.

The British Government, on the contrary, from May 1883, knew that France was prepared to dispute the claims of Portugal, which Great Britain was about to permit to be exercised.

Fearing French action in the Niger and Congo districts, the British Government realised the need for caution. To favour Portugal to the exclusion of France was to invite retaliation by France and to render any Anglo-Portuguese Treaty abortive; to refuse to continue negotiations with Portugal, on the basis of the recognition by Great Britain of her claims to sovereignty on the disputed coastline, would doubtless have led to their assertion by force. Even the continuance of the negotiations failed to prevent the seizure of Landana by the Portuguese in September 1883. Thus in the revised Convention submitted to the Portuguese Government in June 1883, Great Britain sought a compromise. Anglo-Portuguese negotiations were continued on their original basis, but the international aspect of the settlement to be arrived at, was emphasised. In this way, the British Government hoped to lessen the possibility of French action in the disputed lands and to retain for itself some measure of control over the destiny of the Congo trade.

Other articles in the draft Convention of 1st June showed that Great Britain was anxious to prevent any fresh complication from arising. Not only was it essential for her not

further to irritate the French, but a new difficulty had arisen as to her attitude towards the work of the International Association in Central Africa. Until the beginning of 1884 the real aims of Leopold were not realised in Great Britain, where opinion tended either to minimise, and almost to ridicule the Association, or to trust implicitly in the purely civilising and humanitarian aims of the King who declared that:- 'Belgium does not expect any political advantage whatsoever from the labours of the Association and will not possess in Africa¹ either a province or any portion of land.' As a result of repeated protests by Leopold against the possibility of the recognition by Great Britain of Portuguese claims to sovereignty in the Lower Congo region, Granville expressed his willingness to examine any statements concerning the position of the International Association of the Congo. In reply, Leopold² had sent a Memorandum requesting 'the insertion in Conventions concluded with Portugal of the assurance that the roads and stations of the Association and the goods required for them should be considered free and not subject to customs dues.'

Leopold had also found several other means of keeping his views before the British Government. One of these was by the

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1. Memorandum by Leopold, left at the Foreign Office by Belgian Ambassador, 5 October 1882. F.O.84/1802.
 2. Enclosed in letter from Lumley to Granville, 3 December 1882. G.D. 29/156.

discussion of his position with influential Englishmen. Early in February 1883, Sir John Kirk had four long interviews with the King of the Belgians. As a result, he reported that Leopold seemed 'to concur that no harm would be done were Portugal to have jurisdiction on the coast, provided the river and the road from its estuary to where it is navigable were specially excluded.' ¹

Kirk showed himself favourably inclined towards the work of the Association and trusted the King of the Belgians to give any reasonable guarantee that the road he had made, and the stations he had bought and founded should 'be free to be used on payment of tolls for necessary repairs etc., to all nations.' ²

He suggested that the extent inland of Portuguese jurisdiction should be limited to sixteen geographical miles from the coast, so as to leave the two ports of Emboma and Vivi free and to exclude the road made by the Association.

During the same month, another Englishman, Mr. Mackinnon, was invited to Brussels to give advice to the King 'under the difficulties which had arisen' as a result of the British attitude towards the Portuguese claims. ³ Mackinnon, who was Chairman of the British India Steam Navigation Company, had been one of the original subscribers to the Comité d'Études du Haut

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1. Letter from J. Kirk to C.H. Hill, 18 February 1883. F.O.84/1803.
 2. Note by J. Kirk, dated 22 February 1883. *ibid.*
 3. Memorandum by Strauch, dated 5 February 1883, left by Mr. Mackinnon at the Colonial Office, 13 February. F.O.84/1803.

Congo. He had 'always taken a great interest in the King's philanthropic projects and had spent a great deal of money of his own in promoting them.'¹ He thus had a direct interest in the future of the Association as well as an understanding of the attitude of the British mercantile interests. On his return from Brussels, he handed to the Colonial Secretary, who passed it on to the Foreign Secretary, a further request from Strauch, President of the Congo Association, that in any Anglo-Portuguese agreement, a stipulation should be made that the roads and stations of the Association should be kept free.²

About the same time, the Vice-President of the Association, Mr. Lambert, addressed a letter to Lord Rosebery, asking him to intercede with the Right Honourable Mr. Gladstone to prevent a great iniquity such as would result from an unlimited recognition of Portuguese rights on the Congo. 'The remedy', he said, 'would be very easy if England in placing the Portuguese in possession of these countries would consent to stipulate by one word the recognition by the Portuguese as open road and free cities of all we have established there.'³

Furthermore, there is evidence that Leopold was corresponding with Queen Victoria at the same time on the same subject.

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1. Private and confidential letter from Sir Bartle Frere to Northbrook, 22 February 1883, *ibid.*
 2. Memorandum by Strauch, *op.cit.*
 3. Letter from Lambert to Rosebery, 9 February 1883. F.O.84/1803.

On 22 February 1883, Leopold wrote to thank the Queen for her letter of the 20th and for her kind intervention with Granville, adding:- 'j'ose vous supplier de me continuer l'efficace et précieux appui de vos bons offices.¹ He pointed out the effect that Great Britain's recognition 'sans condition' of the Portuguese claim to jurisdiction between 5° 12' and 8° S. latitude would have on the work of the International Association:-

'les portugaises établissent leur juridiction partout et se jettent sur nos établissements les réduisant ainsi à un état de vassalité qui les condamnera à mort.'

He asked that the Association's road, and certain specified districts above Vivi should be excluded from Portuguese control:-

'Si une exception de ce genre n'est pas stipulée par le Grand Bretagne, nous serons en fait et malgré ses excellents intentions absolument livrés par lui aux portugais.'

The result of these repeated requests, through various channels, for a consideration by Great Britain of Leopold's work in Africa, was reflected in Granville's despatch of 15 March. For the first time, Great Britain insisted on a definition of the extent inland of Portuguese jurisdiction. Four days later, he consented to receive a Memorandum from Mackinnon² setting

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1. Copy of letter from Leopold to Queen Victoria, 22 February 1883. F.O.84/1803.
 2. Enclosed in private letter from Mackinnon to Granville, 19 March 1883. F.O.84/1804.

forth the arrangements which he believed would be entirely acceptable to Leopold and to the British Mercantile Community. Great Britain was to undertake the police work of the navigable part of the river 'as a branch of the precautions against the Slave Trade devolving on the West Coast Squadron, notifying to all concerned that she keeps the police in the interests of humanity and of all civilised traders and not for any exclusive or selfish purpose.' Recognition of Portuguese territorial sovereignty was to be restricted to those parts over which it had been practically exercised. The right of the Belgian Association was to be recognised 'to free passage as heretofore, and to unimpeded possession of all lands, privileges or powers, obtained by cession or purchase, or which may hereafter be accorded to them by the Native Chiefs, or local authorities, as far as they do not interfere with free commerce, or with Missionary Work and do not tend to revive the Slave Trade.'

Lister summarily dismissed all these suggestions as impracticable.¹ The Foreign Office was clearly puzzled as to the future of the Association. No feeling of hostility or rivalry towards it was shown and it was recognised that 'it would benefit by all the conditions which are to be made in favour of general trade and navigation.'² On the other hand, it was felt that the direct interests of 'so anomalous a body' could not be stipulated for in a British Treaty. It was looked

1. Minute by Lister, dated 27 March 1883. F.O.84/1804.

2. Minute by Lister, dated 28 February 1883. F.O.84/1803.

upon as 'a mere private undertaking of a very abnormal kind,'¹
with no nationality and unable to hoist any national flag.

The only possible solution which occurred to Englishmen was that it would become a trading company. There were two main difficulties in the way of its becoming a Belgian trading company:- 'firstly, the repeated declarations of the King that the aim of that Association is to open Central Africa to the trade of all nations, but not to trade itself, and secondly,² the utter want of enterprize on the part of the Belgians.'³ The British Ambassador in Belgium thought that the best way for the King to withdraw from his enterprise 'now that he has the satisfaction of showing by his example how the Upper Congo may be opened would be to sell the roads and stations of the Association to some energetic bona fide trading Company who would make use of them for commercial purposes.'

This idea gained much favour in Great Britain, though it was realised that it might be a French, and not an English Company, that might be established.

By the end of February 1883, Lister remarked that he had heard that it was 'not unlikely' that the Association would

1. Ibid.

2. Private letter from Lumley to Lister, 3 December 1882.
F.O.84/1802.

3. Ibid.

become an English Company.¹ Whether such an impression as to the future of the Association had been deliberately given, or allowed to grow up by Leopold, either in his correspondence with Queen Victoria, in his interviews with Mackinnon or Kirk or in communications with the British Ambassador or in any other way, it is impossible to determine, but the belief that it would one day become a trading company affected the attitude of Great Britain towards it.

As Percy Anderson pointed out what the King of the Belgians desired was 'a sort of neutralisation, under guarantee, of the road - the King of the Belgians guaranteeing that it shall be open to all nations, subject only to tolls for repairs - and an establishment of a species of 'free towns' at the stations.'²

If such concessions were granted and then the Association became a trading company, English or French, a very powerful Company with important exclusive concessions would have been established on the Congo. This would be 'directly opposed to the spirit of the [Anglo-Portuguese] Treaty. And it is impossible to foresee into whose hands the enterprise may eventually fall.' All Anderson thought it was possible for Great Britain to do in order to meet the wishes of the King was to promise that in any agreement between Great Britain and Portugal, provisions

1. Minute by Lister, dated 28 February 1883. F.O.84/1803.

2. Minute by Anderson, dated 1 March 1883. *ibid.*

should be made 'for the limitation of Portuguese territory and for the freedom of navigation, and suitable arrangements as to transit dues.'¹

Granville was willing that Leopold should be told of these decisions. Articles putting them into effect were inserted in the revised Convention of 1st June, which stipulated that Porto da Lenha should be the limit of Portuguese jurisdiction inland and made provision for freedom of navigation and the absence of transit dues. It thus appears that while the British Government was anxious not to offend Leopold, it was equally anxious not to entangle itself too much with the Association. This arose, not only from the possibility it foresaw, of the Association falling into French hands, but also from the more immediate prospect of a fight between the expeditions of Stanley and de Brazza:-

'as the latter will apparently be supported by the French Government it would not seem to be desirable that Her Majesty's Government should identify themselves unnecessarily with the cause of Stanley.'²

Agitation at home combined with external factors to influence the wording of the Convention of 1st June. Repeated protests from traders and missionaries had made it impossible for the Government not to realise the widespread opposition in

1. Ibid.

2. Minute by Lister, dated 22 March 1883. F.O.84/1804.

the country to a recognition of the Portuguese claims. Opponents of the Treaty regarded the reversal of the British attitude as tantamount to a breach of faith. Under existing conditions, traders paid 'no taxes or municipal rates and no import or export duties - their only expense being for small annual presents to the chiefs.' From the moment a Treaty is signed, it was believed that 'they will be liable to all the oppressive and multifarious taxations of a Portuguese colony, to the vexatious and heavy fines or to the blackmail imposed by corrupt and ill-paid officials and their trade will be seriously hampered by the numerous petty regulations devised either to rob foreign merchants or to drive them away . . . no Treaty however favourable, no tariff however liberal would compensate them for the intolerable burden of Portuguese mis-government.' 1

On 3 April 1883, Mr. Jacob Bright, Member of Parliament for the city of Manchester, moved in the House of Commons

'That in the interests of civilisation and commerce in South West Africa, this House is of opinion that no Treaty should be made by Her Majesty's Government that would sanction the annexation by any Power of territories on or adjacent to the Congo, or that would interfere with the freedom hitherto enjoyed by all civilising and commercial agencies at work in those regions.' 2

The debate that followed was accompanied by much bitter criticism of Portugal, a 'rotten Power', whose officials were described by Jacob Bright as 'an ignorant class and badly remunerated, therefore they become corrupt.' He continued:-

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1. Memorandum by Lister, dated 15 March 1883, summarising the chief objections to the proposed Anglo-Portuguese Treaty. F.O.84/1804.
 2. Hansard, 3rd Series, Vol. CCLXXVII, p.1284.

'Will anyone on the Treasury Bench place his finger on one single spot on the African Continent where the Portuguese have planted themselves, and show that there their presence has been a blessing to the Natives?'

Although the original motion was not carried, an amendment, proposed by Mr. Wodehouse, Member for Bath, was accepted as a Resolution of the House, that 'no Treaty should be made by the Government affecting territories on or adjacent to the Congo that would compromise any engagement into which Her Majesty may heretofore have entered, or would not afford adequate securities to all the civilising and commercial agencies at work in those regions.'

Mr. W.E. Forster believed that such a Resolution was in itself sufficient to put an end to the negotiations.

The tone of this debate increased still further the anti-British feeling in Portugal and in the Cortes, and led de Serpa to fear that there was little hope of arriving at an agreement acceptable to both countries.¹ The Portuguese Government was accused of truckling to the demands of Great Britain, and of lacking patriotism and courage because it did not sanction the occupation, at once, of the Congo territory. As it was necessary for any treaty to pass through both the Cortes and the House of Deputies before it could be ratified, the difficulties facing the Portuguese Government were considerably increased by this inflamed anti-British feeling in Portugal.

1. Wyke to Granville, Africa No.29, Confidential, 23 April 1883. F.O.84/1805.

At home, this debate resulted in a pledge 'of a very peculiar character'¹ being given by the Prime Minister. Gladstone promised that if the Government arrived at the conclusion that it was to the interest of Great Britain and of the Congo district that an Anglo-Portuguese Treaty should be made, 'that Treaty should be made known to Parliament before ratification in such a way, and with the intervention of such an interval, that Parliament shall be enabled to exercise an independent judgment upon it.'² FitzMaurice had already remarked that he believed it would be impossible for any Government to proceed against the clearly-expressed opinion of the Houses of Parliament in the negotiation of a treaty although 'a Treaty was generally negotiated with the consent of the Cabinet and through the medium of the Foreign Office.' Mr. Anderson, M.P. for Glasgow, pointed out that:-

'At some stage which varied in regard to time and place and according to the gravity of the situation, Parliament had, as a rule,³ an opportunity of expressing an opinion before it was ratified' but he spoke of the declaration given by Gladstone as 'a new departure.'

On an earlier occasion Gladstone had successfully opposed the motion that 'all future Treaties between this

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1. Expression used by Sir Stafford Northcote, Hansard, op.cit., p.1329.
 2. Ibid., p.1325.
 3. Ibid., p.1327.

country and Foreign Powers ought to be laid upon the Table of both Houses of Parliament before being ratified, in order that an opportunity may be afforded to both Houses of expressing their opinion upon the provisions of such Treaties.¹ Throughout the period, 1839-1878, the texts of only four political treaties had been presented to Parliament before the completion of ratification.² The same procedure had not applied to Commercial Treaties.³ Gladstone remarked that:-

'With respect to our Commercial Treaties, it has happened de facto that for the most part Parliament has intervened up to this time, Indeed, I am not aware of any case in which a Commercial Treaty has been made by the Executive Government having important consequences as regards the trade and commerce of the country when Parliament has not had an opportunity of intervening.'

By his declaration on the 3rd April 1883 Gladstone tended to emphasise the commercial character of the Anglo-Portuguese negotiations to the exclusion of their political significance. This action was not a contradiction of his attitude in 1873 but may have been an attempt, in view of the attitude of France and of Leopold, to minimise the political importance of the Treaty. After the signature of the Treaty on 26 February 1884, it was shown that the pledge given by Gladstone was open to misinterpretation. Recalling that pledge, Herbert Maxwell

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1. Debate in House of Commons, 14 February 1873. Hansard, 3rd Series, Vol. CCXIV, pp.470-479.
 2. See Temperley and Penson: Century of Diplomatic Blue Books, p.257.
 3. Hansard, Vol. CCXIV, op.cit., p.470.

on 31 March 1884¹ asked whether an opportunity would be afforded the House to express its opinion on the Treaty. Gladstone maintained that he had engaged only for ample opportunity for discussion being given by allowing a considerable time to elapse between the formation of the Treaty and its ratification, but that he had certainly not undertaken to give a Government night for the purpose of discussing this question. As the Treaty remained unratified the real significance of Gladstone's promise was never worked out but it would seem unlikely that he had any intention of departing from the usual procedure with regard to its ratification.

During the debate on 3 April however the Government bound itself to give full consideration to trading interests. Parliament itself was to judge whether they were sufficiently safeguarded. Thus the cry that British interests in the Congo region were being sacrificed lost much of its force. From the Government's point of view, it was essential that the Anglo-Portuguese negotiations should not be broken off; by giving this assurance in Parliament, Gladstone, at least for a time, silenced the attacks of powerful bodies on the Government's policy.

In addition, it gave the British Government a stronger hold over the Portuguese Government. The British Ambassador at Lisbon, W. Baring, reported that the Portuguese were very apt

1. Hansard, 3rd Series, Vol. CCLXXXVI, p.1171.

to forget that there was such a thing as public opinion in England as well as in Portugal and that 'if they have a difficulty in getting their Parliament to accept a Treaty, the difficulties on our side may not be more easy to overcome.'¹

Hitherto, objections to certain articles had been made by the Portuguese Government on the grounds that the Cortes would not accept them, henceforth fear of rejection by the House of Commons was an equally potent argument.

Another result of the debate in Parliament was seen in the wording of the article in the Draft Convention of 1st June which dealt with the protection of the native chiefs in the Congo regions:-

'In view of the strong feeling manifested in the recent debate in the House of Commons as to security being given for the protection of native Chiefs with whom Great Britain has Treaties or engagements, a provision for such security has been inserted in the draft of Article VII.'²

A still more far-reaching addition in this revised Convention was, in part, traceable to the necessity to secure support of the trading interests for the Treaty. During the debate, Jacob Bright had raised the question of an International Commission for the Congo which should be appointed on similar lines to those of the Danube International Commission. A few

1. Baring to Lister, 16 August 1883. F.O.84/1807.

2. Granville to d'Antas, 1 June 1883, op.cit.

days later, Mackinnon, as an agent of King Leopold, suggested that the best solution of the Congo Question would be the appointment of an International Commission 'comprising representatives of all the Powers interested viz:- Great Britain, France, Germany, United States, Belgium, Holland, Italy and Portugal.' Such a Commission, of which he suggested the King of the Belgians should be the first President, 'might be charged to see that the free navigation and police of the great river were provided for, and the cost defrayed by any dues which the Commission might consider least likely to impede freedom of commerce.'¹

Lister ridiculed the idea of Leopold being President of a River Commission which 'would hold its meetings on the Congo and certainly not at Brussels.'² He later agreed with Anderson that any stipulation about such a Commission was unnecessary and out of place in the Congo Treaty. Nevertheless, the suggestion of an International Commission was embodied in the revised Draft Convention.

Not only had such a Commission been advocated by Leopold, but the United States also had shown a definite interest in the future of the Congo trade. American firms had established

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1. Private and Confidential Memorandum, dated 9 April 1883, left at the Foreign Office by Mackinnon. F.O.84/1805.
 2. Minute by Lister on this Memorandum - undated. *ibid.*

trading stations on the Congo and an American gunboat was to be sent there at the end of June 1883.¹ Sanford had strongly advocated to the Government of the United States the liberal and humanitarian work undertaken by Leopold in Central Africa. After 'conversations with the President of the United States and members of his Cabinet,' Sanford assured the British Ambassador in Belgium² that that Government would be prepared, if assured of the concurrence of Great Britain, 'either to take the initiative in proposing a Conference of Powers chiefly interested in the commerce of the Congo or to adhere to that policy should the initiative be taken by England or by Germany.' He said that public opinion in the United States was 'in favour of international intervention as a safeguard of the independence and freedom of commerce on the Congo.' He added that 'he had no authority for speaking in the name of the Government of the United States', but Lumley reported that he said that the question had been 'discussed in the Cabinet, the President, the Secretary of State and the Secretary of the Navy being all in favour of the idea and that the United States' Government would not be disinclined to take joint action in an establishment of an understanding between the United States, England and Germany (which it would be open to France to join) with the object of effectually suppressing the Slave Trade and insuring for all time freedom of commerce and navigation on the Congo for

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1. Cohen [Loanda] to Granville, Africa No.12, 6 July 1883. F.O.84/1806.
 2. Letter from Lumley to Granville, 4 May 1883. G.D.29/156.

the benefit of traders of all nations. To obtain this, he said, he believed the United States' Government would be inclined to depart from the policy it has hitherto followed of abstaining from all joint action with other Powers, or interference in European matters, this being in fact an African and not an European question.'

Two days later, Sanford remarked that 'it appeared from the "Epoca" and other Spanish papers that Spain was desirous of taking the initiative in proposing international intervention on the Congo, but that he thought it would be a pity a question of such importance should be brought before the world by a minor Power like Spain.' 1

Granville was anxious that Lumley should not commit him about an International Commission:- 'It might be a thing to consider if the Portuguese do not agree to conditions ensuring all that the King of the Belgians and ourselves require.'² In origin, therefore, the suggestion of an International Commission was, in the eyes of Great Britain, but a means to an end. The succeeding months were to witness a growing popularity, both in England and among European nations, of the idea of internationalising the Congo.

Thus there were three main reasons why Great Britain, in June 1883, increased and tightened the demands she made of Portugal. These were to be found in a) her relations with France, b) her relations with the International Association of the Congo and c) in the trading interests which had developed

1. Letter from Lumley to Granville, 6 May 1883. G.D.29/156.

2. Granville to Lumley, 5 May 1883. G.D.29/198.

in the Congo districts. In spite of finding many stipulations in the revised Draft superfluous and showing 'baseless apprehensions that Portugal may pretend to thwart in any way the interests of commerce and civilisation, of science and of religion,'¹ the Portuguese Government expressed itself desirous of continuing the negotiations, which were to drag on for another eight months.

1. de Sepra to d'Antas, 26 June 1883. F.O.84/1806 and C.3885, No.11.

CHAPTER VI.

A COMPROMISE AND ITS IMMEDIATE FAILURE.

The Portuguese Government was in earnest in its desire to bring the Treaty negotiations to a successful conclusion:- 'The Cabinet was very much afraid of meeting the Chambers without a Treaty' for the Portuguese were determined to have their claims in the Congo lands recognised.¹ Thus the succeeding months saw a long drawn-out struggle on the part of the Portuguese to secure modifications in the demands made of them by England, On 26 June, they notified the British Government of their acceptance of the articles which provided for freedom of residence, roads etc., a liberal tariff and respect for Great Britain's engagements with native chiefs. About the same time, however, disappointed at the stringent demands made by Great Britain, Portugal sought an agreement with France. She proposed that a Commission should be set up to delimit² Portuguese and French possessions on the Guinea coast. France refused to consider such an arrangement unless the whole of the

1. Baring to Lister, 16 August 1883. F.O.84/1806.

2. Laboulaye [Lisbon] to Challemeil-Lacour, 18 July 1883.
French Yellow Book, op.cit., No.7.

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west coast were included, but de Serpa protested that

'comme le Gouvernement de Sa Majesté a toujours soutenu la légitimité des droits de souveraineté du Portugal entre 5° 12' et 8° S. à la côte occidentale de l'Afrique, il ne peut entrer en négociations pour une fixation réciproque de limites dans cette partie du territoire Africain qu'avec la basse de l'admission explicite de la part de la France de ses droits.' 2

To allow the Portuguese claims to become a subject of discussion would mean they were no longer uncontested, and furthermore, if France now refused to recognise those claims, Portugal's negotiations with England and the sacrifices she was making to gain Great Britain's recognition would be wasted. The Franco-Portuguese negotiations were carried no further and Portugal returned to her discussions with Great Britain.

On 11 September, she yielded the important questions of coasting trade, religious freedom and quarantine. A few weeks later, the question of transit dues were settled, 3 but more than another month passed before arrangements with regard to the Slave Trade were made. In order to secure the final abolition of the Slave Trade in the continent of Africa, Great Britain had demanded, in the Draft Convention of 1st June, freedom of action to Her Majesty's ships employed in suppressing the Slave Trade 'in all parts of His Majesty's Colonies where no

1. Challemel-Lacour to Laboulaye, 4 August 1883. *ibid.* No. 8.

2. de Serpa to Laboulaye, 13 August 1883. *ibid.*, p.21.
Enclosure No.2 in Laboulaye to Challemel-Lacour, 16 August 1883.

3. d'Antas to Granville, 17 October 1883. F.O.84/1807.

Portuguese authorities shall be established': the British vessels employed in that service were to exercise all the powers conferred on them by the Slave Trade Treaty of 3 July, 1842 between Portugal and England. The Portuguese Government insisted that this concession should be restricted to the Eastern African colonies or possessions of Portugal, and also that instructions should 'be issued by Her Britannic Majesty to the Governors of Her South African dominions to grant a like authorisation to His Most Faithful Majesty's vessels employed in the suppression of the Slave Trade.'¹ This condition of reciprocity had originally appeared in the unratified Lourenço Marques Treaty of 30 May 1879. M. d'Antas now added a further restriction, which had previously appeared in the Slave Trade Protocols of 12 August 1847 and of 19 November 1850 which had provided for joint Anglo-Portuguese action in the suppression of the Slave Trade. This condition was that the concession to British and Portuguese cruisers should be limited to three years. It could be renewed for a similar period should such be deemed necessary by both the High Contracting Parties.

The British Government agreed to the first request of the Portuguese Government, that freedom of action in the suppression of the Slave Trade should be granted to British vessels only in the Eastern African colonies or possessions of

1. Article XI of 8th Revise of Draft Congo Treaty, dated 26 July 1883, submitted by d'Antas to Sir J. Pauncefote. F.O.84/1806.

Portugal. It secured the withdrawal by Portugal of the request for a time limitation, by explaining that such a condition 'would be considered by the British Parliament and people as evidence of a desire to revoke at a very early date those measures which the two Governments had concurred in considering necessary, and would cast upon the Portuguese Government the unmerited imputation of sacrificing the proposed Treaty to the interests of slavery.' 1

The question of reciprocity was less easily dealt with as Her Majesty's Government could not bind the Cape Colony. In an interview with Lister, d'Antas himself acknowledged that a condition of reciprocity was 'all humbug' as there was no Slave Trade in Britain's South African dominions, but he thought such a concession 'would be thought very important in Portugal and would greatly help his Government in carrying the Treaty through the Cortes.'² The Colonial Office was consulted but it was not until the end of November that the Premier of Cape Colony declared that the Cape Government would have no objection to grant this proposed concession to Portuguese vessels.

Meanwhile, much correspondence had passed between the Colonial Office and the Foreign Office as a result of the article which dealt with the cession to Great Britain of all

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1. Granville to d'Antas, 21 August 1883. F.O.84/1807; C.3885, No.14, p.24.
 2. Minute by Lister, 1 August 1883. F.O.84/1807.

Portugal's claims on the Gold Coast between 5° East and 5° West. On 26 December 1882, de Serpa had pointed out that between those degrees, Portugal had no other rights or claims 'beyond those of sovereignty and possession of the fort of St. John the Baptist of Ajudá, on the coast of Mina.'¹ He added that he hoped Great Britain would not insist on the enforcement of this Article for it did not seem to be intimately related to the other important questions at issue.² The Colonial Office, however, wished at that time to adhere to the original proposal for the cession of all the Portuguese claims.³ The Librarian of the Foreign Office when called upon for a Memorandum on the Portuguese possessions on the Slave Coast, recorded that he was 'not aware that Portugal really possesses any Possessions' on that coast.⁴ He referred to his previous Memorandum of 2 March 1876⁵ in which he had stated that in the Portuguese Constitution of 4 April 1838, the Fort

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1. de Serpa to d'Antas, 26 December 1882. F.O.84/1802 and C.3885, p.7.
 2. This sentence appears in the original despatch and in the Portuguese White Book, op.cit., No.20, but it is omitted in the British Blue Book. C.3885, No.14.
 3. Letter from Colonial Office to Foreign Office, 17 January 1883. F.O.84/1803.
 4. Memorandum by Hertslet, dated 12 January 1883. F.O.84/1803.
 5. Memorandum by Hertslet on the Portuguese Possessions on the West Coast of Africa. F.O.84/1801.

of S. João Baptista d'Ajudà in the Bay of Benin is the Portuguese name for Whydah, but there is no proof that Portugal ever possessed any territorial rights of sovereignty over this place.' Even leading Portuguese statesmen had lost interest in it and Corvo had observed that he wanted to get rid of the 'miserable fort of Whydah', but that Portugal was unable to do so except by a law passed by the Constituent Cortes ad hoc.¹

By the time of the drafting of the revised Convention in June 1883, the attitude of the Colonial Office had changed. No longer did it desire the immediate cession of the Portuguese claims, but Lord Derby prepared the insertion of a clause which should bind the Portuguese Government to cede Whydah to Great Britain 'should she desire at some future period to take it over.' If Granville thought this condition inadvisable, 'Derby would be satisfied with a stipulation that if the Portuguese retire from Whydah at any time they will undertake to make over their rights to Her Majesty and not cede it to any other Power.'² Once more the Colonial Office had shown its unwillingness to incur further territorial responsibilities, and on the other hand, its desire to restrict other European nations from gaining influence near its own possessions. Accounts of

1. Morier to Salisbury, No.49 Slave Trade, 14 November 1878. F.O.63/1117.

2. Letter from Colonial Office to Foreign Office. Confidential, 15 May 1883. F.O.84/1805.

disorder, and of the difficulties to be encountered from the King of Dahomey if British influence were substituted for that of Portugal may also have influenced the attitude of the Colonial Office. The Cabinet wished 'the article about Whydah to be strictly confined (if necessary at all) to prevent its being assigned to anybody else.'¹

The Portuguese Government refused to consider any conditional surrender of Whydah, but re-stated its readiness to make 'a full and perpetual cession' to Great Britain of the fort.² Granville was prepared to reject this counter-draft, but Lister pointed out that as the Colonial Office had first asked for the cession of Whydah and Portugal had conceded^{it}, she was now, when 'the Colonial Office wanted to back out of it,' entitled to say 'Take it or leave it.'³ Granville subsequently enquired of the Colonial Office whether the 'Secretary of State for the Colonies would prefer to leave out all mention of Whydah or to take it upon the terms originally proposed by the Colonial Office and accepted by the Portuguese.'⁴ The Colonial Office decided on the latter course;⁵ a decision

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1. Minute by Granville, dated 16 May. F.O.84/1805.
 2. Article XIII of 8th Revise of Draft Congo Treaty, op.cit.
 3. Minute by Lister, dated 25 August 1883. F.O.84/1807.
 4. Letter from Foreign Office to Colonial Office, 25 August 1883
ibid.
 5. Letter from Colonial Office to Foreign Office, 8 October 1883
ibid.

approved of by Lister 'as the present filibustering of the French on the West Coast of Africa rendered it much more important than it originally was that Whydah should become British property.'¹

The Portuguese Government promised to submit the question of the cession of Whydah to the Cortes as soon as the small Portuguese garrison at the fort could be safely withdrawn. It was feared that the Portuguese would be massacred by the King of Dahomey should he hear of the proposed cession to Great Britain of the rights granted to Portugal.² Thus, in its final form, the Article provided for the cession of the fort and all the rights appertaining to its possession 'at any time it shall be the intention of Portugal to withdraw from the fort.'³ The Portuguese Government had undertaken to secure its cession as soon as possible.

Three other important questions had to be settled before the Anglo-Portuguese Treaty was ready for signature. These concerned firstly, Portuguese claims in the Shiré district; secondly, a definition of the limit inland of Portuguese jurisdiction on the River Congo and thirdly, the appointment of a River Commission.

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1. Minute by Lister, dated 8 October 1883. *ibid.*
 2. Memorandum by d'Antas, dated 5 January 1884. F.O.84/1809.
 3. Article XIV.

The Portuguese claimed that the whole of the River Shiré, which had its source in Lake Nyassa and was one of the chief tributaries of the Zambezi, had always been considered as belonging to the Portuguese Government 'bien qu'une partie des territoires qu'il traverse ait été envahie par des tribus sauvages chez les quelles il n'existe pas d'autorités portugaises.' ¹ The British Government, on the other hand, wished to secure a definition of the extent inland of Portuguese jurisdiction in this region, as well as on the Congo:- 'On Lake Nyassa are our missions, and surely the least we can do is to try and get them what we are trying to get for the King of the Belgians - a limit that will keep them outside Portuguese territory.' ²

Granville informed the Portuguese Ambassador that:- The British trading and missionary Settlements in the Lake districts must be secured in their independence and freedom of action. They must know their position as regards the transit of their goods; they must not be left uncertain as to their property.' ³

D'Antas pointed out that 'the Portuguese authorities had not in any way whatever interfered with these establishments,' ⁴ but the Portuguese Government finally agreed to a delimitation of their jurisdiction on the Shiré. Even as late as 26 January 1884, they rejected the British draft article

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1. Note from d'Antas to Granville, 25 July 1883. F.O.84/1806.
 2. Note by Anderson, dated 30 July 1883. F.O.84/1807.
 3. Granville to d'Antas. Confidential. 7 January 1884. F.O.84/1809; C.3885. No.21.
 4. Granville to Baring, 16 November 1883. F.O.84/1808; C.3885, No.20.

limiting Portuguese jurisdiction on that river to a distance of sixty miles about its confluence with the Zambesi, and insisted on a more 'precise and geographical limit.'¹ Their suggestion that the limit should be 'the confluence of the River Ruo with the Shiré' was finally accepted by Great Britain² although this point was 'a very few miles above the limit proposed by Earl Granville.' By this renouncement by Portugal of all claim on the Upper Shiré, Great Britain acquired a means of access 'de premier ordre vers la région des lacs, de beaucoup la plus courte et la plus sûre.'³

A definition of the extent of the Portuguese claims in the Shiré district was intimately bound up with the question of the extent of Portuguese jurisdiction on the Congo. Portugal was prepared to cede much in order that her claims in the Congo region should be recognised by Great Britain, but when once this had been done, the British Government feared she would go no further. It was realised that conflicting Anglo-Portuguese claims in the Nyassa region might lead to complications in the near future, so a settlement of the Congo question was made dependent on the definition of the extent of Portuguese jurisdiction on Lake Nyassa. The British Government recognised the validity of most of the objections made by

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1. du Bocage to d'Antas, 26 January 1884. F.O.84/1809; C.3885 No.22 (extract).
 2. Granville to d'Antas, 1 February 1884. F.O.84/1809; C.3885, No.23.
 3. See J. Darcy: France et Angleterre - Cent années de rivalité coloniale. (1904), p.131.

Portugal to the choice of Porto da Lenha as the limit of Portuguese sovereignty on the Congo and, on the one condition that Portuguese rights of jurisdiction should also be defined on the Shiré River, agreed that the limit should be fixed at Nokki.¹ They refused to extend the boundary a short distance further up the river to Vivi, although that station was south of 5° 12' S. latitude and was at the head of the navigable section of the Congo. 'If the two Powers were to select Vivi, where there is already an independent European Settlement, they would court complications which it should be their object to avoid, and which would be avoided by the choice of Nokki; while, on all other grounds, considering the close proximity of the two places, it must be practically immaterial which is chosen.'²

The influence of King Leopold is clearly visible in this decision. On the 14th February, he wrote to Granville thanking the British Government for having safeguarded the independence of Vivi.³ Trusting in the promises of Leopold, Lister believed that the exclusion of Vivi from Portuguese jurisdiction meant that one port on the navigable part of the river would be kept open for trade with the interior. Goods could 'be shipped and landed at Vivi without paying any Portuguese duties or charges, whereas, if Vivi, where portorage begins, were to be Portuguese, all goods landed there for transmission into the interior would have to pay duties of the Portuguese tariff.'⁴

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1. Granville to d'Antas, 7 January 1884. F.O.84/1809; C.3885
No.21.
 2. Ibid.
 3. Letter from Leopold to Granville, 14 February 1884. G.D.29/156.
 4. Memorandum by Lister, dated 4 December 1883. F.O.84/1808.

The signature of the Treaty was, at the last minute, held up by another request from the King of the Belgians. The African Association had a landing-station a few miles below Vivi on the Congo and almost opposite to the settlement at Nokki which had been recognised as the Portuguese boundary. Leopold was anxious that this station of the Association, also called Nokki, should be declared definitely outside Portuguese territory. The British Government again showed itself anxious to prevent any future complications and suggested 'an exchange of notes' between the British and Portuguese Governments, which should record 'that it is understood by the two Governments that the station of the Association which now exists on the north bank of the Congo, opposite, or nearly opposite, Nokki shall be, when the line of frontier is finally drawn, outside the limits of Portuguese territory.'¹ This method of procedure was agreed to by the Portuguese Government as 'a fresh proof of their anxiety to satisfy the wishes of Her Majesty's Government.'² The Portuguese Note was received on 25 February and the Treaty was signed the following day.

In its final form, the Treaty provided for the appointment of 'a Mixed Commission, composed of delegates of Great Britain and Portugal.' This Commission was to 'draw up

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1. Granville to Petre [Lisbon], 23 February 1884. F.O.84/1809, C.3885, No.24.
 2. Petre to Granville, 25 February. F.O.84/1809.

Regulations for the navigation, police and supervision of the Congo and other waterways within the territory specified in Article I'¹ and to watch over their execution. It was not until the 7th January 1884 that the British Government, 'with the most unfeigned reluctance,'² had agreed to the substitution of an Anglo-Portuguese River Commission for the International Commission suggested by them in June 1883. Granville said that it was 'only because the Portuguese Government who can alone gauge Portuguese public opinion, declare that the modification is absolutely necessary to secure the acceptance of the Treaty'³ that Great Britain accepted the dual Commission.

Portugal's objections to an arrangement by which all the nations interested in the navigation and commerce of the Congo should be represented on a River Commission had been explained by d'Antas in conversation with Granville on 16 November.⁴ He had said that such an International Commission 'would certainly be considered in Portugal as a proof of mistrust, a grave attack levelled against that very sovereignty which is recognised as Portuguese by the Treaty; and it would not fail to be looked

1. Article IV.

2. Granville to d'Antas, 7 January 1884. F.O.84/1809, C.3885, No.21.

3. Ibid.

4. Granville to Baring, 16 November 1883. F.O.84/1808; C.3885, No.20.

upon as a vexatious measure, an outrage and a humiliation.' In its place, he had proposed an Anglo-Portuguese Commission which 'would contain nothing which could wound the susceptibilities and dignity of his country; it might be defended as being the co-operation of England and Portugal in colonial affairs, as a proof of the good understanding existing between the two Governments and a manifestation of the traditional policy of Portugal.'

The decision to accept the Portuguese counter-proposal had been arrived at after considerable discussion. Opinion in the Foreign Office had been divided. Both Lister and Anderson considered that International Commissions were 'very troublesome and unmanageable things,' and that it was 'almost certain that for political and commercial reasons there would be constant combinations to put the British delegate in a minority.' Instead of being a guarantee for free commerce and navigation, Lister thought that an International Commission would 'prove to be a great danger to British trade and one against which Her Majesty's Government would be powerless to defend it.'¹ He had earlier expressed the view that: - 'any stipulation about a Commission seems to be very much out of place in a Treaty in which the one great concession made by this country is the recognition of Portuguese sovereignty and jurisdiction on the Congo.'²

Throughout the discussions, FitzMaurice had insisted on the necessity for a River Commission. Originally, he had urged

1. Minute by Lister, dated 4 December 1883. F.O.84/1808.

2. Minute by Lister, dated 8 October 1883. F.O.84/1807.

the idea as one 'likely to facilitate the acceptance of the Treaty by Parliament.'¹ He considered that Lister and Anderson were 'too much inclined to look at the question from the local point of view of the territory to be ceded. What has to shock the public mind and mainly interests it, is the importance of the Lower Congo as the débouché of the future trade of South Africa, as the Mississippi in fact of that region.' He made 'no specific objection to an Anglo-Portuguese Commission,' but suggested that 'some words might be inserted giving England and Portugal the power to add to their number - this would save appearances.'²

Knowing that he would have to defend the Treaty in Parliament, FitzMaurice was anxious to conciliate public opinion as far as possible.

Granville had finally decided to refer the question to the Cabinet. A minute by him, dated 5 December 1883 records:-

'I should be glad to have the opinion of the Cabinet whether we should insist upon the International Commission or agree to an Anglo-Portuguese Commission or cease to press for any Commission.'³

He did not expect his colleagues to agree to the Portuguese counter-proposal:-

'The objections are obvious. Our negotiations have been carried on professedly without any wish to get anything for ourselves which is not open to the whole world - the proposed arrangement would give a different colour to what we have done.'

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1. Minute by FitzMaurice, dated 9 October 1883. *ibid.*
 2. Minute by FitzMaurice, dated 6 December 1883. F.O.84/1808.
 3. F.O.84/1808.

The result of further discussion was contrary to what Granville had expected. Gladstone favoured the Portuguese proposal:-

'I am not a good judge of the necessity of a Commission in the Congo case; but if a Commission be needful and desirable, I should be disposed to yield to the Portuguese proposal, still with the intention of appropriating no exclusive advantage.' ¹

The fate of the Treaty in both the Cortes and the House of Commons was still uncertain by the end of 1883. ^{The} fears of the British trading interests had again been aroused by the reported Portuguese seizure of Landana in November. This town was said to lie exactly 5° 12' South latitude and according to d'Antas, 'the occupation of it was of no real importance, but the object had been to mark their boundary and to restore the prestige which had been destroyed by the French proceedings.' ² Memorials from trading firms and Chambers of Commerce at once poured into the Foreign Office again and showed that British public opinion was still as strongly as ever opposed to any extension of Portuguese influence. To the British Government, on the other hand, the recognition of Portuguese sovereignty, under the conditions laid down in the draft Congo Treaty, had become vital. This was considered to be the only means of protecting British interests in Central Africa and of keeping open the route to the interior. Thus, the negotiations were continued.

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1. Gladstone to Granville, 8 December 1883. Quoted FitzMaurice: Life of Granville, Vol.II, p.344.
 2. This sentence occurs only in the rough draft of a despatch from Granville to Baring - undated, F.O.84/1808.

Having secured concessions from Portugal on nearly every question raised, the British Government no longer insisted on the appointment of an International Commission. Although they still upheld the principle of international control, the difficulties in the way of its realisation had become apparent.

In the existing state of tension between Great Britain and France, co-operation in Central Africa was almost inconceivable. The friendly attitude of Germany towards England was also rapidly changing though the British Government still remained ignorant of the increasing importance of colonial questions in Anglo-German relationships. Granville was to explain later that he was convinced, at this time, that 'Prince Bismarck far from taking an interest in . . . colonisation schemes was strongly opposed to them, and for that reason there was no diplomatic reason for [his] stirring much in the matter.'¹

It is also unlikely that Great Britain ever wished to share control of the supervision of the Congo with other Powers. The suggestion was originally made as a means of securing concessions from Portugal; now that these had been granted, the suggestion had achieved its object. In all overseas questions at that time, whether in the South Seas, in South West Africa or along the Gold Coast, British policy was

1. Granville to Count Herbert Bismarck, 2 October 1884. G.D.29/207. Quoted Aydelotte: op.cit., p.41.

characterised by the same principles. On no occasion did Great Britain show readiness to share her responsibilities with other European Powers. Although such a policy was probably not conceived with the idea of offending any other nation, especially not Germany, yet it was an example of the failure of the British Government to realise the growing importance of colonial interests to other Powers. By the Anglo-Portuguese Treaty, Great Britain was to secure no exclusive benefits and Portugal assured her that ~~her~~ ~~that~~ her representation on the River Commission 'ought to impose full and entire confidence to all who sincerely desire the development of commerce and civilisation in the regions' of the Congo.¹ The compromise was accepted and on the 26th February the Treaty with Portugal 'respecting the Rivers Congo and Zambesi and the territories on the West Coast of Africa situated between 8° and 5°12' of South latitude'² received the signatures of British and Portuguese representatives.

It was the opinion of the French Ambassador at London that the Treaty would be accepted by the British Parliament 'parce qu'au fond il est une garantie prise

1. Granville to Baring, 16 November 1883, op. cit.

2. Granville to Petre, 26 February 1884. F.O.84/1809.

par l'Angleterre pour empêcher soit la France, soit un syndicat international dirigé par la France de prendre pied aux Bouches du Congo. Le Gouvernement anglais aurait préféré sans doute garder sa liberté et laisser les choses en l'état, mais il aime mieux partager avec le Portugal, qu'il pourra influencer à son gré, que laisser la porte ouverte à la France.' 1

The time had passed, however, when other nations, especially France and Germany, were prepared to accept without question, decisions arrived at by Great Britain and Portugal alone.

During the months which had immediately preceded the signing of the Congo Treaty the idea of inter-nationalising the Congo Basin had received many advocates. Fitz-Maurice noted _____

1. Waddington to Ferry, 4 March 1884. D.D.F. 1re.Série, T.V. No. 15, p.231.

on the 9th October 1883, that 'the idea of a Commission has been got hold of by the public mind, it is being worked in the Press, it has been urged at the meetings of various Societies and Congresses.'¹ In a newspaper article,² the German explorer, Gerhard Rohlfs, had urged Germany to unite with Great Britain in an attempt to internationalise the river, their example, he said, would be followed by France, Italy and Portugal. In a pamphlet entitled 'An International Protectorate of the Congo', Sir Travers Twiss, in August 1883, had advocated that Portugal should be given rights of suzerainty or protection there with jurisdiction over the natives. Consular jurisdiction over foreigners should be retained by the different European countries and an International Commission should be set up to secure free navigation of the Congo.³ Emile de Lavelaye in Magazine Articles⁴ also advocated the neutralisation of the Congo and adjacent territories and an International Commission to regularise commerce. Finally, at the ninth meeting of 'l'Institut de Droit International' held at Munich in September 1883, M. Gustave Moynier had drawn up a programme for the

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1. Minute by FitzMaurice, dated 9 October 1883. F.O.84/1807.
 2. In the Supplement of the Augsburger Allgemeine Zeitung of 22 April 1883, referred to in Lumley's despatch to Granville, 4 May 1883. G.D.29/156.
 3. Minute by J. Pauncefote, dated 28 August 1883, on Sir Travers Twiss pamphlet. F.O.84/1807.
 4. Revue de Droit Internationale 1883, pp.253-264; Contemporary Review 1883, pp.767-782; referred to by Thomson, op.cit., p.136.

settlement of the Congo Question. 'En un mot, c'était le programme complet des décisions que devait prendre le Congrès de Berlin.'¹ It included freedom of trade throughout the whole Congo basin, the appointment of an International Commission to control navigation on the river and the abolition of slavery and the Slave Trade. These suggestions were circulated among the Powers and at once evoked from Portugal a vigorous protest.

It was becoming clear that the interests involved in the Congo Question were too many and too far-reaching to allow a purely Anglo-Portuguese settlement of the question to pass unchallenged.² The terms of the treaty and some of the correspondence which had passed between the Governments of Great Britain and Portugal on the Congo Questions from 1882 to 1884³ were laid before the House of Commons on 29 February 1884. Eight days later the Treaty was presented in the Portuguese Cortes.⁴ Its publication was followed, not only in Great Britain, but also on the continent by an outburst of opposition to it, by 'a far from reasonable amount of irritation'⁵ being shown

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1. Thomson, op.cit., p.137 quoting from Blanchard: Formation et Constitution Politique de l'Etat Indépendent du Congo, p.40.
 2. Document F. p. 276.
 3. A. & P. 1884. Vol. LVI. Africa No.2 and No.3 of 1884. C.3885, and C.3886.
 4. Petre to Granville, No.18 Africa. Confidential, 7 March 1884. F.O.84/1809.
 5. Lyons to Granville, No.25 Africa, 7 March 1884. F.O.84/1809.

against it. Opposition from British Chambers of Commerce, and from anti-slavery and missionary societies was not unexpected, but that the Treaty would have to be totally abandoned four months later had probably never been thought of as a possibility. Granville had realised from the beginning of the negotiations in November 1882 that no Anglo-Portuguese agreement would be possible unless it received the support of the Powers, but the advisability of consulting other countries before reaching an agreement with Portugal seemed never to have occurred to British statesmen. They maintained the attitude that 'but for the persistent opposition of the British Government, unsupported by any other Power, Portugal would in all probability have long since established herself in the Congo district. Great Britain refused the recognition of her sovereignty and the object of the recent negotiations has been to give that recognition which, as Portugal claimed, was withheld by her alone, in return for substantial guarantees of freedom for the commerce of the world.' 1

By securing equal treatment for all nationalities the British Government hoped to receive the necessary support from foreign countries but, as Morier had found when negotiating the Lourenço Marques Treaty, the difficulty was not 'so much in roasting the pigeons and teaching them, when roasted, to fly into the mouths destined for their reception, as in getting the mouths opened to receive them.' 2

Portugal had been persuaded to grant concessions and to offer

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1. Granville to Amptill, 30 June 1884. A. & P. 1884-5, Vol.IV, Africa No.7 (1884), C.4205, Correspondence respecting the West African Conference [May - November 1884], No.3,p.3.
 2. Private Letter from Morier to Granville, 17 May 1880. G.D.29/183.

them to all nations:-

'The territory specified in Article I shall be open to all nations, and foreigners of all nationalities whatever, conforming themselves to the laws of the country, shall enjoy within the said territory the same benefits, advantages and treatment in every respect, as subjects of Portugal.' 1

'The trade and navigation of all rivers and waterways within the territory specified in Article I and along the sea coast thereof, shall be open to the flags of all nations . . . ' 2

It was the other Powers who refused to accept the concessions on the terms offered:-

'it was not permissible that a single power should attempt to regulate questions of general interest without the co-operation of other Powers concerned.' 3

A French protest against the treaty dated 15 March was followed by a protest from Holland and from the United States and, on 29 April, by one from Germany. The German Ambassador in London was instructed to declare that Germany would not consent to the application of the provisions of the treaty to German subjects if England and Portugal contemplated the ratification of their treaty.⁴

Great Britain, however, still hoped to secure such modifications in the Treaty as would win for it the support of

1. Article II.

2. Article IV.

3. Hohenlohe's report, 24 April 1884. German White Book, p.23. Quoted G.König: Die Berliner Kongo. Konferenz, 1884-5, (1939), p.98.

4. German White Book, p.27. Quoted by G. König: op.cit., p.99.

other Powers. In May 1884, the French Minister at Lisbon, M. Laboulaye, reported to Ferry that:-

'l'Angleterre a consenti à prendre l'initiative de modification à apporter aux clauses qui ont soulevé les principales objections de la part des autres Puissances intéressées dans la commerce du Congo. Au moyen de ces modifications, les deux Gouvernements se proposent de rechercher, et espèrent obtenir, surtout de la France, une adhésion dont ils comprennent aujourd'hui la nécessité.' 1

Bismarck was also asked whether Her Majesty's Government might count on the support of the German Government 'in their endeavour to place the general control of the trade of the river on an international footing on the basis of the provisions of the Treaty' with certain modifications as to the character and attributes of the Commission and the adjustment of the Tariff.²

France, meanwhile, had taken action to counteract, as far as possible, the closing of the southern approach to her recently acquired Congo territories and to prevent British influence from being extended to the Upper Congo. Ferry explained later to Hohenlohe, German Ambassador in Paris, that there had been a widespread apprehension in France lest England should, sooner or later, acquire the territory of the International Association.³

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1. Laboulaye to Ferry, 11 May 1884. D.D.F. V, p.283.
 2. Granville to Ampthill, 26 May 1884. C.4205, No.1, p.1.
 3. 18 May 1884. Acta B. Hohenlohe. Quoted Thomson: op.cit., p.164.

On 23 April, the following declaration from Strauch, president of the International Association of the Congo, not only announced that the Association would never cede its possessions but also added that, if owing to unforeseen circumstances, it had to cede them, France would be given the first right of pre-emption:-

'L'Association Internationale du Congo, au nom des stations et territoires libres qu'elle a fondés au Congo et dans la vallée du Niardi-Quillou, déclare formellement qu'elle ne les cédera à aucune puissance, sous réserve des conventions particulières qui pourraient intervenir entre la France et l'Association; pour fixer les limites et les conditions de leur action respective. Toutefois, l'Association désirant donner une nouvelle preuve de ses sentiments amicaux pour la France, s'engage à lui donner le droit de préférence, si, par des circonstances imprévues, l'Association était amenée un jour à réaliser ses possessions.' 1

Brandenburg, Germany's representative in Brussels, reported two explanations which had been given to him of this 'very remarkable clause'. Devaux had ascribed it to the desire of Leopold to quieten French fears that he intended to sell his undertaking to England.² Leopold himself explained that the clause had been accepted 'at the wish of the Association and not at all on the pressure of the French Government. The Association feared for its existence; it was afraid above all of the hostile attitude of Portugal . . . The clause destroyed Portugal's prospects - she would not work for the ruin of the new Free State if she had to fear having a powerful and perhaps dangerous neighbour, in France, in its place.' 3

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1. French Yellow Book, pp.48 and 49. Quoted Thomson, op.cit., p.163.
 2. Report of Brandenburg, 24 April 1884. German Archives, Vermischtes Kongo I, Bk.1/2. Quoted: König: op.cit., p.73 and Thomson: op.cit., p.167.
 3. Report of Brandenburg, 14 May 1884, *ibid.*

This diplomatic move on the part of Leopold has been looked upon as one of the most brilliant in his career and the irony in the declaration of 23 April has been pointed out:-

'L'ironie du droit de préférence . . . consistait dans ce fait que l'acte même par lequel Léopold donnait sa promesse à la France contenait en soi les moyens de ne jamais la tenir. Une fois offert et accepté, le droit de préférence devenait une menace permanente pour l'Angleterre et pour l'Allemagne. Si elles n'aidaient pas Léopold à établir son entreprise, il céderait à la France ses acquisitions territoriales.' 1

It is impossible to judge how far France realised the complications of the promise. Having secured this safeguard against further British action in Central Africa, it is however, not improbable that France might have been prepared to accept the modifications in the Congo Treaty, suggested by Great Britain on 11 May if she had not found in Bismarck another strong opponent of that treaty.

Bismarck had taken the opportunity of Ferry's appointment as Foreign Minister in November 1883 to emphasize his desire for more friendly relations between the two countries. Since the Berlin Congress, he had shewn himself favourable towards Ferry's schemes of overseas expansion with the one obvious motive of turning French thoughts from revenge for Sedan:-

'Nous sommes heureux de voir les Français chercher leur intérêt ailleurs, par exemple, à Tunis, dans l'Afrique occidentale, en Orient, parce qu'ils cesseront de porter leurs regards sur la frontière du Rhin . . . ' 2

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1. Thomson; op.cit., p.168.
 2. Bismarck in conversation with Hohenlohe, 26 November 1880 [Mémoires du prince Clovis de Hohenlohe, T.III, p.71. Quoted in Le prince de Bismarck et l'expansion de la France par E. Rouard de Card. Paris, 1918. p. 10.].

During the same time, he had been faced in his own country with a growing interest in activities overseas, but it was not until he was faced with British delays and opposition in the Fiji and Angra Pequena questions that he showed himself prepared to enter upon a colonial policy. Numerous reasons have been deduced to account for this change of attitude towards colonisation on the part of Bismarck. It is recognised that a variety of motives arising out of economic needs, commercial and exploring activities, increased security and growing mercantile strength at home all contributed to a change of attitude, but there is no unity of opinion as to the comparative strength of each motive. To one author, 'the influence upon Bismarck which seems to have been greatest is that of public opinion,'¹ another minimises the force of this motive and argues that Germany's first colonies were but the 'accidental by-product' of an attempt to draw closer to France in order to prevent Franco-Russian co-operation.² A third writer³ emphasizes the economic aspects of German imperialism, while Herbert Bismarck himself gave as the decisive reason for

1. Aydelotte: op.cit., p.25.

2. Taylor: Germany's First Bid for Colonies, 1884-1885. A Move in Bismarck's European Policy (1938) p.6. This view is supported by R. Coupland in The Exploitation of East Africa, 1856-1890 (London, 1939), p.397.

3. W.L. Langer: European Alliances and Alignments, 1871-1890 [New York, 1931], p.289.

Germany's colonial efforts the intention of the Chancellor to create 'artificial spheres of friction' between England and Germany in order to work against the dependence of the German Crown Prince on England in the sphere of foreign policy.¹

Wherever the truth may lie between these various views, there is no doubt but that the international situation was exceptionally favourable, in 1884, to the achievement of Bismarck's aims. The Triple Alliance and the League of the Three Emperors gave him considerable security in Europe and he found in France a statesman ready to co-operate with him, on certain concrete issues, to the benefit of both countries. The death of Gambetta and the weakening of the revenge agitation in France had removed psychological obstacles to Franco-German co-operation: the Egyptian and the Congo Questions provided opportunities for common action by the two Powers. It was the community of trading interests in the Congo district that made possible joint Franco-German action there against the plans of Great Britain and Portugal.

It is unlikely that Bismarck had taken much personal interest in this district until the announcement of the signing of the Anglo-Portuguese Treaty brought the Congo Question to the fore. On 31 March, Ferry instructed Courcel, French

1. König: *op.cit.*, p.185 quoting from Bülow: Denkwürdigheiten, I, p.429.

Ambassador at Berlin,¹ to point out to Bismarck the evil consequences to international trade that would follow the putting into practice of the Congo Treaty as trade, hitherto free, would henceforth be subjected to Portuguese duties. He was to emphasize the value of the coincidence of German views with those of France in this matter.

Three weeks later, Courcel reported that, with regard to the question of the Congo, Bismarck had not yet decided on his plan of action, but was studying the question carefully and was showing a desire to consult other interested Powers.² On 27 April, Bismarck received from his Ambassador at Brussels a long report on the Association of the Congo and on the treaties being signed between its agents and the native chieftains.³ As a result, he seems to have become convinced that the work of the Association had no solid foundation and that Leopold would be forced to relinquish his undertaking. The isolated recognition of the sovereignty of the Association by the United States of America, giving on 24 April, he considered valueless unless the Association received the support of European nations.

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1. Ferry to Courcel, 31 March 1884. D.D.F. V. No.226.
 2. Courcel to Ferry, 22 April 1884. D.D.F. V, No.244.
 3. Acta B. Bd.2. Brandenburg - Referred to in Thomson: op.cit., p.171.

For a short time, Bismarck may have thought of securing the work of Leopold for Germany. In a letter to his wife, the explorer Gerhard Rohlfs, described an interview he had had with the Chancellor at which Bismarck had expressed himself as not unwilling to come to an agreement with the King of the Belgians and had even suggested alternative schemes for the transfer of Leopold's enterprise to Germany.¹ At the same time, he was anxious that no enthusiasm should be shown about Leopold's work. Küsserow's request on the suggestion of Gautier, that a short article should appear in the Norddeutsche Allgemeine Zeitung expressing Germany's sympathy with the International Association met with the following refusal from Bismarck:-

'It is not at present to be recommended that the opinion that we are interesting ourselves in the Congo, should be strengthened by any publication. It is a matter of indifference whether the Belgian public entertain doubts. But it is not a matter of indifference if we make public statements whereby the English become confirmed in their suspicions of our plans and of our pre-occupation with Africa. Until our ships with Nachtigal have carried out their tasks, we must act as if Africa did not exist for us . . . There is absolutely nothing to be done or said to anybody - only to negotiate without wasted words with Strauch in Brussels as soon as His Majesty allows it.'²

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1. Guenther; Gerhard Rohlfs, p.326, quoted Thomson: op.cit., p.173.
 2. Deutsches Kolonialblatt (1918), p.23. Quoted by König; op.cit., p.79.

On the 14 May, Bismarck received official confirmation of the declaration which had been made to France by the President of the International Association on 23 April.¹ Henceforward, his policy was dictated by the probability that France would acquire the Upper Congo basin, which would not only give her direct connection with the Gaboon and means of approach to the Upper Nile Lands and the East Coast, but would also lead to the establishment of a protectionist régime on the Congo:-

'the French right of pre-emption introduces the possibility, indeed the probability, that the whole institution will be acquired sooner or later by France, and that the latter will then examine and interpret narrowly the wording of all treaties, inconvenient from her point of view.'²

To prevent Germany from being deprived of the benefits of the Congo waterway, Bismarck realised that international action had become essential. France also had realised the value of freedom of trade on the Congo and the need for the formulation of rules to be observed in future annexations of African territory by European Powers. Bismarck remarked to Hohenlohe on 18 May 1884:-

'Nous pouvons aller la main dans la main, à propos de cette côte occidentale africaine parce que là nos intérêts sont identiques.'³

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1. Acta B. Bd. 3 Brandenburg. Quoted Thomson: op.cit., p.175.
 2. Deutsches Kolonialblatt, p.28. Quoted König, op.cit., p.84.
 3. Acta B. Bd. 3, Hohenlohe, 18 May 1884. Quoted Thomson: op.cit., p.202.

He proposed to take up the suggestion made earlier by Portugal¹ that the whole matter of the Treaty should be submitted to an international conference on the principle of equality for all the Powers. Ferry agreed to this suggestion, on the condition that the question of territorial claims should be excluded from discussion.² France had recently put forward a claim to the southern bank of Stanley Pool but, at the same time, had offered to renounce her rights there if the Association would cede to her the Niari-Kwilu Valley and its stations. By this exchange, the French station of Brazzaville would receive direct means of access to the French possessions on the coast, but France herself probably realised that her claims to the southern bank of Stanley Pool were too disputable to survive international discussion.

On 5 June, Bismarck agreed to the condition asked for by France³ and two days later sent instructions to Münster to inform the British Government that he could not accept any modifications of the Congo Treaty:-

'In the interests of German commerce, I cannot consent that a coast which is of such importance and has hitherto been free land should be subjected to the Portuguese colonial system.' 4

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1. Bismarck to Münster, 7 June 1884. C.4205, No.2, p.2.
 2. Hohenlohe to Bismarck, 29 May 1884. Quoted Thomson, op.cit., p.202.
 3. Aktenstücke, p.32. Cited Thomson, op.cit., p.202.
 4. Bismarck to Münster, 7 June 1884. op.cit.

He added that he was 'quite ready and willing to co-operate in obtaining a mutual agreement by all the Powers interested in the question, so as to introduce in proper form into this African territory by the regulation of its commerce the principles of equality and community of interests which have long been successfully pursued in the far East.'

From this time onwards, the Congo Question became inextricably interwoven with other aspects of European diplomacy.

CONCLUSION.

THE BERLIN CONFERENCE - AND AFTER.

The period which immediately preceded and followed the abandonment of the Congo Treaty was marked in European diplomacy by three main lines of development in each of which the Congo Question played its part. It was but one aspect of the widespread Anglo-French estrangement which had developed wherever French and British interests met. It took its place in the story of Anglo-German colonial rivalry ^{since} as the attempted Anglo-Portuguese settlement of Central African questions was looked upon by Germany as another example of the exclusive policy of Great Britain in colonial affairs. This policy she had already seen illustrated in the refusal of Great Britain to consider German land claims in the Fiji Islands and in the British declaration, with regard to South West Africa, 'that any claim of sovereignty or jurisdiction by a Foreign Power between the southern point of Portuguese jurisdiction at latitude 18° and the frontier of the Cape Colony would infringe [the] legitimate rights' of Her Majesty's Government.¹ The Congo Question also became an important factor in the short-

1. Granville to Münster, 21 November 1883. F.O.64/1101.

lived Franco-German rapprochement which characterised this period.¹ Only the realisation by each country of the practical advantages of co-operation made such a rapprochement possible. France was ready to use the proffered friendship of Germany in order to achieve her objects in Egypt - 'l'Allemagne . . . comprend que c'est par des services rendus à la France en Egypte qu'elle se concitiera le plus efficacement notre bon vouloir.'²

Bismarck saw in co-operation with France a means of breaking the exclusive influence of Great Britain in colonial affairs and of preventing any one European nation from becoming too powerful in Africa.

After the failure of the London Conference on Egyptian finances, Bismarck wrote to Hatzfeldt³ that the present moment was 'particularly suitable for proposing to France measures for securing the open door in all parts of Africa yet unannexed.' France and Germany when they had reached an agreement could then invite the other colonial powers to adhere to it. England, he added, because of her ambition to monopolise the whole world outside Europe, would

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1. cp. Taylor: Germany's First Bid for Colonies, passim - this work makes no reference to the influence of Central African affairs on Franco-German relationships.
 2. Courcel to Ferry, 28 September 1884. Lettre privée. D.D.F. V. No.410, p.429.
 3. Bismarck to Hatzfeldt, 7 August 1884. Grosse Politik, Bd.III, No.680, pp.413-414. Quoted by Taylor: op.cit., p.47.

probably refuse and would have to be faced with an association of the other states, similar to the Armed Neutrality of the eighteenth century.

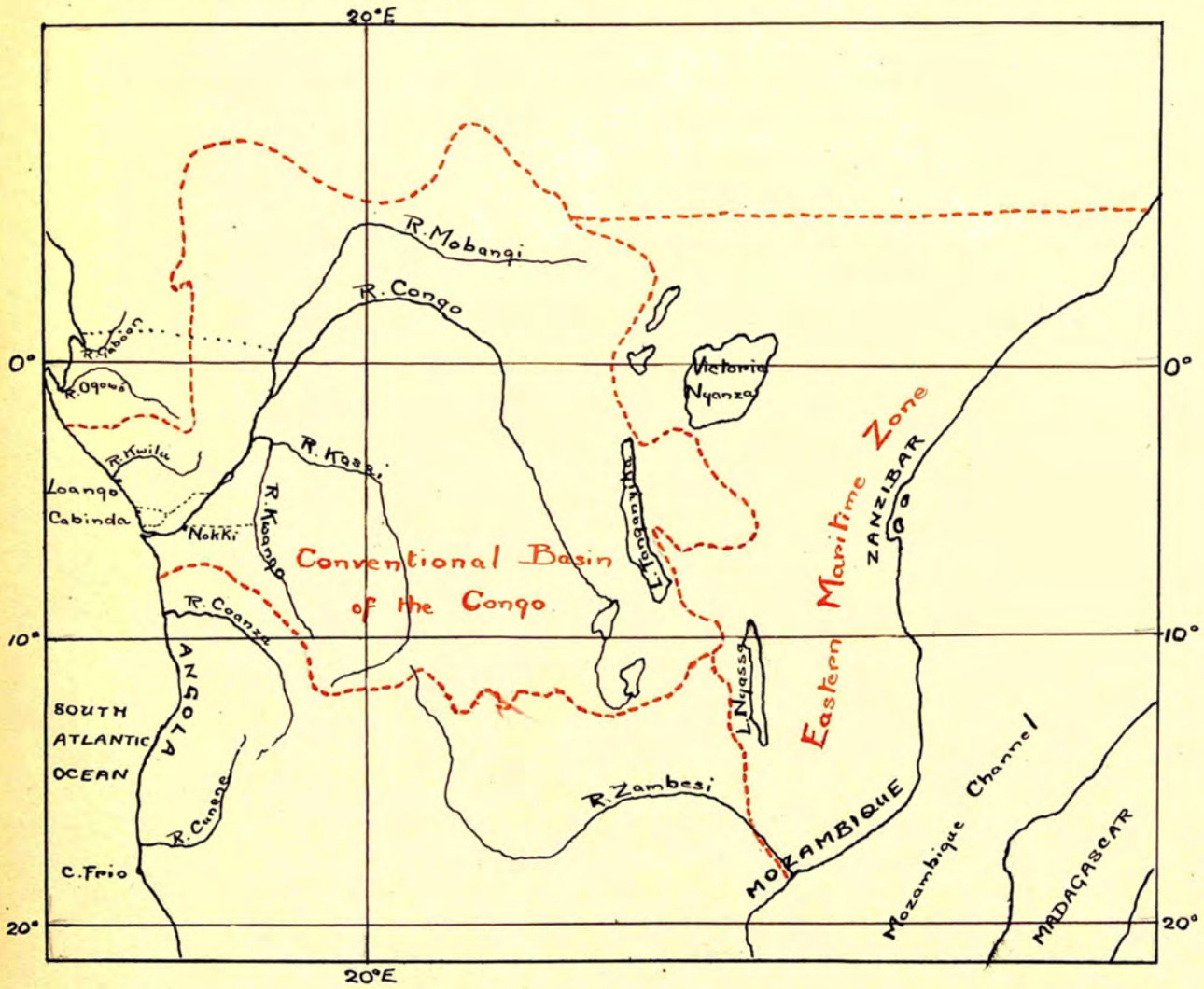
Courcel protested against an anti-British character being given to French co-operation with Germany:-

'les risques d'une broiulle avec l'Angleterre seraient bien autrement redoutables pour nous, puisque nous étions isolés, et que même l'appui de l'Allemagne et de ses alliés serait impuissant à nous garantir contre les difficultés que l'Angleterre se trouvait en mesure de nous susciter dans toutes les parties du monde, si elle était animée de dispositions véritablement hostile à notre égard. . . ' 1

The French Minister insisted that any Conference called to settle Central African affairs should not be turned into a machine of war against England, but that that country should be bound to it by her own principles of free trade. 'Au lieu d'en faire une machine de guerre contre l'Angleterre, je voudrais y attirer l'Angleterre, l'y lier par ses propres doctrines.'² The bases of discussion at the Conference were however worked out between Ferry and Hohenlohe without reference to England. That Power was invited on 8 October³ to take part in a Conference at Berlin to discuss:-

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1. Courcel to Ferry, 17 August 1884. D.D.F. V. No.372, p.375.
 2. Note by Ferry (undated). D.D.F. V. No.376, p.380.
 3. Baron Plessen to Granville, 8 October 1884. C.4205. No.10, p.6.

Sketch Map to show the Free Trade Area in
Central Africa after the Berlin Conference, 1884-5.



----- Boundary of Free Trade Area

- '1) Freedom of commerce in the basin and mouths of the Congo.
- 2) The application to the Congo and Niger of the principles adopted by the Congress of Vienna with a view to preserve freedom of navigation on certain international rivers, principles applied at a later date to the River Danube.
- 3) A definition of formalities necessary to be observed so that new occupations on the African coasts shall be deemed effective.'

Granville's attempt to elucidate these three main bases of discussion caused great annoyance to Bismarck, but by 22 October Granville expressed himself as satisfied with the assurances given him and accepted the invitation to send delegates to the Conference.

As a result of this Conference which was in session from 15 November 1884 to 26 February 1885¹ the greater part of Central Africa was opened to the free trade of the world,² freedom of navigation on the Niger was established³ and any future annexation of territory or assumption of protectorate

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1. Protocols and General Act of the West African Conference. See A. & P. (1884-5), pp.133-313, Africa No.4 (1885), C.4361.
 2. Chapter I. of the General Act, signed on 24 February 1885.
 3. Chapter V. " " " "

by a European Power in Africa was to be notified to the other Powers signatory to the Act and to be accompanied by 'the existence of an adequate authority to enforce respect for acquired rights, and for freedom of trade and transit wherever stipulated.'¹ At the same time, a new State had been recognised in Central Africa not only by the United States of America but also by all the leading European Powers. Germany had recognised the Congo Free State one week before the opening of the Conference, Great Britain had given her recognition on 16 December, followed by that of the Netherlands on 27 December, of France on 5 February 1885, of Portugal on 14 February and finally by the Belgian Government on 23rd February. The boundaries of the new State were determined by separate Conventions between the International Association and France of 5 February 1885² and between the International Association and Portugal of 14 February.³

The results of these Conventions and of the work of the Berlin Conference provide some interesting comparisons with the suggested arrangements of the rejected Anglo-Portuguese Treaty of the previous year. No principle embodied in that

1. Chapter VI, Articles 34 and 35.

2. Hertslet: Map of Africa by Treaty, No.152, p.564.

3. Ibid. No.169, p.591.

treaty was entirely rejected in the wider settlement of 1885. In spite of the repeated and widespread opposition to the recognition of Portuguese sovereignty at the mouth of the Congo River, the Convention between Portugal and the International Association of 14 February left Portugal in full sovereignty of the southern bank of the river as far inland as 'the parallel of Noki to its point of intersection with the Kwango, and thereafter the course of the Kwango.' Her sovereignty over the enclave of Cabinda to the north of the mouths of the river, whose boundaries were precisely defined, was also recognised. Thus the extent of Portugal's sovereignty on the river was limited but her claims had not been entirely over-ridden.

During the sitting of the Conference, Leopold had interceded directly with Queen Victoria for English support against the Portuguese claims. He had heard that Serpa Pimental, Portuguese Plenipotentiary at the Conference, had said that it was the intention of the Portuguese Government to annex both banks of the river at the close of the Conference 'en notifiant l'occupation de ce territoire suivant les règles que la Conférence aura établis,' and he wished to point out the grave consequences to the Association of such an action -

'La France veut avoir, et va avoir le Niadi Quillou qui était notre route libre vers la mer. Si la Portugal au moment où la France s'établit au Niadi-Quillou prend les deux rives des bouches du Congo, ce sera,

tout au point de vue commerciale, un grand malheur. La France en ce moment ne favorise pas le projet des Portugais.' ¹

He also wrote that:-

'Le Prince de Bismarck reste neutre et ne veut pas se mêler de l'affaire. Si le Gouvernement Anglais n'appuie pas fortement sur les portugais, l'association se désintéressera à son tour de la question et quittera l'Afrique.' ²

The significance of this threat was realised by Great Britain. Her interest, as well as that of Germany, lay in preventing the declaration which gave France the right of pre-emption to the Congo lands and stations from being put into execution. Granville complied with Leopold's request and instructed Malet to bring pressure to bear on the Portuguese to refrain from a 'coup de main' and to come to amicable terms with the Association. The territorial arrangement of February 1885, like that of February 1884, was therefore an attempt to forestall increased French influence.

The principles of freedom of trade and of navigation and of the equality of 'all nations and foreigners of all nationalities whatever' in the Congo district, which were enunciated in Articles II, III and IV of the Congo Treaty were retained and their sphere of application much enlarged by the settlement of 1885. Not only was complete free trade to be

1. Leopold to Queen Victoria, 1 February 1885. Copy. G.D. 29/156.

2. Leopold to Granville, 3 February 1885. G.D. 29/156.

established instead of the moderate Mozambique tariff arranged for by the Treaty of 1884 but the principle of free trade was to apply to a conventional Congo Basin, and to be extended to the East Coast of Africa if agreeable to the Powers already in occupation there.¹ The principle of freedom of navigation was, as in the Anglo-Portuguese Treaty, extended to another large African river. The question of the Zambesi where only Portuguese and British interests were directly concerned was left for later settlement by those two countries, but Chapter V of the General Act of the Berlin Conference secured freedom of navigation of the Niger. The British attempt to secure the prohibition of the sale of spirits on the Lower Niger failed owing to Bismarck's objection that such a restriction would be incompatible with freedom of trade and navigation - 'Whoever exercised supervision would exercise a monopoly.'²

With regard to a River Commission to carry out the terms of the Act as to navigation, the original suggestion of Great Britain was accepted. Provision was made for the creation of an International Commission though, in practice, this part of the Act was never put into operation.

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1. Article I of the General Act. See Document G, p. 289 and Map facing p. 223.
 2. Quoted G. Königk: op.cit., p.163 from Vermischtes Afrika IIa, No.16, Bd.I.

Other principles in the Anglo-Portuguese Treaty relating to the protection of missionaries, traders and of natives and providing for complete freedom of religious worship¹ found their counterpart in the General Act of 1885.² Article XII of the Anglo-Portuguese Treaty had provided for the complete extinction of slavery and of the Slave Trade throughout the territory recognised as belonging to Portugal in Article I and also in Portuguese possessions on the East and West coasts of Africa. Article IX of the General Act declared that the Slave Trade was forbidden throughout the conventional basin of the Congo and that each Power would use every means to put an end to the trade and punish those who engaged in it.

International sanction had therefore been given to all the principles embodied in the Congo Treaty of February 1884. The abandonment of the Congo Treaty of February 1884 had been followed ~~therefore~~, not by the rejection of the principles on which that settlement had been built up, but by their extension over a much larger area. Failure to secure ratification of the Treaty was due, not to any inherent weakness in the policy of Anglo-Portuguese co-operation overseas which it embodied nor to any fundamental objection, by any nation, ^{to} of the

1. Articles VII and VIII.

2. Article VI.

political or commercial situation which would have been created in Africa by its enforcement. Its failure was mainly due to the skill with which Bismarck used the complicated diplomatic relationships of the Powers in 1884 and to the combination of circumstances which made possible a temporary Franco-German rapprochement. As in the question of South West Africa, Great Britain had suffered a diplomatic defeat¹ but the loss of no important British interest. Faced with the more pressing problems arising from the fall of Khartoum on 26 January 1885 and the Russian advance to Penjdeh on 21 February, the British Government were prepared to accept an international settlement of the Congo Question but such a settlement was only achieved by the abandonment of one of the main bases of Anglo-Portuguese negotiations of the last eight years. Since 1876 Portugal had been led to believe that Great Britain would recognise her traditional claims on the West Coast of Africa - that hope had only been partially fulfilled and the era of friendly Anglo-Portuguese co-operation overseas, which Morier had foreseen on the settlement of the Congo Question, was still further postponed.

Disappointed in Great Britain, Portugal turned for support to Germany and France. 'The fever of African advance by which all Europe was possessed' after the Berlin Conference

1. See Aydelotte: *op.cit.*, p.134.

reacted also on Portugal¹ and she sought to obtain international recognition of her claims to sovereignty over the lands which lay between her possessions in East and West Africa. On 12 May 1886 the Government of the French Republic recognised

'the right of His Most Faithful Majesty to exercise his sovereign and civilizing influences in the territories which separate the Portuguese possessions of Angola and Mozambique; reserving rights already acquired by other Powers', and bound itself 'to abstain from all occupation there.'²

A similar declaration was made on behalf of the German Emperor on 30 December 1886,³ but no further action followed. Great Britain and Portugal were left alone to solve the problems which had arisen in South Africa. The British protest of 13 August 1887 against the claim to sovereignty made by Portugal in territory 'not occupied by her in sufficient strength to enable her to maintain order, protect foreigners and control the natives'⁴ was followed only by lengthy diplomatic correspondence between the two countries and by local incidents. Lord Salisbury utterly rejected 'the archaeological

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1. See Cecil: Life of Salisbury, Vol.IV, (1932), p.257.
 2. Article IV of the Convention between France and Portugal relative to the delimitation of their Respective Possessions in West Africa. Paris. 12 May 1886. Hertslet: Map of Africa by Treaty, Part II, p.673; State Papers, Vol.lxxvii, p.517.
 3. Article III of the Declaration between Germany and Portugal respecting the Limits of their respective Possessions and Spheres of Influence in South West and South East Africa. Lisbon - 30 December 1886. Hertslet: Map of Africa by Treaty. Part II, p.703; State Papers, Vol.lxxvii, p.603.
 4. Memorandum transmitted by British Chargé d'Affaires at Lisbon to Portuguese Minister for Foreign Affairs, 13 August 1887, Hertslet: op.cit., p.705.

arguments of the Portuguese who claim half Africa on the supposed cession to them in 1630 of the Empire of Monomotapa', and he announced to all the Powers that the British Government consider 'the attempt of the Portuguese to exercise dominion over the Shire etc. as an invasion of' British rights.¹

In March 1890 Portugal proposed that the questions in dispute should be referred to an International Conference or to an Arbitrator but, to Lord Salisbury, both courses seemed impracticable:-

'Portugal rests her case almost entirely upon transactions which are said to have passed two or three centuries ago. Great Britain rests her claim almost entirely upon the title that has been established by the self-sacrifice and successful exertions of British missionaries and traders within living memory. In this case the facts are not the main object in dispute, and there is no law applicable to them which both parties would be willing to accept. It would not be possible to find any accepted principle or doctrine of international jurisprudence which would guide an arbitrator in deciding the issue that is thus raised.'²

Unsupported by either France or Germany and faced by a firm attitude on the part of Great Britain, Portugal was forced to accept the Treaty of 11 June 1891, which defined English and Portuguese 'spheres of influence' north and south of the
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Zambesi.

Within seven years, however, the Portuguese colonial position was once more to attract the attention of European

1. Memorandum to the Queen, 27 December 1889. Letters of Queen Victoria, 3rd Series, Vol.I, p.543.
2. Quoted in Cecil; op.cit., Vol.IV, p.266.
3. A. & P. 1890-91, Vol.LVII, p.623. Africa No.5 (1891).
C.6370. Papers relating to the Anglo-Portuguese Convention, Signed at Lisbon, 11 June 1891.

powers. The threatened financial collapse of Portugal led her, in 1898, to open negotiations with Great Britain in the hope of securing financial aid. The British Government, in view of the growing discontent in the Transvaal, was ready to make this an opportunity to increase its influence in Portuguese East Africa and 'to secure commercial control in time of peace and right of occupation in time of war of Delagoa Bay and the Railroad'¹ Joseph Chamberlain appears to have been prepared to make a bargain with the Portuguese Government under which, 'while preserving Portuguese sovereignty, the Portuguese Colonies would be taken in hand and developed by British capital.'² As in 1884, Germany protested against a separate Anglo-Portuguese settlement³ and hinted at joint action with France to establish international financial control. In spite of Portugal's financial obligations to both France and Germany, Great Britain resented this interference in what she considered should have been a purely Anglo-Portuguese question. She planned to buy off German opposition by concessions elsewhere. If Germany would use her influence to induce Portugal to give Great Britain the predominating influence in the region of the port of Delagoa Bay, the Colonial

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1. Telegram from Chamberlain to Milner, Private and Confidential, 22 June 1898. Printed in Milner Papers, p.266.
 2. Grey to Hardinge, Private, 11 June 1913. See Gooch and Temperley, British Documents on the Origins of the War, Vol.VIII (1938), p.533.
 3. Count Hatzfeldt's interview with Lord Salisbury, 14 June 1898. See Langer: Diplomacy of Imperialism, Vol.II, p.522.

Office was willing to offer Germany Walfisch Bay. Sir Alfred Milner, Governor of Cape Colony pointed out that the surrender of Walfisch Bay would be sure to cause a great outcry in Cape Colony and he believed that it would be 'necessary to find a quid pro quo for Cape, also to bear in mind position of Natal.'¹ From the point of view of imperial policy, however, he considered that the bargain would be a good one:-

'I look on possession of Delagoa Bay as the best chance we have of winning the great game between ourselves and the Transvaal for the mastery in South Africa without a war.'²

In order to secure this key position Great Britain made considerable concessions to Germany, but these did not include the cession of Walfisch Bay. Germany's requests for a share in the Portuguese loan on the security of part of the Portuguese colonies had been accompanied with 'the usual more or less covert threats' that if Great Britain did not accept her terms she would 'join Russia or France or both of them to our detriment all the world over.'³ As at the time of the Berlin Conference, Germany used the world-wide interests of Great Britain in order to secure her own position in one part of the world. Faced with the effects of the breakdown of

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1. Milner to Chamberlain, Telegram. Private and Personal, 23 June 1898. Printed in Milner Papers. p.267.
 2. Milner to Chamberlain, Confidential Letter, 6 July 1898. Ibid.
 3. Memorandum by Mr. Bertie, 10 August 1898. Gooch and Temperley: op.cit., Vol.I, p.60.

Anglo-German co-operation in the Far East, with continued friction with France on the Niger as well as in Egypt and with increasing discontent in the Transvaal, Great Britain could not afford to open another cause of dispute with Germany. On the other hand, Germany herself was not in a very secure position. With the constant fear of Franco-Russian co-operation she was prepared to make concessions to Great Britain in return for prospective colonial gains. The settlement arrived at on 30 August 1898¹ contained promises advantageous to both countries. Germany had the prospect of increased colonial possessions in both East and West Africa while Great Britain was assured of the end of German favour towards the Boers. Furthermore, France was shut out from taking part in the possible division of the Portuguese possessions.

Although substantive gains appeared to have been secured by Germany the arrangement of August 1898 was of very short duration. Germany had 'waged and won a fight for shadows'² for the following year saw the secret renewal by Lord Salisbury of Great Britain's engagements to Portugal and her colonies. News of the Anglo-German agreement had reached the Portuguese Government. The Portuguese Ambassador in London was later to inform Earl Grey that he had known all about the

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1. Texts of Convention and of Secret Convention of 30 August 1898 are printed in Gooch and Temperley, op.cit., Vol.I, p.73.
 2. Langer; op.cit., p.529.

negotiation and the signature of the Secret Agreement and had made no secret to Lord Salisbury of his knowledge of it.¹ Portugal was able to take advantage of the strategic position of her East African colony. In the event of war in South Africa, the cessation of trade between the Transvaal and the east coast at Lourenço Marques would be of vital importance to Great Britain: the Anglo-German agreement had bought off German interests at the port but it was Portugal alone who could control the trade through Lourenço Marques. In return for the Portuguese promises not to let arms pass through her territory to the Transvaal and not to declare neutrality in the event of war between Great Britain and the Transvaal, Salisbury agreed to the renewal of the Ancient Treaties between Great Britain and Portugal. The Anglo-Portuguese Secret Declaration of 14 October 1899² included a re-statement of the promise made by the King of England in the Secret Article of the Marriage Treaty of 23 June 1661 that he would 'defend and protect all conquests or colonies belonging to the crown of Portugal against all his enemies, as well future as present'³ - a promise difficult to reconcile with those given to Germany in August 1898 but an illustration

1. Grey of Falloden: Twenty Five Years, 1892-1916. Vol.I, (1925), p.41.

2. Printed in Gooch and Temperley: op.cit., Vol.I, p.88.

3. See Note on the Secret Article of the Marriage Treaty of 23 June 1661, p.239

of the working of the diplomatic negotiations which Milner protested he 'could not follow, negotiations 'by which it is hoped to obtain something from Portugal by giving something to Germany.'¹

Within a few years, however, Great Britain and Germany were again discussing a scheme, based on that of 1898, for the partition of the Portuguese colonies in the event of Portugal asking for an international loan to be guaranteed on her colonial revenues. The British Foreign Secretary was convinced that 'it was impossible for the Portuguese Colonies to remain for ever undeveloped. If Portugal could develop them for herself, the Anglo-German agreement of 1898 would remain a dead letter. But the development of these great Colonies required both men and money which Portugal had not.' Therefore foreign help and capital would have to be accepted by Portugal - neither Germany nor Great Britain 'being neighbours of these Colonies, could agree to their being developed by other foreign assistance' than their own. He considered that the wisest course for Portugal to follow would be, 'on the firm understanding that Germany as well as Great Britain would respect her sovereignty, to encourage British and German capital respectively to develop the Colonies on the lines of the Agreement of 1898.'² As a result of the Anglo-

1. Milner to Chamberlain, Confidential letter, 6 July 1898. *op.cit.* Milner Papers, *op.cit.*

2. Grey to Hardinge, Private, 11 June 1913. Printed in Gooch and Temperley, *op.cit.*, Vol.VIII, p.533.

German negotiations a revised prospective partition of the Portuguese Colonies was initialled by Sir Edward Grey and Herr von Kühlmann on 20 October 1913.¹ The outbreak of the Great War, however, shattered both this scheme and the German plans² for the economic penetration of the Portuguese colonies. European politics had once again reacted directly on the Portuguese colonial position.

Although forced to relinquish many of her traditional territorial claims in both East and West Africa, Portugal's position as a colonial power had been defined and strengthened since African questions had become of vital interest to European Powers. In place of 'archaeological arguments' it henceforth rested on legal enactments. The truth of the statement: 'Le Portugal joue un bien petit rôle en Europe, il en joue un plus grand en Afrique'³ had been clearly demonstrated during the last quarter of the nineteenth century. On more than one occasion she had proved herself an obstacle in the way of ambitious European nations but an invaluable, though at times, exasperating partner to Great Britain.

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1. This Anglo-German agreement is printed in Gooch and Temperley, op.cit., Vol.X, Part II, p.540.
 2. For German plans in Angola and Nyassaland, see F.W.Pick: Searchlight on German Africa - The Diaries and Papers of Dr. W.Ch. Regendanz. (London, 1939), pp.105-129.
 3. See Introduction, p.7.

A P P E N D I X.

Note on the Secret Article of the Marriage Treaty
of 23 June 1661. p. 239

DOCUMENTS.

- A. Latin Text of the Secret Article of the Marriage Treaty of 23 June 1661. p. 244
- B. 'English Version' of the Secret Article. p. 248
- C. Secret Article in English. p. 249
- D. Hertslet's Memorandum on the old Treaties of Alliance and Guarantee between Great Britain and Portugal, 17 January 1877. p. 252
- E. Hertslet's Memorandum of Instances of infraction of Treaties by the Portuguese Government, 20 April 1883. p. 267
- F. Treaty between Great Britain and Portugal respecting the Rivers Congo and Zambesi, and the Territory on the West Coast of Africa between the 8° and 5° 12' of South Latitude. Signed at London, 26 February 1884. p. 276
- G. Extract from the General Act of the Berlin Conference, signed at Berlin, 26 February 1885. p. 289

NOTE ON SECRET ARTICLE OF THE MARRIAGE TREATY
OF 23 JUNE, 1661.

The text of the Secret Article of the Marriage Treaty of 23 June 1661 presents an interesting problem. The 'Latin version' of this Article i.e. its wording in the original sealed treaty in Latin, now in the Public Record Office [S.P.108/545] varies considerably from the 'English version' i.e. the form in which the Article has appeared, in English, in all publications of the British Government. The most important difference concerns the extent of the guarantee given by Great Britain to Portugal's overseas possessions. According to the 'Latin version', the King of Great Britain promised that:—

'cum classem suam ad capiendam possessionem insulae et portus Bombaim miserit, tales ac tantas copias simul mittet quae satis instructae erunt, tam viribus quam mandatis, ad defendendum et protegendum Lusitanorum possessiones in Indiis Orientalibus.'

In the 'English version' His Majesty of Great Britain promised 'to defend and protect all conquests or colonies belonging to the crown of Portugal, against all his enemies, as well future as present.'

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1. Document A, p. 244.
 2. Document B, p. 248.

In 1876 the Portuguese Foreign Minister, Senhor Corvo, reminded the British Ambassador that Bombay had originally been ceded to the British Crown in return for a guarantee by the King of England of 'the Portuguese Possessions in India'. [Morier to Derby, 8 December 1876. F.O.63/1081]. It is, however, the more far-reaching British guarantee, as contained in the 'English version', that is printed in the British and Foreign State Papers [Vol.I, 1841], in Accounts and Papers [Returns of Treaties of Guarantee - A. & P. 1859 (Session 2), XXXII, p.593; A. & P. 1871, LXXII, p.449; A. & P. 1899, CIX, p.1], and in the Memorandum on the old Treaties of Alliance and Guarantee between Great Britain and Portugal, drawn up by Sir Edward Hertslet and printed for the use of the Foreign Office on 17 January 1877. [F.O.63/1082]. It is also in this more comprehensive form that Lord Salisbury, in October 1899, renewed Great Britain's guarantee engagements to Portugal. [See Gooch and Temperley, British Documents on Origin of the War, Vol.I, p.88].

The origin of this discrepancy between the two versions of the Article is not clear. The only appearance of the 'English version' in Manuscript which has been traced is in the Book of the Board of Trade entitled Entries relating to Portugal, 1654-1679. [B.T. Portugal renumbered C.O.389/7]. It is here preceded by what appears to be a rough draft of the Marriage Treaty. The whole document is in English, there is no

introductory paragraph, Article XX of the final Latin treaty is missing and there are no signatures.

The first appearance of this Marriage Treaty in print which has been traced is in George Chalmer's Collection of Treaties, published in 1790. In that collection, the Treaty with its Secret Article appears in English and is headed:- "The following is printed from the copy in the Board of Trade book 'Entries relating to Portugal', p.144." In 1856, the Treaty with its Secret Article was again published in English, by de Castro in his 'Colleccaõ dos Tratados, Convencões, Contratos e actos publicos celebrados entre A Coroa de Portugal e As Mais Potencias desde 1640 até ao presente.' A note records that this treaty was taken from Chalmer's Collection and so the Secret Article again appeared in its 'English version' although de Castro also included in his Colleccaõ a Portuguese translation of the Marriage Treaty and of the 'Latin version' of the Secret Article.

Meanwhile in 1841, the first volume of the British and Foreign State Papers had been published and under the heading 'Treaties with Portugal in force in 1814,' occurs the Marriage Treaty of 1661 (p.501). It is headed 'Translation' but the Secret Article is in the same form as in Chalmer's Collection and is not a translation of the 'Latin version.' It would thus appear that the compilers of these State Papers did not have the original Latin text before them but accepted the English

form, as first published by Chalmers. No other wording has been found in any later official British publication but, on the other hand, the more limited guarantee contained in the Latin Treaty, has appeared in several non-governmental publications, for example:-

- a) F.C. Danvers: The Portuguese in India. Vol.II. (1894), p.334:-

'Secret Article . . . the King of Great Britain, when he shall send his fleet to take possession of the island of Bombay, shall also send such force, which shall go well furnished of all the necessaries as well as of instructions, to defend, aid and assist all the Portuguese country in the East Indies . . . '

- b) F.G. Davenport: European Treaties bearing on the History of the United States and its Dependencies. Vol.II (1929), p.62:-

Translation of the Secret Article - '. . . the said King of Great Britain when he sends his fleet to take possession of the island and port of Bombay, shall at the same time send such and so great forces as shall go sufficiently prepared in strength and in instructions to defend, and protect the possessions of the Portuguese in the East Indies . . . '

- c) Cambridge History of India, Vol.V (1929) - Chapter IV by Sir William Foster, C.I.E., late Historiographer to the India Office, pp.86-7:-

'By a secret article of the marriage treaty with Portugal (1661) England guaranteed the Portuguese possessions in the East against the Dutch, and to facilitate this the island of Bombay was included in the dowry of the new queen.'

This Secret Article of the Marriage Treaty of 23 June 1661 therefore presents several interesting but unsolved problems.

MS. Text of the 'Latin Version' of this Article is in:-

In Latin	(S.P. 108/545	Marriage Treaties
	(C.O. 389/7	Entries relating to Portugal,
	(1654-1679.
	(F.O. 95/523	Miscellanea - Treaty Papers, etc. 1639-1709 Copies & extracts
	(S.P. 103/57	Foreign Treaty Papers. of Treaties.

In English	C.O. 390/1.	Drafts of Commercial Treaties, 1654-1713.
		(This volume contains only the commercial clauses of the Marriage Treaty and the Secret Article - <u>See Document C, p. 249</u>).

MS. Text of the 'English Version' of this Article is in:-

In English	C.O. 389/7	Entries relating to Portugal, 1654-1679.
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DOCUMENT A.

Latin Text of the Secret Article of the Marriage Treaty of
23 June, 1661.¹

Alfonsus Dei gratia rex Portugalliae et Algarbiorum citra et ultra mare in Africa, dominus Guineae atque acquisitionis, navigationis, et commercii Aethiopiae, Arabiae, Persiae, ac Indiae, etc. Notum facimus universis praesentes nostras literas patentes approbationis, ratihabitionis, et confirmationis visuris et inspecturis, quod vicesimo tertio die mensis Junii anni praesentis millesimi sexcentissimi sexagesimi primi, apud Palatium Aulae Albae, factus, innitus, et conclusus fuit articulus quidem secretus inter Franciscum de Mello, comitem de Ponte, a nostris conciliis belli et generalem yormentorum bellicorum in provintia Transtagana, nostrumque ad Serenissimum Carolum Secundum Magnae Britanniae etc. regem legatum extraordinarium, et admodum illustrissimos Eduardum comitem Clarendeni, summum Angliae cancellarium, Thoman comitem Southamptoniae summum Angliae thesaurarium, Georgium ducem Albemarlae, equorum regis magistrum et exercituum in Magna Britannia et Hibernia capitaneum generalem, Jacobum ducem Ormondiae, domus regiae seneschallum, Eduardum comitem Mancestriae, domus regiae camerarium, Eduardum Nicholas, equitem auratum, unum, atque Guilielmum Morice, equi-

1. Public Record Office - S.P.108/545.

tem auratum, alternum primariorum secretariorum regis, ex parte illius commissarios et deputatos, cuius tenor hic inseritur; Secretus Articulus. Supra omnia et singula quae pacta et conclusa sunt in tractatu de matrimonio inter Serenissimum et Potentissimum principem Carolum Secundum, Magnae Britanniae regem et Serenissimam dominam Catharinam, infantam Portugalliae, hoc secreto articulo amplius conclusum et concordatum est:

Quod dictus Rex Magnae Britanniae summos conatus adibebit, totasque vires et facultates suas applicabit, quo bona et firma pax inter Serenissimum Portugalliae Regem et Ordines Generales Foederati Belgii conficiatur, dictumque Regem Portugalliae includet in tali confoederatione quam cum dictis Ordinibus inibit, qui si eiusmodi conditionibus quae justae, tutae, et honorificae pro dicto Rege Portugalliae esse possint concedere recusaverint, tunc dictus Rex Magnae Britanniae, cum classem suam ad capiendam possessionem insulae et portus Bombaim miserit, tales ac tantas copias simul mittet quae satis instructae erunt, tam viribus quam mandatis, ad defendendum et protegendum Lusitanorum possessiones in Indiis Orientalibus; et si acciderit quod dicti Ordines Generales Foederati Belgii ayt subditi eorum, intra vel post illud tempus quo Rex Magnae Britanniae mediationem suam dictis Ordinibus obtulit ad pacem faciendam inter ipsos et Regem Portugalliae dictique Ordines oblatam mediationem acceptarunt, vel jam ceperint vel posthac capturi sint ulla oppida et terri-

toria a Rege Portugalliae, dictus Rex Magnae Britanniae efficaciter instabit, ut restitutio omnium et singulorum dictorum oppidorum et territoriorum Regi Portugalliae fiat, summisque viribus suis conabitur ut similiter restituantur. Pro quibus singulis subsidiis et auxiliis Regi Portugalliae in praedictos fines praestitis Rex Magnae Britanniae nullam satisfactionem aut compensationem reposcet.

Item conventum et conclusum est, quod articulus praedictus et omne in eo contentum a dictis dominis Serenissimis Magnae Britanniae et Portugalliae Regibus, utriusque partis sigillo magno munitus, debita forma et authentica, infra tres menses proxime insequentes confirmabitur et ratiabitur, mutuaque instrumenta infra praedictum tempus hinc inde extradentur. In cuius fidem et testimonium nos, commissarii Serenissimi domini Regis Magnae Britanniae, vi et vigore commissionis nostrae, praedictum articulum secretum manibus propriis subsignavimus et sigillis nostris munivimus. Actum apud Albam Aulam vicessimo tertio die Junii, anno millesimo sexcentissimo sexagesimo primo.

Clarendon, G.	T. Southampton.	Albemarle.	Ormond.
Manchester.	Edu. Nicholas.	Guil. Morice.	

Proinde praefactum articulum bene a nobis inspectum, omniaque et singula in ipso comprehensa, per praesentes nostras literas patentes approbamus, ratiabemus, et confirmamus, in cuius rei testimonium has literas manu propria signavimus,

sigilloque nostro majori regio in cancellaria nostra ornari
jussimus. Datum in curia et urbe nostra Ulyssiponensi die
vigesimo octavo mensis Augusti. Ludovicus Teixeira de
Carvalho fecit, anno a nativitate Christi millesimo sexcen-
tesimo sexagesimo primo. Gaspar de Faria Severim a consiliis
Sacrae Regiae Majestatis statusque ejus secretarius subscripsi.

Ludovica Regina.

DOCUMENT B.'English Version' of the Secret Article.¹

It is by this secret article concluded and accorded, that his Majesty of Great Britain, in regard of the great advantages and increase of dominion he hath purchased by the above-mentioned treaty of marriage, shall promise and oblige himself, as by this present article he does, to defend and protect all conquests or colonies belonging to the crown of Portugal, against all his enemies, as well future as present: moreover, his Majesty of Great Britain doth oblige himself to mediate a good peace between the King of Portugal and the States of the United Provinces, and all companies or societies of merchants subject unto them, upon conditions convenient and becoming the mutual interest of England and Portugal; and in case such a peace ensue not, then his Majesty of Great Britain shall be obliged to defend, with men and ships, the said dominions and conquests of the King of Portugal. In case also that any towns, forts, castles, or any other places, shall be taken by the Dutch, after the first of May this present year 1661, then His Majesty of Great Britain doth moreover oblige himself to send, the next monsoon ensuing after the ratification of the treaty of marriage, and this article, a convenient succour to the East Indies, proportionable to the necessity of Portugal and strength of our enemies. It being declared, that his Majesty nor his successors shall not at any time require any pay or satisfaction for the same.

DOCUMENT C.

C.O. 390/1 Commercial Treaties (with Portugal, France, Genoa, Spain) includes:-

Marriage Treaty of King Charles the 2nd with Portugal.

(Only Secret Article, Arts. 4, 14-20 given and signature at the end).

Alphonso by Grace of God King of Portugal & Algarves on this side & beyond the sea in Africa, Lord of Guiney, Ethiopia, Arabia, Persia & India & of the acquisitions Navigation & Commerce thereof etc. Know all men by these our present Letters patent of approbation, ratification & confirmation, that on the 3rd day of June of the present year 1661: there was begun, made & Concluded at the Palace of Whitehall a certain Secret Article between Francisco de Mello, Count De Ponte one of our Concellors of War & General of the ordinance in the provinces the other side the Tagus, & our Ambassador Extraordinary to the most Serene Charles the 2^d King of Great Brittain on the one part; & the most illustrious Edw^d E. of Clarendon Lord High Chancellor of England, Tho; E. of SouthHampton Lord High Treasurer of England, George Duke of Albemarle Master of the horse, & Captain General of all his Majesty's forces in Great Britain & Ireland, James Duke of Ormond Steward of the Houshold

Edw^d Earl of Manchester Lord Chamberlain of the Household S^r
Edw^d Nicholas Barn^t & S^r William Morice the two Principal
Secretaries of State Commissaries & Deputies on the the other
part, the tenor of which article is as follows

A Secret Article - besides all & Singular the things agreed upon
& Concluded in the Treaty of marriage between the most Serene &
Potent Prince Cha: the 2^d King of Great Britain, & the Most
Serene Lady Catherine Infanta of Portugal, in which besides
the marriage tis further agreed & concluded in the manner
following viz

That the foresaid King of Great Britain shall use his
utmost endeavours to make a good & firm peace between the Most
Serene King of Portugal, & the States Gen^l of the United
Provinces, & the s^d King shall be included in such Confederacy
as the Most Serene King of England shall enter into with the
States General, Who if they shall refuse to agree to Such
Conditions as shall be just, safe & Honourable for the said
King of Portugal, then the said King of Great Britain shall send
his fleet to take possession of the Island & Port of Bombay, &
shall at the same time send such sufficient forces, as shall
be every way able to defend & protect the Portuguese possessions
in the East Indies, & if it shall happen that either at or after
the time that the s^d King of Great Britain shall offer his

mediation to the s^d States General for the making of a peace between them & the King of Portugal & their acceptance of Such Mediation the s^d States General of the United Provinces or their subjects shall have taken or thereafter should take any Towns or Territory from the King of Portugal, the sd King of Great Britain shall insist upon the restitution of all & Singular the said Towns & Territories to the King of Portugal & shall do the utmost in his power that they be accordingly restored, for which aid & assistance so given to the King of Portugal for that end, the King of Great Britain shall require no Satisfaction, nor amends to be made.

It is likewise covenanted & concluded that the foresaid article & every thing therein contained be in the usual & authentick form Seald ratified & confirm'd by the most Serene Kings of Great Britain & Portugal & Instruments thereof mutually exchanged within the Space of three months after the Signing hereof. In witness whereof We the Commissaries of the Most Serene King of Great Britain by virtue of our Commission have Subscribed the said Secret Article with our hands, & Set our Seals thereunto; at Whitehal the 23^d day of June 1661.

Manchester
Edw^d Nicholas
Will^m Morice

Clarendon C
Southampton
Albemarle
Ormond.

DOCUMENT D.

Confidential
(3051)

Printed for the use of the Foreign Office,
17 January, 1877.

Memorandum on the old Treaties of Alliance and Guarantee
between Great Britain and Portugal.¹

The old Treaties of Alliance between Great Britain and Portugal, were renewed by the Treaty of 22nd January, 1815. The following are the clauses which relate to guarantee :-

16th June, 1373, Articles I, II, III.
9th May, 1386, Articles I to XII except Article II.
29th January, 1642, Articles I, XX, XXI.
20th July, 1654, Articles I, XIX, XXVI.
28th April, 1660, Articles I to XIV.
23rd June, 1661, Articles I, XV, to XVIII, and Secret Article.
16th May, 1703, Articles I to XIV, XIX and XX.

These Treaties were all renewed by the Treaty of 22nd January, 1815, in the following words:-

Article III. "The Treaty of Alliance concluded at Rio de Janeiro on the 19th of January, 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

1. F.O.63/1082.

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."

State Papers
vol.XIII,
p.1127.

In 1826 a hostile aggression was made by Spain against Portugal, whereupon the Princess Regent of Portugal made an earnest appeal to King George IV for aid, founding it upon the "antient obligations of alliance and amity" subsisting between His Majesty and the Crown of Portugal.

December 2,
1826.

The Treaties specially appealed to by the portuguese Minister in London, the Marquis de Palmella, were:-

1. The Treaty of 23rd June, 1661; Articles XV, XVI, XVII.
2. The Secret Article to the Treaty of 23rd June, 1661.
3. The Treaty of 16 May, 1703; Articles I, II, III.
4. The British Guaranty of the Treaty of Peace between Portugal and Spain of 6th February, 1715; given on ¹⁴ 3rd of May, 1715; and
5. The Article of the Treaty of 22nd January, 1715, above quoted.

These documents are given as an Appendix to the present Mr. Morier, Telegraphic, Paper; but as the Portuguese Government on December 17, 1876, the present occasion specially mention

Articles XI and XV of the Treaty of 22nd June, 1661, and the Secret Article attached to that Treaty, it may be as well to quote in full those passages here which specially relate to

the question of protection and guarantee.

Article XI of the Treaty of 23rd June, 1661 ran as follows:- "That for the better improvement of the English interest and trade in the East Indies and that the King of Great Britain may be better enabled to assist, defend, and protect the subjects of the King of Portugal, in those parts, from the power and invasion of the States of the United Provinces, the King of Portugal, with the advice and consent of his Council, doth give, transfer, and, by these presents, grant and confirm unto the King of Great Britain, his heirs and successors, for ever, the Port and Island of Bombain, in the East Indies, with all the rights, profits, territories and appurtenances whatsoever thereunto belonging, and, as well, the profits and revenue, as the direct, full, and absolute Dominion and Sovereignty of the said port, island, and premises, with all the royalties thereof, freely, fully, entirely, and absolutely. He doth also covenant and grant that the quiet and peaceable possession thereof shall, with all possible speed, be freely and effectually delivered to the King of Great Britain, or such person as His Majesty shall thereunto appoint, for His use, in performance of this grant: the inhabitants of the said Island (as the King of Great Britain's subjects, and under his sovereignty, crown, jurisdiction, and Government), being suffered still to live there and enjoy the free exercise of the Roman Catholic religion,

in the same manner as now they do; it being understood and declared, once for all, that the same order shall be observed for the exercise and preservation of the Roman Catholic religion in Tangier, and all other places which shall be delivered by the King of Portugal into the possession of the King of Great Britain, as was provided for and agreed upon the delivery of Dunkirk into the hands of the English. And when the King of Great Britain shall send his fleet to take possession of the said Port and Island of Bombain, they shall have instructions to give all manner of encouragement, help, and assistance to the subjects of the King of Portugal in the East Indies, and to protect them in their trade and navigation there."

Article XV of the Treaty of the 23rd June, 1661, ran as follows:-

"In consideration of all which grants and privileges, so much to the benefit of the King of Great Britain and subjects in general, and of the delivery of those important places to His said Majesty and His Heirs for ever, whereby the greatness of His Empire is so far extended, and even in consideration of the portion itself, which far exceeds the proportion that hath yet been given to any Daughter of Portugal, the King of Great Britain doth profess and declare, with the consent and advice of His Council, that he will take the interest of Portugal and all its Dominions to heart, defending the same with His utmost power by sea and land, even as England itself."

But this would appear to have reference to the important events which were then taking place in Portugal, for the Article then went on to say:-

"And that he will transport thither, at his proper cost and charges two Regiments of Horse, each Regiment consisting of five hundred, and two Regiments of Foot, each consisting of one thousand, all of which shall be armed at the charge of the King of Great Britain, but after they are landed in Portugal, shall be paid by the King of Portugal; and in case the said regiments come to be diminished by fight, or otherwise, the King of Great Britain shall be obliged to fill up the number at his own charge, and that he shall cause the said regiments to be transported as soon as the Lady Infanta shall arrive in England, if it be so desired by the King of Portugal."

Article XVI, which was evidently also inserted with reference to the same events, then said:-

"The King of Great Britain doth also promise with the advice and consent of His Council, that when and as often as Portugal shall be invaded, he will send thither (being thereunto desired by the King of Portugal) ten good ships-of-war; but when and as often as it shall be invested by Pirates, three or four ships; all sufficiently manned, and victualled for eight months, from the time of their setting sail from England, to obey the orders of the King of Portugal. And if it shall be required that they stay above six months there, the King of Portugal shall be

obliged to victual them for so long a time as they are to stay; and to put in one month's victuals at the time they are to set sail for England; but if the King of Portugal shall be pressed in any extraordinary manner by the power of the Enemies, all the King of Great Britain's ships, which shall be at any time in the Mediterranean Sea, or at Tangier, shall have Instructions, in such cases, to obey any orders they shall receive from the King of Portugal, and shall betake themselves to his succour and relief. And in regard of the above-mentioned concessions, and grants of the King of Portugal, His Majesty of Great Britain, His Heirs and Successors, shall not at any time require anything for these succours."

It was then added, Article XVII:-

"Besides the Levies the King of Portugal hath liberty to make by virtue of past Treaties, the King of Great Britain doth oblige himself by this present Treaty, that, in case Lisbon, Porto, or any other seatown, shall be besieged or blocked up by the power of Castile, or any other enemy, he will afford timely assistance of Men and Shipping, according to the exigence of the circumstances, and proportionable to the necessity of the King of Portugal."

A Secret Article was attached to this Treaty, by which it was declared that in consequence of the great advantages and increase of Dominion which the King of Great Britain had received

by this Treaty, His Majesty promised "to defend and protect all Conquests or Colonies belonging to the Crown of Portugal against all its Enemies, as well future as present."

In consequence of the appeal above referred to which was made by the Princess Regent of Portugal to King George IV, His Majesty delivered a Message to Parliament, in which it was stated that "His Majesty had received an earnest application from the Princess Regent of Portugal, claiming, in virtue of the ancient Obligations of Alliance and Amity which subsisted between His Majesty and the Crown of Portugal, His Majesty's aid against a hostile aggression from Spain;" and concluded by an expression of "full and entire confidence that the Houses [of Lords and Commons] would afford to His Majesty their cordial concurrence and support in maintaining the faith of Treaties, and in securing against foreign hostility the safety and independence of the Kingdom of Portugal, the oldest ally of Great Britain."

December 14,
1826.

"Map of Europe
by Treaty",
vol.I, p.760.

A Circular was then addressed by Mr. Canning to the Foreign Ministers in London, stating that the "repeated inroads into the territory of Portugal by bands of Portuguese deserters, harboured, supported, and equipped in Spain," which were connived at, if not encouraged, by the Spanish authorities, "constituted a case in which, under the faith of Treaties, Portugal was entitled to call, and did call,

upon His Majesty for assistance;" and, after stating that His Majesty had no choice but to comply with the requisition of his Ally, by sending a military force for the defence of Portugal, it concluded with the following declaration:-

"His Majesty disclaims the right, and abjures the intention, of interfering in the internal concerns of any nation. But His Majesty will not endure that foreign force or foreign intrigue shall introduce confusion and civil war into a country with which Great Britain has been for centuries in relations of the strictest amity and alliance, and whose Government has not given any just cause of offence, either to Spain or to any other Power."

A British expedition was then sent to Lisbon.

In 1834 a British naval force was sent to Portugal, to combine with the French, Spanish and Portuguese forces in order to compel Don Carlos and Dom Miguel to withdraw from the Portuguese dominions; and in 1847 another British naval force co-operated with the naval and military forces of the same Powers for the purpose of putting an end to the Civil War which was then taking place in Portugal; but no reference was made in either of these Treaties to the ancient Treaties of Alliance between Great Britain and Portugal.

State Papers,
vol. XLIX,
p. 693.

In 1858 a long correspondence passed between Great Britain, France and Portugal respecting the detention and condemnation of the French vessel

"Charles et Georges" by the Portuguese authorities at Mozambique on the charge of Slave-Trading.

The Portuguese Government finally restored the vessel and liberated the captain; and the King of Portugal, in a speech opening the Cortes, used these words. "My Government having exhausted the resources in which the letter of Treaties authorized it to have confidence, was obliged to cede to the peremptory exaction for the delivery of that vessel and the liberation of the captain."

"Map of Europe by Treaty," vol.II. pp.941, 1077.

No appeal had been made to this country for aid, and Lord Malmesbury asked the Portuguese Government for an explanation of this passage in the King's speech - when a reply was returned stating that reference was made to the Protocol of Paris of 14th April 1856, (which had reference to Mediation).

In the following year Count Thomar also called attention in the House of Peers at Lisbon, to the case of the "Charles et Georges", and said that "acting upon the documents presented by the Portuguese Government, and under the supposition founded upon them and upon Ministerial Speeches, Portugal had met with the most complete neglect on the part of England in this question, which Great Britain ought to consider her own, and in which she could not refuse firm support to her faithful ally, he had, as a true and patriotic Portuguese, stigmatised and censured the inexplicable conduct of the English Government

towards Portugal, and that he had done so under the conviction that such neglect had actually taken place; but that, upon seeing in the Papers relating to the case, which were presented to the British Parliament, the proofs that the English Government had from the very commencement offered their good offices to the Portuguese Government, and had actually put them in practice to the extent of eliciting their acknowledgments and thanks for the same, he felt bound to withdraw the censure, as being entirely unmerited."

Hansard,
vol.clii,
p.1415.

In the Debate which subsequently took place upon this subject in the House of Lords (on the 8th March, 1859), Lord Wodehouse spoke of this country being "bound by certain ancient Treaties, which were confirmed in an unreserved and complete manner by the Treaty of Vienna of 1815," and stated that, having tendered our good offices, we should have given them in such a manner as to secure to Portugal an efficient support. It was, however, admitted that a "casus foederis" had not arisen."

Ibid. p.1438.

Lord Malmesbury in reply, read out a portion of the Treaty of 1703, which ran, that whenever the King of Spain or the King of France, together or separately, should make war, or should show an intention to make war on Portugal, the British Government should "use their friendly offices to persuade them to observe terms of peace towards

Portugal and not to make war upon it." And, on being invited to read on, he continued the Extract from the Treaty, which went on to say that if the good offices failed, we were to send a force of six thousand men, for the defence of Portugal.

Ibid, p.1442. Lord Granville thereupon called attention to the fact that Lord Malmesbury had not alluded to the Treaty of 1661, "in which we were bound to act for Portugal as for ourselves."

Ibid, p.1463. Lord Derby expressed an opinion to the effect that, inasmuch as no violation of our Treaties with Portugal had occurred, Portugal had no right to ask for the good offices of the British Government under the circumstances, much less to claim the armed intervention of England in her behalf, in her dispute with France, with regard to the "Charles et Georges." Here the matter dropped.

To Mr.Layard, In February 1873, King Amadeus abdicated
No.29, Feb.19
1873. the Throne of Spain, and a disposition having
been shown by the Republican Party in Spain towards an Union
with Portugal, the Spanish and Portuguese Governments were

To Sir C.Murray, anxious to ascertain the views of the British
No.15, Feb.19,
1873. Government with regard to such a movement;
whereupon Lord Granville informed the Spanish Minister in London

that "Great Britain had always disclaimed the wish to

To Sir C.Murray, interfere in the internal affairs of
No.15, Feb.19, other countries; but that there were
1873.

Treaty engagements between Portugal and Great Britain to defend Portugal against external aggression, and that the Spaniards could not count upon the indifference of England to an external attack upon Portugal."

To Sir C.Murray, Sir Charles Murray was informed of the
No.20, Feb.27, reply which had been returned to the
1873.

application of the Spanish Government, and he was cautioned, when speaking to the Portuguese Minister upon the subject, "to make it clear that Her Majesty's Government reserved to themselves to judge of the circumstances under which any appeal was made to them by Portugal for succour."

Sir C.Murray, This despatch to Sir C. Murray crossed
No.25, Feb.21, a despatch from that Minister to Lord
1873.

Granville, inclosing a note from the Portuguese Minister for Foreign Affairs, in which it was stated that the Portuguese Government were anxious to solicit "some explanations which might, perchance, serve as the basis of an agreement between the two nations, ancient and faithful allies, in case of certain eventualities;" but no agreement was entered into.

It will therefore be seen that, although the old Treaties of Alliance and Guarantee are admitted to be still in force, yet that Her Majesty's Government have never considered

that they are bound, under all circumstances, to defend Portugal "as England itself", but, on the contrary, that they have reserved to themselves the right of judging of the circumstances under which help may be given or withheld; or, in other words, that whilst these old Treaties give this country a right to interfere in any cases of external attack against Portugal, they do not compel it to do so.

With regard to the renewal of these Treaties at the present day, no doubt cases could be quoted in which Treaties of Alliance and Guarantee have been renewed; the fact of the renewal of these very Treaties, in 1815, is a case in point; but the instance of the renewal, in 1860, of the guarantee of the independence of Greece, which was undertaken in 1832, and of the temporary renewal, in 1870, of the guarantee of the independence and neutrality of Belgium, which was given in 1839, might also be cited; nevertheless it should not be forgotten that taken as a whole these old Treaties with Portugal belong to an age which has long passed away, and that the opinion

Lord Howden, which was pronounced by Lord Howden
 No.6;
 January 7, 1856. on the old Spanish Treaties applies with
 equal force to the Portuguese Treaties, namely, that (apart
 from this question of guarantee) they are "a mass of useless,
 conflicting, superannuated and even impossible stipulations."

Moreover it should not be forgotten that so recently as
 Hansard, 1872 an Humble Address was proposed to be moved
 vol.ccx, to Her Majesty, and that a long debate ensued
 p.1151. thereupon, in the House of Commons, praying Her
 Majesty "to take the needful steps for withdrawing from all
 Treaties binding this country to intervene by force of Arms
 in the affairs of other nations."

In this debate the old Treaties with Portugal were
 specially alluded to, and Mr. Gladstone spoke of the Treaty
 of 1661 as containing "terms" which were "undoubtedly alarmingly
 stringent", but he pointed out how the danger which might
 arise from their being appealed to was more ideal than real;
 and he then quoted the clause of Article XV of the Treaty of
 1661 which, after saying that the King of Great Britain would
 "take the interest of Portugal and all its Dominions to heart,
 defending the same with his utmost power by sea and land even
 as England itself", went on to say, "and that he would transport
 thither at his proper cost and charges two Regiments of Horse
 consisting of 500, and two Regiments of Foot each consisting
 of 1,000, all of which should be armed at the charge of the
 King of Great Britain", and so forth.

Nothing was then said, specially about the Secret Article
 to the Treaty of 1661, by which the King of Great Britain
 promised "to defend and protect all Conquests or Colonies
 belonging to the Crown of Portugal against all its Enemies, as
 well future as present".

This clause is certainly couched in precise and apparently very binding terms; but after what has passed of late years with regard to Portuguese proceedings on the East and West Coasts of Africa and in the Interior, can it be said that this country has felt itself bound to protect the so-called Portuguese "Conquests" in those parts of the world? On the contrary, the British Government oppose these claims on the part of Portugal, and deny her right to many places which she asserts belong to her by conquest. If, then, these old Treaties are inoperative in Africa, it may be asked ought they now to be considered as still binding, under all circumstances, in Asia? as the term "Conquest and Colonies" applies to all parts of the globe.

It has never been said by this country that they have lapsed, or that they have ceased to have any binding effect; and the time may come when it may be found convenient to appeal to them; but as each question must be decided on its own merits as it arises, I do not think it would be advisable to renew them, even in an informal manner, by alluding to their existence in an international engagement, as suggested by the Portuguese Government.

E. HERTSLET.

Foreign Office. 10 January, 1877.

DOCUMENT E.

Memorandum of Instances of infraction of Treaties by
the Portuguese Government.¹

Instances in which complaints have been made against the Portuguese Government for infraction of Treaties have chiefly had reference to non-fulfilment of stipulations of the Treaty of 3 July 1842 for suppression of the Slave Trade. In a Note which Lord Aberdeen addressed to the Portuguese Minister in London (State Papers vol.33, p.398 - to Baron Moncorvo, 26 Feb. 1844) within two years after the conclusion of that Treaty, His Lordship alluded to the "remonstrances which His Majesty's Government had too frequently had occasion to address to that of Portugal upon the subject of the Slave Trade", as well as to the fact of the intentions of the Crown of Portugal, as recorded in the Treaty, having been defeated by officers in employment of the Portuguese Government.

In another Despatch (State Papers 35, p.422 - To Lord Howard de Walden, 15 April 1846) the attention of the Portuguese Government was drawn to the fact that notwithstanding their repeated assurances that prosecution which had been instituted in the Cape de Verd Isles, under orders from the Government, against certain parties who from evidence taken on Trials before the Slave Trade Commission at Sierra Leone, had been discovered

1. F.O.84/1805.

to have been engaged in the Slave Trade, should be carried on, and that notwithstanding the repeated orders which had been sent from Lisbon to the supreme authorities of the Cape de Verd, the local Government still obstinately refused to bring the prosecutions to a conclusion, and an appeal was then "once more" made to the "good faith" of the Cabinet of Lisbon.

It was admitted in a later Despatch (S.P.36, p.573 - To Sir H. Seymour, 29 March 1847) that, with the best intentions in the world to give effect to the Treaty, the Portuguese Government could not prevent their colonial officers on the East Coast of Africa from being corrupted by the high temptations held out to them by the Slave Traders.

In June 1849 (S.P.38, p.503 - To Sir H. Seymour, 6 June 1849) the attention of the Portuguese Government was drawn to the traffic in slaves which was carried on to a considerable extent at the Portuguese settlements at Timor and Solon, and at other isles of the Molucca Archipelago, and they were requested to issue such instructions to their authorities in those settlements as would prevent such illegal practices for the future.

In the following month (S.P.38, p.504 - To Mr. Howard, 6 July 1849) the attention of the Portuguese Government was called to the fact that the Slave Trade was still carried on at Quillimane, Inchambane, Ibo and Angoxa, and the hope and expectation of Her Majesty's Government was expressed that the "Portuguese Government would give such orders and take such

measures as might be effectual for putting an end to those violations of the Treaty engagements of Portugal".

In another Despatch about the same date (S.P.38, p.506 - to Mr. Howard, 10 July 1849) the Portuguese Government were informed that Her Majesty's Government sincerely trusted that the Portuguese Government would issue instructions to the Governor-General of Angola to co-operate with the Commander of the Portuguese Naval Force on that station, in taking the most active measures for destroying, within limits of his command, all factories, barracoons and other buildings which were used for the purpose of collecting slaves for transport beyond the seas, in contravention of the laws of Portugal and of the Treaty of 1842.

In August 1849 (S.P.38, p.515, 516 - To Mr. Howard, 16 August 1849) the Portuguese Government were told that the only effectual remedy for certain abuses (which were described) and the only complete security for the faithful execution of Treaty engagements of the Crown of Portugal, in regard to the final and entire suppression of the Slave Trade, would be the carrying into execution that measure which had for some time been under the consideration of the Portuguese Government for the total abolition of the condition of slavery in every part of the dominions of the Portuguese Crown, and that by the adoption of those measures, "the Portuguese Government would put an end to those constantly recurring discussions with the Portuguese Government, which the continued violation of treaty

engagements of the Portuguese Crown by Portuguese authorities in Africa necessarily gave rise to".

In April 1850 (S.P.40, p.475 - To Mr. Howard, 15 April 1850) Mr. Howard was instructed to point out to the Portuguese Minister for Foreign Affairs "certain facts which had come to the knowledge of Her Majesty's Government, showing that the wishes and the authority of the Portuguese Government, and the Treaty engagements of the Portuguese Crown respecting the Slave Trade, had been contravened, it might be said, under the very eye of the Government".

In June following (S.P.40, p.480 - To Mr. Howard, 20 June 1850) Mr. Howard was again instructed to draw attention of the Portuguese Government to the flagrant manner in which, as appeared from Reports of Her Majesty's Naval Officers, the laws of Portugal, the Treaty engagements of the Portuguese Crown and the orders of the Portuguese Government, were disregarded by some of the Portuguese authorities at Angola.

In October following (S.P.38, p.496 - To Mr. Howard, 11 October 1850) the attention of the Portuguese Government was drawn to the fact that "from one end to the other of the Portuguese possessions in Africa, both on the East and on the West Coast, the Slave Trade was carried on to a great extent", which was described by Lord Palmerston in a Despatch to Mr. Howard as a "scandalous infraction of the Treaty between Britain and Portugal", and Mr. Howard was instructed to transmit a copy of that

Despatch to Count Tojal.

In April 1851 (S.P.41, p.440 - To Sir H. Seymour, 6 May 1851) the Portuguese Government were informed that it would be difficult for mankind to believe in the sincerity of the declaration which they made of their desire to fulfil the obligations of Treaties and to put down the Slave Trade, when the Portuguese Crown was seen to be conferring favours and dignities upon such a notorious Slave Trader as Bernardino de Sá, and orders of merit to less known, because probably less wealthy, culprits such as the criminal Netto, and in another Despatch, S.P.41, p.447 - To Sir R. Pakenham, 12 September 1851) upon the same subject, Sir R. Pakenham was instructed to inform the Portuguese Government that by conferring honours upon persons who had been guilty of crimes punishable by law and forbidden by Treaty, it had necessarily shaken all confidence in the good faith of Portugal in regard to the fulfilment of the engagements of the Portuguese Crown for the suppression of the Slave Trade, and that acts such as these, on the part of advisers of the Crown in Portugal, were wholly inconsistent with the assurances so often and so formally made by the Portuguese Government that it was determined faithfully to execute the Treaty engagements of the Crown and vigorously to carry into effect the laws of Portugal against the crime of slave trading.

In October 1851 (S.P.41, p.452 - To Sir R. Pakenham, 17 October 1851) Lord Palmerston said:- "It is notorious that

Portuguese possessions on the East and West coasts of Africa are now the quarters from whence the greater number of the slaves sent to America are exported; and it is found, by experience, to be more easy to put down Slave Trade in a district governed by independent African chiefs than in a Portuguese colony; because where Treaties are made by Great Britain with African chiefs for the suppression of the Slave Trade, those Treaties are generally observed, while unfortunately, in Portuguese colonies, the Treaty between Great Britain and Portugal is constantly violated or evaded.

In December 1860 (S.P.51, p.1036 - To Sir A. Mageuis, 10 December 1860) Reports reached Her Majesty's Government that the Slave Trade was still carried on, to a considerable extent from the Portuguese possessions in Mozambique and Sir A. Mageuis was, thereupon, instructed to express to the Portuguese Minister for Foreign Affairs, the deep regret of Her Majesty's Government at learning that a traffic which struck at the root of all legitimate trade, and which impoverished and ruined the country from whence the slaves were exported, should still be carried on from Portuguese territories, and connived at by Portuguese authorities.

In December 1861 (S.P.52, p.702-3 - To Sir A. Mageuis, 31 December 1861) Sir A. Mageuis was instructed to address a note to the Portuguese Government, founded on certain papers which were sent to him, showing the complicity of Portuguese

subjects in Slave Traffic; and the evasions of the Treaty practised by the shipment of slaves, under various pretexts, to the island of S. Thomas, and to make an appeal to the Portuguese Government to take more stringent and effective measures to vindicate their good faith.

In May 1862 (S.P.53, p.1352 - From Sir A. Mageuis to Marquis de Loule, 23 May 1862) Sir A. Mageuis drew the attention of the Portuguese Government to the fact that upwards of 2000 negroes had been conveyed from Loanda to S. Thomas since the beginning of 1861, and in doing so he remarked that, as these negroes were, generally, of the rudest class, and fresh from the interior, they could not possibly be supposed to be bona fide free agents voluntarily emigrating from their native homes, whatever might be the form of emancipation gone through by their masters in order to evade the law; and he added that, although certificates and other documents might be produced to show that the letter of the Treaty of 1842 was not infringed, while its spirit was violated, it was evident that those operations, by whatever name they might be designated, must have the effect of stimulating the Slave Trade in the interior of Africa; and in July (S.P.53, p.1355 - Mr. Herries to the Marquis de Loule, 23 July 1862), Mr. Herries drew attention of the Portuguese Government to the continued introduction of slaves into the Island of S. Thomas under pretence of their being Free Labourers, in contravention of the Provisions of the Treaty of 1842.

In December 1864 (S.P.55, p.1162 - To Sir A. Mageuis, 7 December 1864) the Portuguese Government were told that they could not be ignorant of the fact that a considerable number of slaves had, within the previous years, been exported from Portuguese possessions to the southward of Loanda, and that the interests of the Portuguese colony, no less than engagements of the Portuguese Crown required that a term should be put to this state of things.

In March 1865 (S.P.56, p.1283 - To Sir A. Mageuis, 15 March 1865) it having been proved that Senhor Gamitto, late Governor of Benguela, was deeply implicated in Slave Trade transactions, and that he connived at and participated in profits of the traffic in slaves which it was his duty to have suppressed by all means in his power, Sir A. Mageuis was instructed to communicate the papers to the Portuguese Government which established these facts and to appeal to it to vindicate good faith of the Portuguese Crown in carrying out its Treaty engagements for the suppression of the Slave trade, as it was acknowledged it had recently done by the stoppage of exportation of slaves from Portuguese possessions to the southward of Angola.

But in December 1865 (S.P.56, p.1300) the attention of the Portuguese Government was again called to the fact that slaves in considerable numbers were still purchased in Angola and shipped off to San Thomas, furnished with papers purporting

to constitute them free men, and they were reminded that these proceedings were opposed to the spirit no less than to the letter of the Treaty of 1842; and in June 1866 (S.P.57, p.1291 - To Mr. Lytton 25 June 1866) Mr. Lytton was instructed to inform the Portuguese Government that this practice had become so notorious and flagrant that unless it was put a stop to Her Majesty's Government would be compelled to have recourse to the expedient of bringing the "Libertos" before the Mixed Commission Court.

E. HERTSLET.

F.O, April 20/83.

DOCUMENT F.

Treaty between Her Majesty and His Majesty the King of Portugal respecting the Rivers Congo and Zambesi, and the Territory on the West Coast of Africa between the 8° and 5° 12' of South Latitude. Signed at London, 26th February, 1884.

[not ratified].

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India etc., and His Most Faithful Majesty the King of Portugal and the Algarves, etc., being animated by the desire to draw closer the ties of friendship which unite the two nations; to put an end to all difficulties relative to the rights of sovereignty over the districts at the mouth of the Congo on the West Coast of Africa, situated between 8° and 5° 12' of south latitude; to provide for the complete extinction of the Slave Trade; and to promote the development of commerce and civilization in the African Continent; have resolved to conclude a Treaty for this purpose, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable

1. F.O.63/1152. Printed in A. & P. (1884), Vol.LVI, p.45, Africa No.3 of 1884, C.3886 and in B.F.S.P. Vol.LXXV, pp.476-482.

Granville George, Earl Granville, Lord Leveson, a Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, a Member of Her Majesty's Privy Council, Lord Warden of the Cinque Ports, a Constable of Dover Castle, Chancellor of the University of London, Her Majesty's Principal Secretary of State for Foreign Affairs, etc.,

And His Most Faithful Majesty the King of Portugal and the Algarves, Senhor Miguel Martins d'Antas, a Member of His Majesty's Council, Peer of the Realm, Honorary Minister and Secretary of State, Commander of the Ancient, Most Noble, and Illustrious Order of St. James for the reward of scientific, literary and artistic merit, Grand Cross of the Royal Order of Charles III of Spain, of Leopold of Belgium, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty at the Court of Her Britannic Majesty, etc;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:-

Article I. Subject to the conditions of the present Treaty, Her Britannia Majesty agrees to recognize the sovereignty of His Most Faithful Majesty, the King of Portugal and the Algarves over that part of the west coast of Africa situated between 8° and $5^{\circ} 12'$ South latitude and inland as far as follows:-

On the river Congo the limit shall be Nokki. On the coast situated between 8° and $5^{\circ} 12'$ the inland eastern frontier shall coincide with the boundaries of the present possessions of the coast and riparian tribes. This frontier shall be defined and the definition shall be communicated with the least possible delay by His Most Faithful Majesty to Her Britannic Majesty.

The definition when approved by the High Contracting Parties shall be recorded in a Protocol to be annexed to the present Treaty.

Article II. The territory specified in Article I shall be open to all nations, and foreigners of all nationalities whatever, conforming themselves to the laws of the country, shall enjoy within the said territory the same benefits, advantages and treatment in every respect, as the subjects of Portugal.

They shall have full liberty to enter, travel or reside, with their families, in any part of the said territory.

They shall be permitted to establish factories or trading stations: to possess, purchase, rent or lease land, houses, manufactories, warehouses, shops and premises and all other kinds of property.

They shall be allowed to carry on their commerce by wholesale or retail, either in person or by any agents whom

they think fit to employ, and in accordance with the existing local usages and customs of trade.

Article III. The High Contracting Parties recognize the entire freedom in respect to commerce and navigation of the Rivers Congo and Zambesi and their affluents for the subjects and flags of all Nations.

The claims of Portugal on the Shire shall not extend beyond the confluence of the River Ruo with that river.

Article IV. The trade and navigation of all rivers and waterways within the territory specified in Article I, and along the sea coast thereof, shall be open to the flags of all nations, and shall not be subject to any monopoly, exclusive concession, or other impediment, nor to any customs duties, tolls, charges, fees, fines or other imposts whatever not expressly provided for in the present Treaty, or hereafter agreed upon by the High Contracting Parties.

A Mixed Commission, composed of Delegates of Great Britain and Portugal shall be appointed to draw up Regulations for the navigation, police or supervision of the Congo and other waterways within the territory specified in Article I, and to watch over their execution.

The Regulations may impose such tolls as may be sufficient to defray the cost of works necessary to facilitate trade and navigation and the expenses of the Commission.

The Commission shall come to an arrangement with the Portuguese authorities for the creation and maintenance of lighthouses, beacons and marks to denote channels.

Article V. No transit or other duties, direct or indirect, of whatever denomination, shall be levied on goods in transit by water through the territory specified in Article I. This freedom from duties shall apply to goods transhipped in course of transit, or landed in bond for further conveyance by water. The transhipment or landing in bond of such goods will be effected under the supervision of Portuguese authorities, in order to prevent any fraud, and the expenses of such supervision will be chargeable to the traders or their agents. The scale of such charges will be fixed by the Mixed Commission. No such duties shall be levied on goods in transit by land through that territory, which shall have been legally imported, and which shall have paid the duties imposed by the Tariff approved by the present Treaty.

Article VI. All roads in the territory specified in Article I now open, or which may hereafter be opened, shall be kept free and open to all travellers and caravans, and for the passage of goods.

Article VII. Complete protection shall be afforded to missionaries and other ministers of religion of any Christian denomination, of whatever nation or country, in the exercise

of their vocation, within the territory specified in Article I.

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 natives who may embrace any form of Christian faith be on that account, or on account of the teaching and exercise thereof, molested or troubled in any manner whatsoever.

It is further agreed that the local authorities shall set apart a piece of land within a convenient distance of each of the principal towns to be used as burial ground for persons of whatever religious denomination.

All forms of religious worship and religious ordinances shall be tolerated, and no hindrance whatever shall be offered thereto by Portuguese authorities.

Missionaries of religion, whether natives or foreigners, and religious bodies, shall have a perfect right to erect churches, chapels, schools and other buildings, which shall be protected by the Portuguese authorities.

All religious establishments of whatever denomination, shall be on a footing of perfect equality as regards taxation and local charges.

Article VIII. Her Britannic Majesty engages to communicate to His Most Faithful Majesty immediately after the ratification of the present Treaty, all Treaties or Engagements subsisting

between Great Britain and native Chiefs in the territory specified in Article I.

His Most Faithful Majesty engages to communicate to Her Britannic Majesty all Treaties or Engagements subsisting between Portugal and native chiefs in the said territory.

His Most Faithful Majesty engages to respect and confirm all the rights of the native chiefs and of the inhabitants of the said Territory under any of the Treaties and Engagements above mentioned, so far as is compatible with the sovereignty of Portugal, and undertakes to protect and maintain the said Chiefs and inhabitants in the free possession and enjoyment of the lands and other property now held by them, and not to allow them to suffer on account of anything which has happened in the past.

Article IX. The Customs Tariff in the territory specified in Article I shall not, for the term of ten years from the date of the exchange of the ratifications of the present Treaty, exceed that which was adopted in the Province of Mozambique in the year 1877. At the end of that term the Tariff may be revised, with the consent of the two High Contracting Parties; but no alteration shall be made therein pending such revision.

Provided always that, in the territory specified in Article I, British ships shall not at any time hereafter be liable to the payment of any higher or other duties and charges,

or be subject to any other restrictions, than are there payable or imposed on Portuguese ships; and goods, whether the property of British subjects, or imported in British vessels, or of British origin or manufacture, shall not at any time hereafter be subject to any differential treatment whatsoever, but shall be on the same footing in every respect as goods the property of Portuguese subjects, or imported in Portuguese vessels or the produce or manufacture of Portugal.

Such equality of treatment shall apply to British vessels and goods, from whatever port or place arriving, and whatever may be their place of destination.

In all the African possessions of Portugal the present Customs Tariff shall not be raised for a term of ten years from the date of the exchange of ratifications of the present Treaty.

No bill of health or other quarantine formality shall be required in any Portuguese port from British ships bound direct for British ports.

Article X. His Most Faithful Majesty guarantees to British subjects and their commerce in all the African possessions of Portugal, in addition to any rights which they may already possess in the Portuguese colonies the treatment of the most favoured third nation:-

- 1) AS regards residence, whether temporary or permanent, the exercise of any calling or profession, the payment of taxes or other imposts, and the enjoyment of all legal rights and privileges including the acquiring, holding and power of disposing of property.
- 2) AS regards commerce, in respect of import and export duties and all other charges on or in respect of goods of whatever description, and whatever may be their place of origin or manufacture, and whether intended for consumption, warehousing or re-export: Also with respect to the transit of goods, prohibition of importation, exportation or transit; samples, Customs formalities and all other matters connected with commerce and trade.
- 3) AS regards navigation, in respect of vessels, whether steam or sailing, from whatever place arriving and whatever may be the place of origin or destination of their cargoes. Also, in respect of all charges or dues on or in respect of the said vessels and cargoes and all formalities and regulations relative to them.
- 4) Any favour, privilege or immunity in regard to subjects, commerce or navigation, as well as any reduction of customs duties or other charges on or in respect of goods or vessels which may hereafter be conceded by Portugal to any third Power, shall be extended immediately and unconditionally to Great Britain.

5) British consular officers as regards appointment, residence, functions and privileges shall be placed on the footing of the most favoured nation.

Article XI. Every assistance shall be given by the local authorities in all the African possessions of Portugal to vessels wrecked on the coasts or in the rivers, or forced into the ports or the entrance of rivers by stress of weather.

Such vessels and their cargoes shall be exempt from all customs duties, charges, fees, fines and other imposts whatever, except as regards any goods landed therefrom for purposes of sale or barter.

Information of such wrecks shall be given, without delay, to the nearest British Consular officer, who shall be authorised to interpose for the protection of the ship, its merchandise and its effects.

Article XII. The Portuguese legislation for the complete extinction of slavery and the Treaties for the suppression of the Slave Trade shall, from the date of the exchange of the ratifications of the present Treaty, be effectively applied to the territory specified in Article I.

The High Contracting Parties bind themselves to use all possible means for the purpose of finally extinguishing slavery and the Slave Trade on the East and West coasts of Africa.

His Most Faithful Majesty agrees to grant, from the date of the ratification of the present Treaty, permission to Her Britannic Majesty's ships employed in the suppression of the Slave Trade to enter the bays, ports, creeks, rivers and other places in the East African colonies or possessions of Portugal where no Portuguese authority shall be established, and to prevent the Slave Trade from being carried on in such places. British vessels employed in this service shall exercise all the powers conferred on Her Majesty's vessels by the Slave Trade Treaty between Great Britain and Portugal of 3 July, 1842.

Similar powers shall be given if required, for similar purposes to Portuguese vessels in Her Britannic Majesty's South African dominions.

Whenever the Commander of a cruizer of one of the High Contracting Parties shall have occasion to act under the provisions of this Article in the territorial waters of the other High Contracting Party, such Commander shall, whenever practicable, having regard to the circumstances of the case, invite a naval or other officer of the other High Contracting Party to accompany the expedition, in order to represent the national flag in such territorial water.

The provisions of this Article shall come into force immediately on the exchange of the ratifications of the present

Treaty, except as regards any provision which may be found to require legislative sanction in either country and as regards such provision, it shall come into force from the date when such legislative sanction shall have been obtained and duly notified by the High Contracting Party requiring the same to the other High Contracting Party.

Article XIII. The provisions of the present Treaty affecting the territory specified in Article I shall be fully applied to all territories adjoining the same in Africa as may hereafter be brought under the sovereignty of His Most Faithful Majesty of Portugal and the Algarves.

Article XIV. His Most Faithful Majesty engages for himself and his heirs and successors, that if at any time it shall be the intention of Portugal to withdraw from the fort of St. John the Baptist of Ajudá, on the coast of Mina, due notification of such intention shall be given to Great Britain to whom the cession of the fort, and all the rights appertaining to its possession, shall be offered, and no arrangement shall be made for the cession of the fort to any other Power without the previous consent of Great Britain.

This engagement shall apply in all its terms to the abandonment or cession by Portugal of any rights which may be claimed by her between 5° East and 5° West longitude on the same coast.

Article XV. The present Treaty shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto the seals of their arms.

Done in duplicate at London the 26th day of February in the year 1884.

[Signed] Granville

Miguel Martin d'Antas.

DOCUMENT G.

General Act of the Berlin Conference.¹

[List of plenipotentiaries of Great Britain, Austria-Hungary, Belgium, Denmark, France, Germany, Italy, Netherlands, Portugal, Russia, Spain, Sweden and Norway, Turkey and United States of America].

Who, being provided with full powers which have been found in good and due form, have successively discussed and adopted:-

1. A Declaration relative to freedom of trade in the basin of the Congo, its embouchures and circumjacent regions, with other provisions connected therewith.
2. A Declaration relative to the Slave Trade, and the operations by sea or land which furnish slaves to that trade.
3. A Declaration relative to the neutrality of the territories comprised in the Conventional basin of the Congo.
4. An Act of Navigation for the Congo . . .

1. Annex to Protocol No.10 in A. & P. (1884-5), Vol.LV, p.133. Africa No.4 (1885), pp.304-313. In French in B.F.S.P. Vol.LXXVI, pp.4-20.

5. An Act of Navigation for the Niger . . .
6. A Declaration introducing into international relations certain uniform rules with reference to future occupations on the coasts of the African Continent.

Chapter I. Declaration relative to Freedom of Trade in the Basin of the Congo, its Mouths and circumjacent Regions, with other Provisions connected therewith.

Article I.

The trade of all nations shall enjoy complete freedom -

1. In all the regions forming the basin of the Congo and its outlets. This basin is bounded by the watersheds (or mountain ridges) of the adjacent basins, namely, in particular, those of the Niari, the Ogowé, the Schari, and the Nile, on the north; by the eastern watershed line of the affluents of Lake Tanganyika on the east; and by the watersheds of the basins of the Zambesi and the Logé on the south. It therefore comprises all the regions watered by the Congo and its affluents, including Lake Tanganyika, with its eastern tributaries.
2. In the maritime zone extending along the Atlantic Ocean from the parallel situated in $2^{\circ} 30'$ of south latitude to the mouth of the Logé.

The northern boundary will follow the parallel situated in $2^{\circ} 30'$ from the coast to the point where it meets the

geographical basin of the Congo, avoiding the basin of the Ogowé, to which the provisions of the present Act do not apply.

The southern boundary will follow the course of the Logé to its source, and thence pass eastwards till it joins the geographical basin of the Congo.

3. In the zone stretching eastwards from the Congo Basin, as above defined, to the Indian Ocean from the 5° of north latitude to the mouth of the Zambesi in the south, from which point the line of demarcation will ascend the Zambesi to 5 miles above its confluence with the Shire, and then follow the watershed between the affluents of Lake Nyassa and those of the Zambesi, till at last it reaches the watershed between the waters of the Zambesi and the Congo.

It is expressly recognized that in extending the principle of free trade to this eastern zone the Conference Powers only undertake engagements for themselves, and that in the territories belonging to an independent Sovereign State this principle shall only be applicable in so far as it is approved by such State. But the Powers agree to use their good offices with the Governments established on the African shore of the Indian Ocean for the purpose of obtaining such approval, and in any case of securing the most favourable conditions to the transit (traffic) of all nations.

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A. Foreign Office Archives

Much material has been obtained from the Slave Trade Papers.

[The contents of this series, classified in the Foreign Office Archives as F.O.84, has varied considerably from time to time. From August 1816, when this series began, until 1877 it included correspondence on questions relating to the Slave Trade and to Slavery only. Between 1877 and 1879, in addition to this type of material, correspondence on all matters affecting the East and West coasts of Africa, hitherto included in the Consular Series, was dealt with in the Slave Trade series. This arrangement was made by Circular No.67 of 21 December 1876 [F.O.83/498].

A Circular of 11 December 1879 restored the previous position and directed that in future the Slave Trade series of despatches should be confined entirely to subjects which directly concerned the Slave Trade, other matters to be classed in the 'Consular' or 'Political' series.

In 1883 a further change was made when the 'Slave Trade' series of despatches was discontinued and a new series called 'Africa' was begun. The Circular of 23 February 1883

[F.O.83/775] instructed that all correspondence relating to the African Slave Trade as well as to all other questions respecting East and West Africa was to be dealt with in the 'Africa' series. All matters not relating to Africa which had up to that time been within the province of the Slave Trade department were to be transferred to the 'Consular' series. Thus there was to be a complete separation of correspondence relating to the African Slave Trade and to East and West Africa from correspondence on any other Consular or Slave Trade matter.

The classification of Great Britain's correspondence with Portugal with regard to the East coast of Africa illustrates the effect of these changes:-

- F.O./63. a) Series of volumes dealing with the Delagoa Bay dispute up to 1876 are in F.O. Portugal.
- F.O./84. b) Correspondence dealing with the Portuguese claims in East Africa, with the projected Lourenço Marques Treaty and with the Mozambique Tariff, from February 1877 to October 1879 is in the F.O. Slave Trade (Portugal) Series.
- F.O./63. c) Correspondence relating to the Lourenço Marques Treaty from January 1880 to its final abandonment in February 1882 is in F.O. Portugal. Political Series.
- F.O./84. d) After February 1883 correspondence on East African questions is still classified, in the Public Record Office Index, under the heading 'Slave Trade', but the despatches are numbered in an 'Africa' series].

F.O.84. I. Slave Trade Papers.

- (a) 'Papers relating to the Congo' [F.O.84/1801-1809].

These volumes include the greater part of the correspondence on the Congo Question which passed between Great Britain and Portugal, Great Britain and Belgium and between Great Britain and France from 1875 to March 1884. They also contain some departmental correspondence, memorials from Chambers of Commerce and other bodies and reports from the British Consul at Loanda.

- (b) 'Papers relating to the Congo (West Africa Conference)'- [F.O.84/1809-1826].

These volumes cover the period April 1884 to February 1885 and include the Protocols of the West Africa Conference and the General Act.

- (c) Correspondence between the British Ambassador in Portugal and the Foreign Office. [One to three volumes each year; e.g., F.O.84/1447, 1475-77, 1503-4 etc.].
- (d) Correspondence between the British Ambassador in France and the Foreign Office. [One to three volumes each year].
- (e) Correspondence between the British Ambassador at Berlin and the Foreign Office. [Before 1884 this correspondence only forms a small part of one volume, in that year it fills a whole volume (F.O.84/1672), and in 1885 it fills 7 volumes (F.O.84/1710-1716)].
- (f) Consular reports from the British Consul at Loanda. [One volume each year].
- (g) Volumes containing inter-Departmental correspondence, especially between the Foreign Office and the Colonial Office. [Two or three volumes each year].
- (h) Reports on expeditions sent to East Africa by the African Exploration Fund Committee of the Royal Geographical Society, and reports of other expeditions in Central Africa. [Part of a volume each year].

F.O.63. II. General Correspondence - Portugal.

- (a) 'Portuguese possessions on the West Coast of Africa, 1865-1881' [F.O.63/1115-1117].

The documents in these volumes relate mainly to the Portuguese claims on the West Coast of Africa, to the Congo Atrocities of 1877 and to the attitude of the British Government towards Portugal's claims in West Africa since 1846.

- (b) 'Indo-Portuguese Commercial Negotiations', Vols. I - VI. [F.O.63/1080-3, 1091, 1164].

These volumes cover the period 1871 to 1884 and include the negotiations for the Goa Treaty and its results.

- (c) 'Portuguese Possessions on the East Coast of Africa - Delagoa Bay.'

The last volume of this series [F.O.63/1052] covers the years 1875-1876.

- (d) 'Lourenço Marques Treaty negotiations, 1880-1882.' [F.O.63/1101-1104, 1129-1132].

- (e) Correspondence between the British Ambassador at Lisbon and the Foreign Office. [Two or three volumes each year].

F.O.10. III. General Correspondence - Belgium.

Apart from the accounts by the British Consul at Brussels of the Geographical Conference of 1876, and his reports on the progress of the expeditions sent out by the International Association to Central and East Africa, these volumes contain little relevant information.

F.O.27. IV. General Correspondence - France.

'Encroachments on the West Coast of Africa, 1877-1882.' [One or two volumes each year].

F.O.179. V. Embassy and Consular Archives.

These collections of official documents made at the Lisbon Embassy largely duplicate, but occasionally supplement other collections of Foreign Office records.

B. Private Papers.

G.D. 29. The Granville Papers.

This collection of the private papers of the 2nd Earl of Granville were chiefly of value for:-

- a) Correspondence between Morier and Granville, 1876-1882.
- b) Correspondence between Morier and other Foreign Office officials.
- c) Correspondence between Leopold, King of the Belgians and Queen Victoria, between Leopold and Granville and for Memoranda by Leopold enclosed in private communications from the British Ambassador at Brussels to Granville.

Published Documentary Sources.

A. British.

I. Blue Books.

[Three days before the debate in the House of Commons on the Congo Question on 3 April 1883, a Blue Book (Africa No.2, 1883, C.3531) was laid by command before that House. It contained correspondence to illustrate the chief stages in the Anglo-Portuguese dispute on the West coast of Africa, 1846-1877. No further Blue Book was issued till after the signing of the Congo Treaty on 26 February 1884. Three days after its signature a selection of the correspondence which had taken place, 1882-1884, between the British and Portuguese Governments (C.3885) and the articles

of the Congo Treaty itself (C.3886) were laid before the House of Commons.

The British Government protested strongly against the proposed publication in the corresponding Portuguese White Book of the two drafts of the Treaty of June 1st and July 25th 1883:- 'Protest strongly against the unusual course of presenting the rough drafts of a Treaty in process of negotiation' (F.O. telegram to Petre (Lisbon), 1 March 1884. F.O.84/1809).

The Portuguese Minister for Foreign Affairs pointed out that their publication was required 'by usage and Parliamentary exigency. Ministers would otherwise certainly be questioned and compelled to supply the omission' (Telegram from Petre, 3 March 1884. F.O.84/1809).

The British Government withdrew its objections to the publication of the draft treaties but insisted that any despatches published should be altered so as to correspond with those in the Blue Book:- 'See that there is no mistake on this point (Telegram to Petre, 7 March 1884. F.O.84/1809). Lister had remarked that the 'difference in the amount of papers laid does not seem to be of importance. But it is of importance that the omissions from particular papers should be identical' (Note by Lister, dated 3 March 1884. F.O.84/1809). A detailed list of omissions in the British Blue Book was sent to the Portuguese Minister. These were mainly concerned with the question of Whydah on which both Governments had been very outspoken. The Portuguese Government feared the consequences if the King of Dahomey heard of the proposed cession of the fort while the Portuguese garrison was still there:- 'there is much to fear of the suspicious, capricious and cruel character of that bloodthirsty despot [the King of Dahomey], and recent events tend to confirm the supposition that he will try to oppose the cession of the fort, if he comes to know previously of this stipulation of the Treaty.' (D'Antas to Granville, 26 January 1884. F.O.84/1809 - this is one of the passages omitted from the Blue Book, C.3885).

In addition to these Blue Books on the Anglo-Portuguese negotiations up to February 1884, a series of Blue Books were published on the proceedings at the West Africa Conference and were laid before Parliament soon after the events to which they referred].

Accounts and Papers.

1883. Vol. XLVIII, p.543. Africa No.2 of 1883, C.3531. Correspondence respecting the Territory on the West Coast of Africa lying between 5° 12' and 8° of South Latitude, 1845-77.

[Laid by Command before the House of Commons on 30 March, and before the House of Lords on 3 April 1883].

1884. Vol. LVI, p.1. Africa No.2 of 1884. C.3885. Correspondence relating to Negotiations between the Governments of Great Britain and Portugal for the conclusion of the Congo Treaty, 1882-4.

[Laid by Command before the Houses of Parliament on 29 February 1884].

1884. Vol. LVI, p.45. Africa No.3 of 1884. C.3886. Despatch to Her Majesty's Minister at Lisbon enclosing the Congo Treaty, signed 26 February 1884 and corrected Translation of the Mozambique Tariff of 1877.

[Laid by Command before the Houses of Parliament on 29 February 1884].

1884. Vol. LVI, p.69. Africa No. 5 of 1884. C.4023. Further papers relating to events connected with the Negotiations with Portugal for a Treaty respecting the Congo River and the Adjacent Coast: 1884.

[Laid by Command before the Houses of Parliament on 23 May 1884].

1884. Vol. LVI. p.131. Africa No.4 of 1884. C.4022. Despatches from Her Majesty's Consul at Loanda, received during the Years 1881, 1882 and 1883.

[Laid by Command before the Houses of Parliament on 23 May 1884].

- 1884-5. Vol. LV. p.449. Africa No.7 of 1884. C.4205.
Correspondence respecting the West African Conference
[May-November 1884].
- [Laid by Command before the House of Commons on
17 November, before the House of Lords, 18 November
1884].
- 1884-5. Vol. LV, p.469. Africa No.8 of 1884. C.4241.
Correspondence respecting the West African Conference
[November 1884].
- [Laid by Command before the Houses of Parliament
on 4 December 1884].
- 1884-5. Vol. LV, p.117. Africa No.2 of 1884. C.4284.
Correspondence with Her Majesty's Ambassador at Berlin
respecting the West African Conference [December
1884 - February 1885].
- [Laid by Command before the Houses of Parliament on
9 March 1884].
- 1884-5. Vol. LV, p.127. Africa No.3 of 1885. C.4360.
Correspondence with Her Majesty's Ambassador at Berlin
respecting the West African Conference [November -
December 1884].
- [Laid by Command before the House of Commons on
31 March, before the House of Lords on 14 April 1885].
- 1884-5. Vol. LV. p.133. Africa No.4 of 1885. C.4361.
Protocols and General Act of the West African Conference.
- [Laid by Command before the House of Commons on 31
March, before the House of Lords on 14 April 1885].

II. Parliamentary Debates (Hansard).

Only one debate on the Congo Question took place in
the House of Commons during the whole course of the
Anglo-Portuguese negotiations. This was on 3 April 1883
[Hansard, 3rd Series, Vol. CCLXXVII, pp.1284-1332] and

showed clearly the antagonism of British trading interests towards any engagement with Portugal. Frequent questions were asked as to the progress of the negotiations but no definite information was ever given in reply. After the signing of the Treaty on 26 February 1884, further questions showed the anxiety felt by the trading interests in Parliament lest the Treaty should be ratified before an opportunity had been given for a discussion of it in Parliament [e.g. Hansard, 3rd Series, Vol. CCLXXXVI, p.158, p.301, p.1171]. The final abandonment of the Treaty, however, took place before any opportunity for discussion had been given.

III. Lists and Compilations of Documents.

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Temperley: | British Documents on the Origins of the
War, 1898-1914. Vol. I - 1927
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Vol. X - 1938 |
| Temperley
and Penson: | Foundations of British Foreign Policy,
1782-1902. 1938. |
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and Penson: | A Century of Diplomatic Blue Books
1814-1914. 1938. |
| Hertslet, E. | Map of Africa by Treaty. 3 vols.
1894. |
| Chalmers, G. | A Collection of Treaties between Great
Britain and other Powers. Vol. II.
1790. |
| de Castro,
Borges | Colleção dos tratados, convenções, contra-
tos e actos publicos celebrados entre a
corôa de Portugal e as mais potencias
desde 1640 até ao presente.
Vol. I - 1400-1681. 1856. |

C. Portuguese.

Documentos Apresentados As Cortes Na Sessão Legislativa de 1884. Negocios Externos. Questão de Zaire I e II, Lisboa, 1884 e 1885.

These Portuguese White Books contain nearly all the despatches printed in the corresponding British Blue Book (C.3885) and in addition, further communications between the Portuguese Government and d'Antas, though these throw no new light on the progress of the negotiations; the text of two draft Treaties and of the final Congo Treaty. The correspondence is printed which, according to d'Azevedo, Portuguese Minister at Paris, proved that France recognised the Portuguese claims in West Africa. The White Books also contain the Portuguese Circulars against the decision of the Institute of International Rights at Munich to press for the internationalisation of the Congo River, the Circulars against the Contracts signed by representatives of the International Association of the Congo with native chieftains and the Portuguese assurances to Holland and Belgium that their trade would be unaffected by the assertion by Portugal of her rights of sovereignty. It would thus appear that the Portuguese Government, fearful of the reception of the Congo Treaty by the Cortes, prepared the way by showing that it had done everything possible to secure a recognition by the other Powers of Portugal's traditional claims to the West Coast of Africa between 5° 12' and 8° south latitude.

D. United States of America.

United States Senate, 48th Congress, 1st Session.
Washington, 1884 - Report No.393, 26th March 1884.

This Report contains arguments in favour of the recognition by the United States of the sovereignty of the International Association of the Congo.

United States Senate, 49th Congress, 1st Session.
Washington, 1886 - Executive Document, No.196,
 22 April 1884.

This is the Document by which the United States recognised the flag of the International Association of the Congo.

Secondary Works.

I. Publications of Societies and Articles in Periodicals.

Descriptions of the various expeditions to Africa are published in:-

Bulletins de la Société de Géographie de Paris.

Bulletins de la Société Royale Belge de Géographie.

Proceedings of the Royal Geographical Society.

Proceedings of the Royal Geographical Society, 1877 -
 Circular of the Special Committee appointed by the
 Council of the Royal Geographical Society to
 administer the African Exploration Fund, 1877.

African Committee of the Lisbon Geographical Society -
 Portugal and the Congo: A Statement: by Luciano Cordeiro.
 London. 1883.

(Translation of A Questão Do Zaire, Direitos de Portugal.
 Lisboa. 1883).

La Géographie. Tome 63. February 1935.

G. Bruel: A Propos d'un itinéraire presque inconnu
 de P. Savorgnan de Brazza de 1880 et de son exploration
 de 1882.

La Nouvelle Revue. Tome 18. September-October 1882.

G. Villain: La France au Congo - M. Savorgnan de Brazza.
 (A description of de Brazza's expeditions 1875-9 and
 1880-2).

Revue Maritime et Coloniale. September-November 1883.

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Congo. 1930. pp.295-331.
R. Stanley Thomson: Léopold et Henry S. Sanford.

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S. Sanford.

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II. Biographies, Memoirs and Letters which contain valuable
documents.

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1927. |
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(Ogowé et Congo, 1875-1882).
1884. |
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1933. |
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1918. |
| Morley, J. | Life of Gladstone. 1903. |
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2 vols. 1925. |

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Lord Newton	Lord Lyons. 2 vols.	1913.
Headlam, C. ed.	The Milner Papers: South Africa, 1897-1899.	1931.
Wemyss, Mrs. Rosslyn	Memoirs and Letters of the Right Hon. Sir Robert Morier from 1826 to 1876. 2 vols.	1911.
Mowat, R.B.	Life of Lord Pauncefote.	1929.
Cecil, Gwendolen	Life of Robert Marquis of Salisbury. Vol.IV.	1932.
Buckle, G.E. ed.	Letters of Queen Victoria 1879-1885. 2nd Series. Vol.III. 3rd Series. Vol.III.	1928. 1932.

III. Belgium and the Congo Free State.

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Daye, Pierre	L'Émpire coloniale belge.	1923.
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Keith, A. Berriedale	The Belgian Congo and the Berlin Act.	1919.
Leclère, Constant	La Formation d'un Émpire Colonial Belge (Vol.III of 'Histoire de la Belgique Contemporaine, 1830-1914').	
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IV. Portugal and her Colonies.

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Card, Rouard de	Traités de Protectorat conclus par la France en Afrique, 1870-95.	1897.
" "	La France et les autres nations latines en Afrique.	1903.
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Darcy, Jean	L'Équilibre africain au XX ^e siècle - La conquête l'Afrique.	1900.

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