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A  
STATEMENT OF FACTS,

PROVING THE RIGHT OF THE

CROWN OF PORTUGAL

TO THE

TERRITORIES SITUATED ON THE WESTERN  
COAST OF AFRICA,

LAYING

BETWEEN THE FIFTH DEGREE AND TWELVE MINUTES, AND THE  
EIGHTH DEGREE OF SOUTH LATITUDE;

CONSEQUENTLY, TO THE

TERRITORIES OF MOLEMBO, CABINDA,  
AND AMBRIZ.

TRANSLATED INTO ENGLISH FROM THE ORIGINAL PORTUGUESE

OF

VISCOUNT DE SANTAREM.



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## A

# STATEMENT OF FACTS,

PROVING THE RIGHT OF THE CROWN OF PORTUGAL TO THE TERRITORIES SITUATED ON THE WESTERN COAST OF AFRICA, BETWEEN THE 5TH, 12', AND 8TH DEGREES OF SOUTH LATITUDE; CONSEQUENTLY, TO THE TERRITORIES OF MOLEMBO, CABINDA, AND AMBRIZ.

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THE right of the Crown of Portugal to the possession of the above-mentioned territories is established on the most solid basis, recognized by the law of nations and treaty stipulations.

That right is founded :—

1st. On priority of discovery.

2nd. On actual possession of those territories by the Portuguese—a possession which the Crown of Portugal has held for ages.

3rd. On the introduction of Christianity among the benighted inhabitants of those territories.

4th. On the conquest by arms of many portions of those territories.

5th. On the acknowledgment made by the native chiefs, in their own names, and in those of their successors, of the sovereignty of Portugal, declaring themselves feudataries and tributaries to the Crown of Portugal.

## SECTION I.

EVIDENCE OF THE PRIORITY OF THE DISCOVERY BY THE PORTUGUESE OF THOSE TERRITORIES SITUATED BETWEEN THE 5TH AND 8TH DEGREES OF SOUTH LATITUDE ON THE WESTERN COAST OF AFRICA.

The proofs of priority of territorial discovery are of two kinds, viz. :—

1st. Those which are attested by contemporary geographical and hydrographical charts, whereon the first discoverers marked their own discoveries, and which were afterwards copied, and universally accepted by all maritime nations.

2nd. Those which are founded on the testimony of such contemporary historians whose narratives are worthy of credit, and who are generally acknowledged to be historical authorities.

We now proceed to prove from geographical charts, that the Portuguese were the first among the nations of Europe\* who discovered the territories in question.

Prior to the year 1471, the kingdom of Congo was not to be found marked on any chart or map, nor, indeed, any part of the coast of Africa south of the equator. We may, therefore, safely infer that the existence of the territories situated within those latitudes was entirely unknown to the nations of Europe. And it is also clearly proved from the same source, that it was only after that period that the Portuguese, having in the reign of King Dom João II. (1481 to 1495) discovered all the territories situated within the said latitudes, including *Molembo, Cabinda, and Ambriz*, began to mark them in the Portuguese charts; and foreigners, in copying them, adopted

\* In proof of which, see all the charts and geographical records published in Viscount Santarem's Atlas, and the text of his *Recherches sur la priorité de la découverte des pays situés sur la Côte Occidentale d'Afrique*: § x., p. 89, and § xviii., p. 190.



the Portuguese hydrographic nomenclature in their own;\* a clear and conclusive proof of the original discovery of those territories by the Portuguese.

At the death of King Dom Affonso V., which took place in 1481, the discoveries in Western Africa did not extend beyond the Cape Santa Catharina, discovered in the same year by João de Sequeira, a gentleman of the king's household, who gave it that name from its having been discovered on that saint's day.† Cape Santa Catharina is situated in lat.  $1^{\circ} 30'$  south of the equator.

Fernão Gomes, another Portuguese navigator, afterwards discovered the cape and river called after his name in the ancient charts, and which are situated in lat.  $2^{\circ} 30''\ddagger$ ; then followed the discovery by Alvaro Martins of the bay to which he gave his name, being in lat. S.  $5^{\circ}$ §. Subsequently, the Gulf dos Montes, of the *Dois Montes*, the *Praia de S. Domingos*, the Gulf do Indio, Palmar and Cape das Palmas, which places lie between the 4th and 6th degrees of south latitude.¶ On the ancient geographical charts of these territories are to be seen the royal arms of Portugal as a sign of

\* Ibid. § xi. p. 109, and § xvi. p. 181.

† Pedro Dias, another Portuguese navigator, discovered the river, to which he gave his own name, and which is situated in two degrees of south latitude, as may be seen in Livio Sanuto's charts of Africa, copied from the ancient Portuguese charts, where may be seen the name, Petrus Dias Fluvius.

‡ In Sanuto's chart, just cited, it is marked with this name, and this celebrated geographer of the 16th century, attests that the said Fernão Gomes was its discoverer. There it is written: *Ferdinandi Gomes Fluvius*. He attests that all the names were given by the Portuguese, as is hereafter attested.

§ This is proved by the chart of South Africa of the magnificent maritime atlas, or royal portfolio of João Freire, cosmographer in the first half of the 16th century.

¶ In the same, and in Sanuto, who attests as we stated, that all these names were given by the discoverers. He says, "*Hanno ricevuto il nome dal nome degli inventori suoi.*" As to the correctness and fidelity of this

their possession by the Portuguese, and of the rights of sovereignty there exercised by the Portuguese Crown.\*

The Portuguese flag is likewise observed to the north of the river Zaire, and to the south of the *Cape do Pulmar* in six degrees south latitude. The same is observed on a chart of the year 1546.†

After the discovery by the Portuguese of every inch of this coast and of the territories there situated, from the equator to the 6th degree south latitude, as has been demonstrated, Dom João II. sent Diogo Cam, a gentleman of his household, to those parts, in order to prosecute further discoveries from that point: the river Congo, or Zaire, situated six degrees and ten minutes of south latitude was added to the former discoveries by this navigator. In conformity with the orders furnished to him, he there raised a pillar in the year 1484, to perpetuate the memory of that discovery, and to attest the possession he had taken of it—naming the same *Padraõ de S. Jorge* (St. George's pillar). From that period,

geographer, see what is stated by the Englishman, Purchas, and what may be read at p. 134 of the *Recherches sur la priorité de la découverte des pays situés sur la Côte Occidentale d'Afrique* (Paris, 1842)—Cf. Walckenaers—*Cri de plusieurs personnages célèbres*. V. t., p. 346 (Laon, 1830).

\* This is proved by the chart of South Africa in the unpublished atlas of the cosmographer, João Freire.

From the end of the 15th century the cosmographers began to indicate the sovereignty of the different countries, which they marked in their charts with the arms and flags of the nations and prince who ruled them, and such was the scrupulousness observed in these heraldic signs, that Juan de la Coza, though a Spaniard, took care to mark with the royal flags of England, the discoveries and right of this nation to a great part of North America, as may be seen in the precious original chart, designed by this cosmographer, who accompanied Christopher Columbus, dated at the port of Santa Maria in the year 1500. The study of these records shews, that in these proofs of right, far from using any caprice, the designer and author on the contrary, used the most scrupulous attention in the formation of those charts.

† This chart may be found (original) in the collection of manuscripts of the library of the Arsenal, in Paris.

the names of *Rio do Padraõ*—and to the south—Cape *do Padraõ*, were adopted, not only in all the ancient charts but likewise in the histories of travellers.

The same navigator penetrated the Zaire, and was likewise the first European who explored many places in the interior, having had intercourse with the chief of the country. He also brought with him to Portugal several of the principal inhabitants of the place. In the same manner as several other Portuguese navigators, he explored the other territories to the south of that river, between the 5th and 8th degrees of south latitude, within which, as has been asserted, are situated *Molembo*, *Cabinda*, and *Ambriz*.\*

One of the most remarkable cosmographers of the fifteenth century, who took part in the Portuguese discoveries in the years 1485 and 1486, placed a pillar bearing the Portuguese arms in this latitude, that is, to the north of the *Zaire*, close to that river, as can be seen on the remarkable globe constructed in the year 1492, and which is still to be seen at Nuremberg.† This testimony of a learned traveller and foreign cosmographer, who accompanied Bartholomeu Dias on his voyage in 1486 round Africa, is unanswerable; and this impartial witness increases the number of proofs of our right to those territories.

Let us further add the proofs found in the chart of Africa prepared in 1489 by the Venetian cosmographer, Christopher Soligo, and which, consequently, was made five years after the expedition of Diogo Cam to the Zaire. He not only gives to the Zaire the name of Cape *Padraõ*, which is the

\* See further on, what is stated by the contemporary authors, Garcia de Rezende, and Ruy de Pina, and after these by Barros, and the chronicler, Damião de Gões.

† See the fac simile of this globe, published by Guiliam in Nuremberg, this year, 1853, with the title: "Geschichte des Seefahrerst ritter Martin de Behaim"—in fol.—(History of the navigator Martin de Behaim.)

same as that conferred by the Portuguese discoverer, but also adds a note extracted from the narrative of the discoverers, to the effect, that *the water of this river is sweet at the distance of five leagues from the sea.*\* All the names on this chart between the 5th and 9th degrees of south latitude are Portuguese, a proof of the diligence of the Portuguese in designing their hydrographical charts in proportion as they went on discovering and exploring the coasts. It was through these means that foreigners inhabiting Lisbon became acquainted with these charts and copied them on their own.

A French geographer, who, in the year 1850, examined the Atlas of Soligo in the British Museum, made the following remark in his communications to the Geographical Society of Paris, and of which he gave us a copy:—"Or, qui n'est pas frappé de la singularité du fait, en voyant les Cartes nous offrir *des découvertes si nouvelles et avec une exactitude dont on est ébahi?* Ceci montre clairement le rôle des Vénitiens et leur habileté particulière à se procurer en dépit de la jalousie des Portugais, *les notions et les Cartes les plus nouvelles et les plus certaines de leurs intéressants voyages.*"

Let us also remark the great number of charts of the sixteenth and seventeenth centuries and even earlier, which, by their hydrographical nomenclature, prove the priority of the discovery of those territories by the Portuguese, and in the analysis of which we might fill a volume.

Not less important are the proofs of this priority, which are to be met with in the contemporary historians, both native and foreign.

The testimony of Garcia de Rezende, secretary to the monarch who gave the impulse to those discoveries, who knew

\* The charts of this Venetian cosmographer form part of the magnificent hydrographic atlas, executed at Venice in the 15th century, and which belonged to the patrician family of Cornaro; it is now preserved in the British Museum (No. 73 of the Egerton library).—See the chart No. 30 of the said collection.

personally the discoverers themselves, and who had in his possession all the documents, is so conclusively authentic, that it cannot for a moment be doubted.

This chronicler states that, "the King Dom João II., anxious for the discovery of India and Guinea, which had been undertaken by the Infante Dom Henrique, his uncle, *before any Prince of Christendom*, the king ordered, in the said year, a fleet to the said coast (of Congo) supplied with arms and every thing needful for a long voyage, and appointed as chief commander Diogo Cam, a gentleman of his household, *who had already been there on a voyage of discovery*, and he, sailing along that coast, came upon the river of Manicongo, one of the largest in the known world for fresh water, two leagues wide, deep all across the mouth, and running 300 leagues into the interior, &c." \*

This same description is more than sufficient proof of the fact of the exploration by the Portuguese navigators of the river Manicongo, in the years 1484 and 1485.

Ruy do Pina, another contemporary chronicler, to whom King Dom João II. entrusted various commissions, and who was acquainted with these discoveries, refers to and confirms the accounts relative to the priority of the discovery of those territories, and what was there accomplished by the Portuguese. †

\* See Rezende chron. cliii., which is headed: *De como se descobrio o Regno do Manicongo.*

† The width of the mouth of the river, as shown in Rezende, is almost the same as shown by the moderns. Compare it with Dolzel—*Instructions nautiques sur la Côte d'Afrique.*—As to the depth, however, there is a difference between that given by the first Portuguese navigators, from that assigned by the moderns. Some of these last state it to be two hundred and forty feet in some places. Others, like Captain Tuckey, nine hundred feet, and Captain Fitz-Maurice, nine hundred and sixty. But these differences may arise from natural causes so well known, that, as has occurred in other great rivers, have altered the bed of the river Zaire, in the space of more than

The priority of these discoveries by the Portuguese is no less clearly proved by the most classical of all our historians, João do Barros, who himself knew some of the discoverers, but who consulted the documents relating to the deeds and nautical achievements of that epoch. On these he founded his celebrated history, whose Decades are universally recognised by all Europe as an indisputable authority; in it he alludes to Diogo Cam discovering, in the year 1484, the kingdom of Congo.\*

Damião do Goes, another authentic historian of the sixteenth century, keeper of the national archives, confirms these facts relating to the discovery of those territories,† and the king of Congo himself declared that his dominions had been discovered by the Portuguese, as is proved by a letter which he wrote to King Dom Manoel, in the year 1512, in which he says:—  
*“As our vassals and natives of our kingdoms and possessions discovered by the people of the kingdoms of Portugal, during the*

three centuries which have elapsed since the first Portuguese explorations, and those of moderns.

The Portuguese originally explored this river so much, that even now the only notices which geographers possess of the great waterfalls, situated at one hundred and twenty leagues from the mouth, are those which are found in the Portuguese accounts. Our intrepid navigators overcame the dreadful obstacles which the navigation of this great river presented, the current of which is most rapid. Modern navigators affirm that no vessel can contend with it, and they can only navigate it by drawing near the shore, and by sheltering themselves amongst the numerous islands that are found there, and so navigating obliquely amongst them.

According to Wadstraus (*Essay on the Colonies*) and Inckell: after the King of Congo submitted himself to the sovereignty of Portugal, during the time of the missions, they were divided into six provinces, namely,—Sonho, Bemba, Battá, Fungo, Bamba, and Soudi.

Ruy de Pina, *Chron. of Dom João II., Ineditos de Historia Portugueza*, vol. ii. p. 144 to 172.

\* Barros, *Decad. 1st, vol. iii., cap. 3rd.* How the kingdom of Congo was discovered by Diogo Cam.

† See Goes, *Chron. of King Dom Manoel*, p. iii., cap. 3rd and 38.

*life of King Dom João II., king of the said kingdoms, as now especially in the time of the very high and mighty King Dom Manoel.\**

In short, all the Portuguese authors who have written on the subject, since the before-mentioned historians, state the same fact; and all foreign writers, and numerous geographers confirm it in their works. Suffice it to name Marmol,† the learned Maffei,‡ and others among the more ancient; among the moderns, Heeren, one of the most erudite of historians,|| and Ritter, the first geographer of our own times,§ and Walckenaer.¶]

Thus we find that the geographical charts designed by the contemporary navigators, cosmographers, and pilots, together with the evidence of the Portuguese historians, and most eminent foreign geographers, all unanimously confirm the fact of the priority of the discovery of those territories on the western coast of Africa by the Portuguese, from the equator to the 8° south latitude, between whose limits are situated *Molembo*, *Cabinda*, and *Ambriz*, natural dependencies of the kingdom of Angola, and belonging to the crown of Portugal.\*\*

\* See Goes, Chron. of King Dom Manoel, p. iii., cap. 3rd and 38.

† Marmol—*Afrique*, vol. iii., b. 9, chap. 24 and 25, edition of 1667. There it is shown that it was Diogo Cam who first discovered the Zaire, and part of the Congo.

‡ Maffei (J. P.) *Historiarum Indicarum*, liv. i., p. 14, edition of 1614.

|| See Heeren—*Manuel Historique du Système Politique des Etats de l'Europe*, p. 23. *Découvertes des Portugais*, (This work is classical.)

§ Ritter—*Geographie Générale comparée (Afrique)* French translation, T. i., p. 273 and following.

¶ Walckenaer—*Collection de Voyages en Afrique*. T. i., p. 91.

\*\* See proofs in the charts cited and analyzed in Section XI. of our—*Recherches sur la découverte des pays situés sur la Côte Occidentale d'Afrique*, p. 100.

## SECTION II.

EVIDENCES AND PROOFS OF THE POSSESSION BY THE PORTUGUESE OF THOSE TERRITORIES, AND MAINTENANCE OF THEM FOR AGES, AND OF THE RECOGNITION OF THE SAME BY THE DIFFERENT SOVEREIGNS OF EUROPE.

The possession taken by Portugal of the territories under consideration, is proved, not only from what we have alleged in the preceding paragraph, by the heraldic signs and flags marked by the cosmographers on the primitive charts of those territories, but also by the writings of credible historians.

As the geographical monuments which attest the truth of our statement are extremely numerous, we will limit ourselves to cite, 1st, the charts of Christophero Soligo, of 1489; 2nd, the celebrated globe of Martin of Bohemia, constructed in 1492; 3rd, the charts of the two Portulanos of João Freire, in 1546, where are to be seen the royal arms of Portugal in those latitudes, and the Portuguese flag waving to the north and south of the river *Zaire*, in the 6th and 7th south latitude.\*

If the evidence of the ancient charts demonstrates the possession by the Portuguese of those territories, and also proves the priority of those discoveries, the testimonies of authors and historians agree no less with those charts, as we shall proceed to point out.

The celebrated Duarte Pacheco Pereira, who took part himself in those discoveries, observes in his treatise, *De situ Orbis*, dedicated to King Dom Manoel:—"Leaving the two thickets twenty-five leagues to the south-west, found a large river, which we now call river of the *Padrão*, previously discovered by Diogo Cam, under the orders of the Most Serene King Dom João II., in the year of our Lord 1484; and this river deviates from the equinoctial line in the direction of

\* Combine this with what we stated above, in Section I.



the antarctic pole, seven degrees. And, because when they discovered it, they placed at its mouth, on the south side, a long stone, with three inscriptions, one in Latin, another in Portuguese, and the Arabic tongue, they gave it the name of the river of the *Padrão*. . . . and it is here that the kingdom of Congo, &c.\* And these inscriptions speak of the king who ordered the discovery to be made, and at what time."

João de Barros, treating of the discovery of Congo, by Diogo Cam, speaks as follows:—

"When the king (Dom João II.) ordered the fortress of S. Jorge da Mina to be erected, it was with the intention that by it he should take possession of all that land inhabited by the negroes, through which he hoped to add a new realm to his crown. Fernão Gomes da Mina discovered five hundred leagues of coast under the conditions he entered into with King Dom Affonso V. The first discoverer who took out these pillars (to mark possession) was Diogo Cam, in the year 1484, who took the route of the Mina to provide himself with necessaries. From thence he proceeded to Cape *Lopo Gonçalves*, lying one degree south of the equator; and having passed that cape and Cape *Santa Catharina*, which was the last land discovered in the time of King Dom Affonso, he arrived at a remarkable river, on the south part of the mouth of which he erected this pillar in the name of the king, in token of his having taken possession of the whole coast left behind."

\* *Esmeraldo*, or *De situ Orbis* (Manuscript unpublished), chap. 1, b. iii. The following expressions of this author prove the importance and authority of what he declares:—"Whilst our memories can preserve the recollection of what we have seen in our times, so as to be able to say truly what we have many times seen so highly extolled, it would be forgotten if not recorded by us; however, they are still living, who ought to live in immortal glory, whilst the knowledge of their great deeds lasts. . . ." (Preface of 2nd b. *De situ Orbis*. MS. in the Evora library.

This passage of the historian proves, that as *Molembo* and *Cabinda* lie to the north of it, those territories have remained from that time under the dominion and in possession of the Portuguese Crown.

“This river was for some time called after the pillar, S. Jorge do Padrão, and now is called *Congo*, from the name of the kingdom discovered by Diogo Cam in his voyage, though its original name among the natives is *Zaire*.”\*

The same historian, afterwards speaking of the second voyage of Cam to Congo, relates that he continued his discoveries from that point (the *Zaire*), and consequently beyond the 7° south latitude, “towards the south, and passed beyond the said river about two hundred leagues, where he erected *two other pillars of possession*, one called *Santo Agostinho*, lying 13° south latitude,† the other near *Manga das Areas*, in latitude 22°.” After these discoveries, the navigator returned to the *Zaire*.‡

In this voyage we find that this Portuguese discoverer took possession of *Ambriz*, since it lies within the limits of the possession. Thus it is evident, with these witnesses and these documents before us, that the Portuguese not only discovered the territories situated between the 5° and 8° of south latitude, within whose limits *Molembo*, *Cabinda*, and *Ambriz* are situated, but also that they took solemn possession of those territories.

This possession was not contested by the maritime nations of those days. Neither the republics of Venice nor Genoa, which possessed good navies, nor France, nor England, made

\* See Barros, Decad. 1., b. iii., chap. 3rd.

† In the ancient charts are marked in these places the pillars referred to by contemporary historians of the discoveries, being indicated by the Royal Portuguese arms. Even in 1786, the English found one in *Angra Pequena* (Petite Baie), at 26° south latitude.

‡ See Barros, loc. cit.

the slightest opposition to it,\* on the contrary, they recognised it; the ancient writers of those nations being unanimous in proclaiming the right of the Portuguese to the priority of discovering and possession of those territories. And the kings of Spain, the only sovereigns with whom the subject might have been disputed, they also having entered on the career of discovery, entered into treaties and conventions, in order to avoid such disputes, in which they acknowledged the legality of the possession of the African territory discovered by the Crown of Portugal.†

The sovereigns of England recognised so far this possession and right, that Edward IV., admitting those rights of the kings of Portugal, to the territories on the western coast of Africa, not only suspended a clandestine expedition, prepared by some private individual, in the English ports, at the expenso of the Duke of Sidonia, but issued warrants (which at that time were held as binding public acts) which were delivered to the ambassadors of Portugal, Ruy de Souza and Dr. João de Elvas, who brought those documents to Portugal.‡

That Henry VIII., king of England, recognised the right of the crown of Portugal, to these possessions may be seen by his just decision in yielding to the claims of João Alvarez

\* In regard to the pacific possession of these Western African territories, Barros says, as follows:—"And besides it is a property so pacific, tame, and obedient, that, without holding in the hand a fuse on the pan of the mortar, and a lance in the other, it gives us gold, ivory, wax, hides, sugar, pepper, and would give more things, if they wished to discover more, as they discovered beyond the people of Japan."

See our *Recherches*, before cited, Section VII., p. 65 and following, and combine it with what is stated in Section XIX. of the said work, p. 220.

† See *Quadro Elementar das Relações Diplomáticas de Portugal*, b. 1, Doc. p. 392, and b. 2, p. 9, &c. Cf. the *Recherches sur la priorité de la découverte des pays situés sur la Côte Occidentale de l'Afrique*, pp. 196, 197, and 200.

‡ See the collection cited, vol. xv., p. clxviii. and 16, note 1, which comprises the diplomatic relations of Portugal with England.

Rangel, in 1488, four years after the Portuguese had taken possession of those territories to the north of the *Zaire*, suppressing another (secret) expedition preparing in England, against the African dominions of the Crown of Portugal.\*

This same sovereign, in the letters patent, dated Westminster, December 9th, 1502, following the advice of his council, recognised the right of the Crown of Portugal to those regions discovered by the Portuguese, and not only prohibited his subjects from visiting them, but maintained the claims of the Portuguese, 1st, as discoverers, 2nd, as holding actual possession, in proof of which they had planted their national flag.†

So clear and evident was this right, in the estimation of the English monarchs, that Henry VIII. recognised them as fully as his predecessors had done, and most explicitly in a letter written by him, on the 14th September, 1516, to King Dom Manoel, recommending to his notice John Walopp, an English gentleman, who was filled with such admiration of the lofty achievements of the Portuguese, in their having discovered an as yet unknown world, that he desired to

\* See the collection cited, vol. xv., p. clxviii. and 16, note 1, which comprises the diplomatic relations of Portugal with England.

† Henry VIII., in granting, by the letters patent cited, the power to a certain Eliot, of Bristol, and to João Gonçalves and Francisco Fernandes, both Portuguese natives of the Azores, to discover lands in the limits of the southern, and northern seas, under the English flag, granted them likewise leave *to set up the royal flag of England in the lands they might discover*, and besides to occupy them, and thus to take possession of them, *provided, however, that it was not in the regions or provinces of the heathen, or infidels, discovered* (says the King of England) *by the subjects of the King of Portugal*; granting power to the same to combat, expel, take and punish foreigners who should attempt to go to those lands that they might discover, with the view to acquire riches, even though they might be subjects of friendly or confederate princes. Document published in Rymer, *Fœdera, &c.*, v. xiii., p. 37, and in the edition of Holmes, v. iv., p. 186.

England recognised, therefore, as titles of right, those which we established, as well in demonstration of Section I., as in this.

serve under their banner. The king thus expresses himself:—

“*Magnis dispendis, magnaque snorum virtute, ignotum antea orbem adaperuit, et vitricia Domini Dei nostri signa per eadem Vestram Serenitatem, immenso Oceani littore regnis ac populis sabaetis, ad Rubrum usque mare perlata fuisse cognoverit, etc.*”\*

This important document proves in the most positive manner that *England not only recognised that the Kings of Portugal had discovered an unknown world, but that they had also subjugated the tribes of Africa, from the shores of the western ocean to the eastern coast of that continent, as far as the Red Sea.*

At the period when England recognised by this solemn declaration, that the Kings of Portugal had subjected the tribes of Western Africa (*populis subaetis*) to their government, *Loango* and *Congo* were already the tributaries of the Portuguese Crown, consequently the King of England acknowledged the right of Portugal to the territories situated between the 5° and 8° south latitude, within whose limits lie *Molembo, Cabinda, and Ambriz.*

Queen Mary, a successor of Henry VIII., recognised in like manner the right of Portugal to these African territories, prohibiting, by an order in council, dated July, 1556, all English subjects from going to the Portuguese possessions in that part of the globe, or to traffic there; preventing them from going to the cities and towns directly under the jurisdiction of the Crown of Portugal, and also from those districts under its authority; and giving orders to the English authorities to imprison any one who should infringe such prohibition, and to lay an embargo on their ships and merchandisc.†

\* Original Document preserved in the Royal Archives of the Torre do Tombo, and of which we give a summary in our *Recherches, &c.*, before cited, p. 207.

† Document in vol. xv of the *Quadro Elementar*, taken from the British Museum.

To such an extent were these claims and possessions admitted by England, that in the above-mentioned documents of the reign of Queen Mary, that sovereign and her council solemnly confirmed this acknowledgment as being in conformity both with the treaties of friendship existing between the two countries, and also for mutual public advantage.

In the following reign of Queen Elizabeth, King Dom Sebastião complained to that sovereign (24th October, 1557) of some of her subjects who had committed acts of piracy against the subjects of Portugal on the African seas within the jurisdiction of that crown; and characterised their proceedings as acts of violation of the law of nations, declaring that he should consider them as such, if the Queen did not discountenance and repress them; these pirates being her subjects, though they called themselves Scots.

In the year 1561, the King of Portugal sent an envoy to London to settle this affair; and on the 8th April, the Queen declared in council to the Portuguese envoy, that it would occasion her the most profound grief if her subjects were found guilty of the misdemeanours for which the envoy sought redress; adding that if the accusation was confirmed, they should be severely punished; that she would not suffer any subject of hers to injure the vassals of another sovereign's, either *by invading their territories*, injuring their goods, or prejudicing anything belonging to them.

And with respect to the other point in question, relative to her subjects trading with the vassals of the Portuguese Crown, she would prohibit their navigating in those latitudes bordering the dominions of the King of Portugal.\*

On the 22nd May, 1562, the Portuguese Ambassador presented to the English government an explanation of the reasons why the English were prohibited from going to Portuguese Africa. But here arose a difficulty, namely, that

\* Unpublished Document found in vol. xv of the *Quadro Elementar*.

the court of Lisbon included in the prohibition all the ports of Morocco and northern Africa, where they had fortresses. However, the English government in another answer given to the Portuguese Ambassador, 14th of June of the same year, declared that with regard to the countries inhabited by the negroes, it made no objection, as the Queen of England acknowledged that many of them were under the dominion of the King of Portugal.\*

The same Queen, in a letter dated 22nd of November of the same year, written to King Dom Sebastião informed that sovereign that she had prohibited her subjects from going to the Portuguese possessions on the western coast of Africa, and from disturbing or injuring the commerce of the Portuguese.† The Queen also declared in the same letter her intention of punishing any one who should transgress such prohibition, that it might serve as an example to those who in futuro might be tempted to commit a similar crime.

This resolution was taken in consequence of a new claim presented to the English government by the Portuguese Ambassador, João Pereira Dantas, 19th June of the same year, (1562).‡

Notwithstanding these prohibitions, new secret expeditions were prepared in the year 1564, upon which, King Dom Sebastião sent to the court of London Ayres Cardoso to protest against such acts; when the Queen of England renewed, in consequence of these representations, her former prohibitions.¶ Queen Elizabeth wrote also to King Dom Sebastião on the 26th November, informing him that she had given his envoy, Ayres Cardoso, a favourable reply to the subject which he had laid before her.§

\* Unpublished Document in vol. xv of the *Quadro Elementar*.

† Ibid.

‡ Ibid.

¶ Ibid.

§ Ibid.

It appears that the English continued these depredations, as we find the King of Portugal sending to London in 1567, Manoel Alvares, a celebrated lawyer, in the capacity of an envoy, to protest against the depredations of the English against the Portuguese, and on the 16th December, 1569, Antonio Fogaça received instructions to enter into an agreement with England, relative to these dissensions, and to the prizes which had been taken on either side.\* This envoy having succeeded in obtaining some concessions, the Portuguese government determined to send to London, in 1571, Francisco Giraldes, as their Ambassador.

The English government again renewed its recognition of the rights of Portugal, declaring in its reply to the Ambassador, "*that Her Majesty the Queen would issue a general order in all the parts of her kingdom, that none of her subjects should continue to make voyages to the Indies and Portuguese possessions.*"

On the 2nd of January of the same year, 1571, a treaty of friendship and perpetual peace was concluded by the Queen of England with Portugal. Among the articles, it was agreed that, "in order that the friendship of the Queen of England with the King of Portugal might be further manifested, and that a durable friendship might be established between them and *their successors*, the Queen determined that after the treaty, a prohibition should be published in all the ports of England and Ireland, to the effect that no subject of hers *should navigate those seas, or go to the lands conquered by Portugal, under pain of being held perturbators of the public peace.*"

The kingdoms of Portugal and the Algarves, Madeira, the Azores, and the states of Barbary were excepted.

This treaty was signed by the Lords of the Privy Council, and by the Ambassador of Portugal; but as the court of Lisbon did not choose to agree to the clause relating to the free commerce with Barbary, the treaty was not ratified.

\* Unpublished Document in vol. xv. of the *Quadro Elementar*.



But it is not the less evident that the right of sovereignty of Portugal to the other territories of Africa, which it had discovered, of which it actually held possession, or which it had conquered, was recognised at this period by a treaty.

However, after various negociations, a treaty was finally concluded on the 29th October, 1574; the English Plenipotentiary being Sir Francis Walsingham, minister of Queen Elizabeth, and on the part of Portugal, the Ambassador Francisco Geraldès. By this treaty of *abstinence*, entered into for three years, the English were only allowed free intercourse with Portugal, Algarve, the Azores, Madeira, and *Barbary*; *the right of the Crown of Portugal to its other African possessions being thus recognised anew.*

In the following year, on the 25th October, the Queen of England gave new powers to Sir Francis Walsingham, to treat with the Portuguese Ambassador, Francisco Geraldès, *confirming the previous conventions.\**

After this period, the Portuguese government continued to maintain its right of sovereignty over those territories which it substantiated in various laws: for example, those of Alvara, 18th March, 1605; † the law of 1643 which forms part of the Ordenação, book 5th tit. 107, which prohibits foreigners from going there to trade; that of Alvará, of the 11th January, 1758, by which King Dom José declared the commerce of Angola, Congo, Loango, and Benguella, free to his Portuguese subjects.

No opposition was made on the part of sovereign nations to this colonial jurisprudence established by the Portuguese in their code, in virtue of the sovereignty which the Crown of Portugal had and *has* in its African dominions. Nor could

\* Document unpublished, vol. xv of the *Quadro*; section of the relations of Portugal with England.

† Royal archives of the *Torre do Tombo*, liv. 2nd of the Laws, fl. 84, and Ordenação of the kingdom, D. 5th.

foreign nations legally protest against the usage of the sovereignty, without attacking the sacred principle of the independence of nations, since the colonies of a crown form an integral part of the national territory, a fact confirmed by all the principles of the law of nations.\*

In short, all these rights were, in our opinion, sanctioned by the great maritime nations, and the ancient possession through ages by the Crown of Portugal of its African dominions, when they signed the treaty of Paris on the 10th February, 1763, between King Don José I. of Portugal, George III. of England, Louis XV. of France, and Charles III. of Spain, in the 21st article of which it is stipulated, "*that with respect to the Portuguese African colonies, if any change or alteration had been made, every thing should be re-established on its original footing.*"

Consequently, the condition of our African Portuguese possessions before that period, is what we have been demonstrating; namely, the right of sovereignty exercised by the Crown of Portugal over *Congo* and *Loango*, and the commerce of the ports of those kingdoms, seen in the dispositions of Alvará of the 11th January 1758, consequently, the right of sovereignty over *Molembo*, *Cabinda*, and *Ambriez*, situated in those regions already alluded to, was also implicitly recognised by the letter and spirit of the 21st Article of the above-mentioned treaty of Paris.

\* Vattel says, liv. T. chap. viii, § 210. *Des Colonies* (Droit des Gens): "*Lorsqu' une Nation s'empare d'un pays éloigné, et y établit une colonie, le pays quoique séparé de l'établissement principal, fait naturellement partie de l'état tout comme ses anciennes possessions.*" Compare what we explained in the text with the doctrines of colonial jurisprudence supported by the Marquis de Pombal in the note of 31st January, 1776, which we published in vol. viii of the *Quadra Elementar*, p. 145 to 149; and, moreover, consult the note of the said minister on the *general Laws of all Europe concerning colonies, &c.*, (vol. cit. p. 151.)

## SECTION III.

THE INTRODUCTION OF CIVILISATION, THROUGH CHRISTIANITY,  
AMONG THE BARBAROUS TRIBES OF AFRICA, INHABITING THE  
REGIONS OF CONGO.

Hardly was Congo discovered by the Portuguese, in 1484, as we have shown, than the kings of Portugal began immediately to introduce European civilization, together with Christianity, among the barbarous people of that kingdom.

The first discoverer early took to Portugal several youths of the chief families, to be instructed in religion, the laws, European manners and customs ;\* and, on the 19th December, 1490, the king sent Gonçalo de Souza to *Ambese*, the capital of *Congo*, where he arrived on the 29th April, of the following year, and on the 3rd May, was laid the first foundation stone of the church of *Santa Cruz*, which was afterwards constituted a cathedral, with a Bishop and College, at the suggestion of King Dom João III., in the year 1534.

That these people acknowledged, through their sovereign, the benefits which they derived from the Portuguese, is shown by a letter of the King of Congo to King Dom Manoel, in 1512.† Indeed, this monarch sent several missionaries to that kingdom, and the Portuguese built there a convent for the Capuchin missionaries, who were to instruct the negroes of the *Sonho* in the faith ; this edifice which was established at

\* See Barros, Decad. 1st, chap. ix. Compare this with the chronicler Rezende, chap. clv. and clviii.

† The King of Congo, speaking of the King Dom João II. and of the King Dom Manoel, to whom he was writing, added :—"And being sent by both of them to the king, my Father, as by a divine inspiration, and admonition of hope, from present things, of the increase of His Holy Catholic Faith in this land, *planted by their piety*, elergy, and religious persons, to show them the way of salvation, and put them in the way of His Holy Catholic Faith, under which the said kings and their subjects live, &c."

*Pinda*, at the mouth of the *Zaire*, still exists. The Portuguese sovereigns also introduced into that kingdom the administration of justice, and named Portuguese magistrates,\* at the request of the delegate of the King of *Congo*, in 1489, who was received by King Dom João II., at Beja.† The King of *Congo*, on his conversion to Christianity, took the name of Dom João.‡

All the principal persons of that kingdom took Portuguese names, many of which are still retained by the *Sovas* who inhabit those territories. They also adopted the coats of arms conceded to them by the King of Portugal.§ The Kings of *Congo* received also, and made use of the standard sent to them by King Dom Manoel.§ The same monarch also sent them, in 1504 (that is twenty years after the original discovery), masters to instruct their youth,¶ whilst, on the other hand, many natives, inhabitants of *Congo*, from the principal families, went to Portugal, to study at the expense of the Portuguese treasury.\*\*

These facts are verified and confirmed by the published narratives of travellers and foreign writers. Duarte Lopez,

\* See Goes—Chronicles of the King Dom Manoel, p. iii., chap. 37.

† The King Dom Manoel sent Simão da Silva to *Congo*, carrying in his instructions authority to cause justice to be done to the Portuguese, and for the King of *Congo* to try causes in his kingdoms, by a lawyer, who took with him the office of judge, and power to assist in the war, &c. (Chronicle cit. chap. 37.)

The King of *Congo* sent even to the King Dom Manoel to ask for the Code of Laws, in order to administer justice by them in his states, as may be seen in the letter he wrote to the King Dom Manoel, on the 4th March, 1516, which exists in the Archives of the Torre do Tombo, drawer 16, packet 14, Doc. No. 40.

‡ See Rezende—Chron. Dom João II., ch. clix.

§ See Goes—Chron. of King Dom Manoel, chap. 38—Letter from the King of *Congo*, 1512.

¶ See Rezende, Chron. cited, chap. clix.

\*\* See Goes—Chron. p. i., chap. 76.

\*\* Ibid.

when in Italy, gave his manuscript to Filippa Pigafetta, who set it in order and published it in 1589, and it was soon after commonly known throughout Europe.\* This traveller visited Congo, in 1578, nearly a century after its discovery and settlement by the Portuguese, and he declares that their ascendancy there was so great, that the Princes of Congo had not only assumed the Portuguese names, and titles of the Portuguese nobility, but even the principal natives had adopted the Portuguese dress, and the women of the country imitated the fashions of the ladies of Lisbon, &c.

This author states that before the arrival and establishment of the Portuguese in that country, the inhabitants *had not the remotest idea of the art of writing. It was they who introduced it there.*

Captain Tuckey, in his history of Zaire, and its territories says:—"that among the inhabitants of the banks of the Zaire (near Sonho) all the effects of Portuguese civilization were perceptible."†

This testimony is not to be suspected of partiality, since this English officer, according to the custom of many foreigners interested in weakening the authority of the Portuguese in their transmarino dominions, speaks much against the Portuguese.

From what has been alleged, it is proved that it was the

\* This account was published in Rome, in 1591, in a small vol. in 4to. Hacluyt, published in 1597, an English translation under the following title, "*A Report of the kingdom of Congo, a region of Africa, and of the countries that border round about the same,*" &c." This work was also translated in Latin by Cassidoro Reinius, and published by de Bry, in his celebrated collection of travels, under the following title, "*Regnum Congo hoc est vera descriptio regni Africani tam ab incolis, quam Lusitanis Congus appellatum,*" (Frankfort, 1593.)

It was published again in Amsterdam, in 1649, in 4to.

† Tuckey—Narrative, &c., p. 159, and following. This officer surveyed all the coast, from Cape Lopez to Cape Padrão.

Portuguese who, at the sacrifice of their wealth and treasure, and at the price of the blood of the vassals of the Crown of Portugal, introduced the religion of Christ and civilization among the barbarous nations of *Congo*, and who likewise, at the cost of many sacrifices, conquered the greater part of those territories, as we purpose to demonstrate.\*

#### SECTION IV.

##### CONQUEST BY THE PORTUGUESE OF VARIOUS PARTS OF THE BEFORE-MENTIONED TERRITORIES.

Though the lawful claims of the Crown of Portugal to the territories situated between the 5° and 8° south latitude, by priority of discovery, and actual possession, did not exist, their right to them by conquest would be fully recognised by the law of nations.

After the reduction of *Congo* to the obedience of Portugal, its sovereigns repeatedly acknowledged themselves its feudatories, as we shall demonstrate. The king was reinstated in his authority by the triumph of the Portuguese arms, under command of Francisco de Gouvêa, who, with the Portuguese army, in 1570, saved the King of *Congo* from being *totally routed by his enemies*.†

\* See the interesting account of the mission sent to Congo, in 1784, and what occurred to the Portuguese missionaries there—“*General Instructions given by Martinho de Mello, to the Governor of Angola,*” transcribed and abridged by Borodich.—Account, &c., p. 65 to 85.

† Dapper (*Afrique*) p. 358, in speaking of this occurrence, says as follows:—“Francisco de Gouvêa prit la route d’Afrique étant abordé à l’Ile de Saint Thomé, et s’étant fourni d’armes et de provisions, ils allèrent prendre le roi du Congo, ses gens et quelques chevaux qu’ils trouvèrent dans l’Ile des Cavallos, et firent subitement descente sur la terra firme. Il y en eut plusieurs combats entre les Jagas et les Portugais, où les barbares eurent du pire et prirent la fuite épouvantés par les décharges de la mousquetterie, et par le bruit du canon. On eut besoin d’un an et demi, pour reprendre le pays de ces brigands, et rétablir le roi du Congo dans la possession paisible de son royaume.”

In the narrative of Battel, an English author, in the service of Portugal, who wrote in the year 1589, are to be found various proofs of the Portuguese supremacy in these territories, as well as of the combats they maintained there.

The Governor of Angola, João Fortado de Mendoça, gave Battel the command of a ship, to go and trade in ivory, wheat, and palm oil, on the great "river of Cougo called Zaire (as he calls it). This commission executed, the same Battel afterwards proceeded fifteen leagues north of the Zaire; and the Governor of Angola having sent four hundred convicts, recently arrived from Portugal, to the province of Hambo (sic.), to carry arms in all the wars of the Portuguese, Battel marched, with a division of Portuguese, against the chief of *Saronso*, vassal of the King of *Bamba*, who submitted himself to the Portuguese without resistance." Shortly after, *Samamisbansa* submitted himself to Portugal, and the Portuguese thenceforth met with no opposition in the country of the powerful chief *Namba-Colombo*." He even augmented the Portuguese force (adds the same author) by a body of 3000 negroes.

"From this point, they marched against *Lollancongo*, and the army took up quarters in the country of *Cambre Caimga* (sic.), where it remained for the space of two years, but not ceasing to make excursions, in consequence of which a great many chiefs submitted themselves to the Crown of Portugal."

Battel relates that among these expeditions, that of the hill (*outeiro*) or mountain of *Ingombe*, cost much Portuguese blood. They entered the country with an army of 15,000 men, and routed the King of *Ingombe*, who then acknowledged the authority of the Crown of Portugal.

The Portuguese proceeded to subdue other parts of these countries, and afterwards took *Ingombe*, and encamped near it, where they remained a whole year."

From this point the army marched, under the command of

its general, who joined his forces (if we rightly understand the author) to those of Dom João Coutinho, who was at Songo (to the south of the Zaire, in the kingdom of Congo).

“During the march of this army, a great number of chiefs came spontaneously to submit themselves to the Portuguese. They then entered the country of a powerful sovereign, named *Engoy-Kayongo*, where they had to fight against 60,000 men. Dom João Coutinho marched against them, and conquered them. The capital of this country (says the English traveller) is *Cabinda*, which is situated most agreeably, in a very fertile country.\* After taking possession of this capital, they marched to *Cambamba*, distant three days’ journey, and encamped on the mountains, and at length extended their authority throughout the country.”

This author also states that the Portuguese made war against, and exercised authority over, the provinces of *Engoy*,† *Loango*, *Bengo*, *Colongo* or *Cilongo*, *Mayombo*, *Monikesoche*, and *Matamba*. He adds that they entrusted the native chiefs with a certain amount of authority, and appointed them generals of the native contingent. In describing the ceremonial of their submission, he states that when it was over, the negro chief remained under the protection of a Portuguese soldier, appointed for this purpose by the Portuguese governor.‡

\* What Battel says is confirmed by more recent travellers, who state that Cabinda is situated in the country of *Engoyo*, at the mouth of the Zaire, five short leagues to the south of Molembo. De Grandpré adds:—“*C’est un très bon port surnommé le Paradis de la Côte, et l’endroit le plus riant de tous les environs.*” (v. ii., p. 26.)

† The assertions of Battel show that the Portuguese conquered Cabinda and its territories.

‡ This interesting narrative was published in the celebrated English collection of Purchas (Pilgrimage v. ii., book vii.), entitled, “*The strange adventures of Andrew Battel, of Leigli, in Essex, sent by the Portuguese*



In the royal letter, dated 1575 (that is five years after the Portuguese had vanquished the Sovas of Congo, and re-established their feudatory), by which King Dom Sebastião appointed Paulo Dias de Novaes Governor, we find that his instructions were to follow up the same system of conquest, for he is styled in the same document, *conqueror, and settler (povoador) by conquest, &c.*

The Portuguese, as we have seen, not only conquered many of those territories, and their barbarous inhabitants, but also rescued them from the Dutch, who had usurped and invaded them.

In 1606, Dom Manoel Pereira expelled the Dutch privateers from the port of *Pinda* on the *Zaire*.\*

Three years after (1609), the same governor again expelled the Dutch, who attempted to fortify themselves on the *Zaire*, sending a squadron after them.

The Portuguese continued to exercise their right in these territories, and to sustain it by arms, both against the natives and foreign maritime nations, and in the year 1648 the learned Governor Salvador Correã de Sá, after routing the Dutch at Angola and Benguella, and freeing those countries from them, ordered them to be expelled, by four men-of-war, from the territories of *Cabinda*, *Loango*, and the river *Zaire*.

In the year 1652, the Governor Rodrigo de Miranda Henriques expelled a Dutch ship from the *Zaire*.

*prisoner to Angola, who lived there, and in adjoining regions, near eighteen years.*

This narrative was reprinted by Pinkerton—Collection of Voyages and Travels, vol. xvi., p. 317.

\* This is proved by the letter of Philip II. to Dom Christovão de Moura, Marquis of Castello Rodrigo, by which it is evident the king had ordered a squadron to be prepared to sail to those coasts, to defend them against foreigners.

Document of the Royal Archive of the Torre do Tombo, Corpo Chron., p. i., packet 115., Doc. 85.

In 1660, João Cardoso, commander of the Coast-guards, captured a Dutch ship off the coast of *Congo*, and in the following year took more prizes.

In 1666, Luiz Lopes do Sequeira vanquished, in a pitched battle, the king of Congo, who had rebelled against the Portuguese, and who recognised anew the sovereignty of Portugal in that kingdom.

In 1671, the said Lopes de Sequeira routed the negroes of *Pungo-an-Dongo*, and conquered the place, which thenceforth was incorporated in the dominions of the Crown of Portugal.

In 1759, the Governor Antonio de Vasconcellos conquered the famous *Pedra de Encoge*, and there founded the penal settlement of *S. José de Encoge*, which fortress lies in  $7^{\circ} 3'$  south latitude.

In 1794, the Portuguese reduced the territories of the north to the obedience of the Crown of Portugal: they are inhabited by the *Mussôcs*, and are situated between the  $6^{\circ}$  and  $7^{\circ}$  south latitude; and, consequently, within the disputed territories.

## SECTION V.

THE SOVEREIGNS INHABITING THE TERRITORIES OF CONGO, LOANGO AND OTHERS MADE THEMSELVES VASSALS AND TRIBUTARIES OF THE CROWN OF PORTUGAL.

In the year 1509, when Dom Affonso succeeded his father, Mani-Congo, in the government of the kingdom of Congo, his cousin, Dom Pedro de Souza, was sent immediately by him to *pay homage* to King Dom Manoel, who then reigned in Portugal; he accepted it in the manner usual between *Suzerains* and tributary princes, sending him at the same time a coat of arms for himself, and twenty escutcheons for the grandees of his kingdom.\* He also ordered that his

\* See Letter from the King of Congo to King Dom Manoel in 1512 in Goes, Chron. p. iii., chap. xxxviii.

descendants should use them in token of the signification of those arms as they were given by that monarch.\* This sovereign sent them the banners and ensigns they were to use, and even the seal with the official arms which the King of *Congo* should use in his enactments.

This King of *Congo*, in a letter addressed to Dom Manoel in the year 1512, expresses himself in the following manner: "At all times to acknowledge his authority in all that he may require from us or our dominions; and in the like manner fulfil all we undertake for him; and we would die in *his cause* for the infinite obligations we owe to him, both in temporal and spiritual things."

The expressions transcribed above are a true *homage*, and correspond exactly with the *hommage Liege* of the feudal law, by which the vassal swore to follow his lord and his standard.

The King of *Congo* declared that he would even die for the King of Portugal. This act is more explicit than that performed in Europe by Henry III., and other sovereigns, doing *hommage liege* to the kings of France for the provinces they held on the continent.† Nor can it be objected that the King of *Congo*, though the vassal and tributary of Portugal, exercised a sovereignty in his states, since the history of Europe presents us with many examples of this fact. Indeed, many monarchs exercised sovereignty in their states, and yet paid homage to others whose complete vassals they were. The ancient counts of Flanders no sooner took possession of their states than they went to do homage to the kings of France and the emperors.

In the year 1509, many Portugueso had already taken up

\* Document of the Royal Archive da Torre do Tombo, drawer 18, packet 1, Doc. No. 51.

† See Salvaing—*De l'usage des Fiefs*, chap. xviii.—Cf. Guyot. *De la Foi et hommage*, tom. iv. *Des Fiefs*, chap. ii., iii., and iv.

their residence in the city of St. Salvador d'*Ambese*, and King Dom Manoel there exercised his prerogative so far as to place in that capital of Congo an inspector and *corregedor*, independent of the king, in consequence of his acknowledgment of the right of the King of Portugal.\*

We will quote another document which proves also clearly that the kingdom of *Congo* is a fief of the Crown of Portugal. It is the diploma by which King Dom Manoel granted the title of *Senhoria* to the king of that stato, and power to appoint a council,† with whom to transact the affairs of his vassals, according to the Portuguese legislation.‡

Dom Pedro, son of the above-mentioned King of Congo, succeeded his father in the year 1533, and continued to acknowledge the supremacy of Portugal, and, consequently, the vassalage due to that Crown, which he maintained during the whole of his reign, till 1540, when he died.

In the year 1552, the King Dom Diogo died without issue, and his brother, Dom Henrique, succeeding, numerous dissensions arose; but Dom Alvaro having been raised to the throne in 1554, he immediately sought to secure a friendly understanding with the Portuguese, and justified himself with King Dom João III., who was then reigning in Portugal.

From this new recognition of the supremacy of the Crown of Portugal, Dom Alvaro derived the greatest advantages, since it was to the arms of his lord *Suzerain*, the King of Portugal, that he owed the continuance of his command over the *Jagas*. These people in the year 1558 revolted against him, having previously been beaten by the Portuguese in the great battle, to which we have before alluded; and it was by the intervention of the Portuguese forces that the King of

\* See Document of the Royal Archives in the Torre do Tombo, drawer 15, packet 14, Doc. No. 40.

† Royal Archive of the Torre do Tombo, drawer 20, packet 5, No. 24.

‡ See the Letter of 14th March, 1516, of which we have spoken above.

Congo was enabled to defend himself in one of the islands of the *Zaire*.\* He was also succeeded by the troops of Francisco Gouvêa, who, in 1570, arrived in the *Zaire* with a Portuguese fleet sent for that purpose,† which resulted in several victories by the Portuguese, in the expulsion of the invading *Jagas*, and in the reinstatement of the King of *Congo*.

This prince, after his restoration to power, paid homage to the Governor Francisco de Gouvêa, both for himself and his descendants as vassal and tributary of the kings of Portugal, to whom he ceded the exclusive right to all the coast of *Pinda* on the *Zaire*, as far as the isle of *Loanda*.‡

From *Pinda*, thus ceded to the Crown of Portugal to *Loanda*, there are fifty leagues of coast. The Portuguese established at that port on the *Zaire*, as we have already stated, an important station, including a factory with its Portuguese factor, and a church.

Gavazzi, in his *Catalogue of the Kings of Congo*, which we have before us, relates also that the King of Congo paid homage and vassalage as tributary, and confirms the fact we have stated. When Duarte Lopes travelled in that kingdom in the year 1578, he found forts constructed there by the Portuguese, and states that each of the Sevas or lords paid tribute to the King of Portugal. In short, he declares that the Portuguese founded the principal establishments of *Congo*, and that they traded on the *Zaire*.

The *Dembos*, who inhabit a territory situated about 6° south latitude, became also the tributaries of the Crown of Portugal, binding themselves to furnish a contingent of troops for war. These people occupy the banks of the upper

\* See the History of St. Domingo, by Father Luiz de Souza, p. ii., b. vi., chap. xi.

† Ibid.

‡ This act of vassalage and of tribute, made by the King of Congo for himself and his successors, is entered in the great book of Angola as is seen

*Dande* and northwards, as far as the lands of *Dembo Ambuela*,  $7\frac{1}{2}^{\circ}$  south latitude.\*

The chief of this people, with eight *Sovas*, who are under his sway, are vassals of Portugal, and subject to the jurisdiction of the Portuguese penal settlement of *S. José do Encoge*. The Englishman, *Battel*, also states, as an ocular witness, in his narrative of 1589, that the various princes and chiefs of that kingdom were subject to the sovereignty of Portugal.

In 1790, the famous Marquis of *Mussulo*, who then ruled over the whole of the territory and coast from the river *Lope* north of *Ambriz*, as far as the river *Lifune* to the south, and, consequently, from  $7^{\circ}$  south latitude, having revolted, and devastated the territories of *Daude* and *Bengo*, *Manoel d'Almeida Vasconcellos*, Governor of Angola, ordered a body of troops to march from *Loanda* to chastise them: the rebels were beaten in various combats, and pursuing them to the banks of the river *Loge*, he chased them out of the country.

Contiguous to this river a fort was erected, which was completed, armed with artillery, and garrisoned on the 1st March, 1791; Captain *Francisco Antonio Bezerra* being ap-

by the Document in fol. 63 verso—of the Report made by Captain *Garcia Mendes de Castello Branco*, of the kingdom of Congo (see *Quadro Elementar Transactions with Africa*). The testimony of this officer is very important, as it is not only contemporary, but he also accompanied, in the first conquest, *Paulo Dias de Novas*. This same captain stated “to the King of Portugal, that the King of Congo offered the said governor a sum of money of *Zimbo*, which is the current money in his kingdom, and by a deed (*Provisão*) which is in the factory books at Angola, which I saw (says he) he offered to pay tribute, which he paid.”

A summary of this Report exists in the collection of notices for the section xxvi. of the *Quadro Elementar*, which is contained in our transactions with the African princes.

\* See the chart of the coast and the interior of Congo, Angola, &c., published by *Bowdich* in his *Account of the Portuguese Dominions in the interior of Angola and Mozambique*, London, 1821. This chart was made by *Lieut.-Col. Furtado* in 1790.

pointed commander. On that occasion the new fortress, with all due solemnity, amid the firing of cannon, hoisted the Portuguese flag, a ceremony observed also at *Ambriz*. The same day a French ship arriving, the Portuguese commander sent the captain a message expressive of his amiable sentiments, informing him at the same time that the Marquis of Mussulo had just been punished for rebellion and other crimes, and that all those lands and the port of *Ambriz* had been conquered by the arms of Portugal.

The campaign thus being over, the expeditionary force returned to Loanda, leaving in the new fort the necessary garrison, which, during the whole of its stay in 1790 and 1792, did not experience any hostile attack. In this year the Marquis of Mussulo declared himself a vassal of the Crown of Portugal; his act of homage was given at the end of this Statement.\*

In 1794, as we have stated (§ 4th), the *Mussões*, whose country lies between the 6° and 7° south latitude, were reduced to the obedience of Portugal.

The tribute paid by the kings of *Congo* to the kings of Portugal in token of homage, was a certain number of *pieces* and so many cats from *Algalia*.†

When these kings of *Congo* rebelled against the Portuguese they were punished.

In December, 1665, when André Vidal de Negreiros was governor, the King of *Congo*, failing in his allegiance as feudatory, came against the Portuguese with a powerful army; a great battle was fought in which he was killed and beheaded.‡ In 1648 a king of that country sent an ambas-

\* Official Documents in the Archives of the Ministry of Marine and Colonies.

† Cadorneya (Antonio d'Oliveira) General History of the War in Angola, an original and MS. work, unpublished, which is kept in the Imperial Library of Paris. Tom. i., f. 148—year 1639.

‡ The same author, t. ii., p. iii., fol. 106 to 115.

sador to the governor, Salvador Corrêa de Sá, to ask pardon for his having taken part with the Dutch. The general granted peace on condition that he should pay part of the expences incurred by the Portuguese army, namely, 900 bales of cloth, which were equivalent in value to several thousand *pieces*, which the ambassador promised to do.\* In 1655 the King of Congo having interfered with the Portuguese commerce, and thus failing in his duty, the Governor of Angola ordered his troops to cross the river *Lifune*; and when they arrived at the territory of the Marquis of Bamba, a vassal of Congo, they gave him battle; in short, the inhabitants of that kingdom were defeated: the king immediately sent his ambassadors to ask pardon of the governor, who, after every thing was arranged, ordered his troops to withdraw.†

The Princes and chief Sovas of the kingdom of *Congo* had recourse at various times to the power of the Portuguese and to the Governors of Angola to mediate in their internal dissensions and contentions. We will mention one of these interventions as related by one of the principal lords of *Congo*, and which we deem sufficiently characteristic.

In the year 1655, when Luiz Martins de Souza Chiehorro was Governor of Angola, the Marquis of *Pemba*, subject of the King of *Congo* sent to the said governor to petition his aid, being in fear that the King of *Congo* would decapitate him, since the Marquis himself had more right to the kingdom than the King who actually governed it, who was in his opinion only Count of *Senho*.‡

Thus, then, not only the Sovereigns of *Congo* and the lords

\* Cadorneya, t. ii., chap. lxx. adds, that each of those pieces was worth at that time from 25 to 30,000 reis (£6 : 13 : 4). On this occasion the King of Congo promised to give the Portuguese the gold-mines that were in his estates.

† Work cited, t. ii., chap. iii.

‡ Cadorneya, work cited, t. ii., page 129.



or *Sovas* of that country, who inhabit and rule over the coasts of that kingdom, are vassals and tributaries of Portugal, having ceded their territories to Portugal in return for the armed assistance they afforded them; but the Portuguese, in conformity with their right, erected in these reigns many penal settlements and fortresses; among which are *Cabinda*, *Ambriz*, *St. José de Encoge*, and others situated to the north, where the Portuguese hannon waved in the fifteenth, sixteenth, and seventeenth centuries, holding the exclusive commerce of the ports on that coast, both in right of their indisputable claims, which we have proved, and also by the agreements and conventions made with the Kings of *Congo*, one of which was the factory of *Pinda* on the *Zaire*, in the territory of the *Sonho*, where Portugal maintained her dominion for more than two centuries, with her own legislators, magistrates, and custom house. Such has been the extent of the sovereignty of Portugal in the kingdom of *Congo*, that the Kings of Portugal have exercised their power in regulating the succession and election of the Kings of *Congo*, tributaries of their Crown.

We give the following example.

In 1689, King Dom Pedro II. interposed on the election of the King of *Congo* in order to perpetuate the reigning dynasty, for which purpose he commanded the Governor of Angola to exert his authority on the election of the said King of *Congo*; this order was renewed by the king in the royal letter of the 29th April, 1691, and 24th January, 1693. And as doubts had arisen among the *Sovas* of *Congo* after the election of Don Pedro, the King of Portugal determined by another royal decree of the 5th March, 1700, that the Count of *Sonho*, Marquis of *Pemba*, and the Duke of *Bemba* should meet again for the election of the King of *Congo*, an act which proves the supremacy of Portugal over that state.

And, indeed, from that period the kings of that dynasty

have never failed in their vassalage which has constituted them the dependents of the Crown of Portugal.\*

It was in virtue of the right which we have been demonstrating, that recently, in the year 1838, the government of Her Most Faithful Majesty ordered the establishment of penal settlements in the ports of *Zaire*, *Cabinda*, *Molemo*, and *Ambriz*, where, however, the trade with foreigners was to be encouraged.

Therefore the smallest doubt can no longer exist that the kingdom of *Congo* with all its dependencies of *Molemo*, *Cabinda*, and *Ambriz*, is, in the present day, the rightful feudatory of the Crown of Portugal.†

Finally, the right which Portugal has to the territories situated between the 5° and 8° south latitude, respecting which, there was an especial reservation in the second article of the additional convention of the 28th July, 1817, cannot be contested with the slightest foundation, as they are grounded on the most legitimate claims, and have been recognised by the sovereigns of Europe.

No nation possesses or can bring forward stronger claims to the possession of its colonies, conquests or dependencies, than those of which we have been treating on behalf of the Crown of Portugal.

\* Notes which we collected in 1827 for section xxvi of the *Quadro Elementar*, &c., which comprises the transactions with the African Princes.

† Many foreign geographers acknowledge as dependencies of Angola, and comprehended in Portuguese Africa, the territories of which we speak.

The following is the Document referred to at p. 35.

*Record, (Termo) of undamento,\* submission and vassalage made by the Marquis of Mossulo Dom Antonio Manoel, the Macotas in their own name and in behalf of their respective Sovas, who were not able to be present at the completion of this act, all potentates under the said Marquis, and who being routed and conquered, surrender themselves, crave pardon for their excesses from His Excellency Senhor Manoel de Almeida e Vasconcellos, Governor and Captain General of these kingdoms and their conquests, who in the name of Her Majesty, grants them pardon under the following conditions. Written in this City of São Paulo da Assumpção de Loanda, on the twenty-fifth day of April, seventeen hundred and ninety-two*

On the twenty-fifth day of the month of April, seventeen hundred and ninety-two, in the Stato Room (sala do Docel) of this Government's Palace, being present the Most Illustrious and Excellent Senhor Manoel de Almeida e Vasconcellos, Governor and Captain General of these Kingdoms and their conquests, at the Council hour, and before the several Bodies who constitute the dignity and greatness of this Capital, on the occasion of paying their respects to the same Excellent Senhor, it being the birth day of Her Royal Highness the Most Serene Princess of Brazil, Dona Carlota Joaquina, the Marquis of Mossulo Don Antonio Manoel, the Maniquibuta Dom Manoel Sebastião, and his companion Belchior de Garcia were present, as also the Macotas of the Sova Manifuta Dom

\* Undamento, the act of marking the body; an act of subjection which was customary in Angola.

Pascoal Damião, Manioia; and Manifundo, Dom Antonio Sebastião—the Macotas of the Mani Sosso, Dom Gabriel Manoel, Manilombo, Dom Garcia Matheus, Bangi Amucano, Dom Sebastião Antonio, Pascoal Captain of Zemba—the Macotas of Maniembe Dom Garcia Domingos, Captain of Maniembe, Dom Matheus Pedro, Manioia—and the Macota of Sova Mani Muala, Captain Caluanda, who, in the absence of their respective Sovas, who were not able to attend personally; and they all unanimously declared, that the said Dom Antonio Manoel had been long since acknowledged as Marquis, had governed and been obeyed as such, on account of the great age of his uncle and predecessor, who was incapable of exercising his functions; and that the government and succession of the state of Mossulo unquestionably appertained to him, and they all bore witness that he had been acknowledged anew by all of them, and proclaimed by his said uncle and predecessor, on their coming to implore the pardon and the munificency of Her Most Faithful Majesty.

And upon their being presented in the state-room, before the whole assemblage, they were asked by the same Most Excellent Senhor who they were, and what they wanted? such questions being put in their own language through the interpreter, Antonio de Medeiros, of the auxiliary regiment of this city. They answered with their customary acts of humility, that they were the persons above-named, and that of their own free will, without any constraint, he, the Marquis of Mossulo, and they, the Sovas, and Macotas for themselves, and in the name and in behalf of their Sovas and people, presented themselves of their own accord to ask forgiveness of Her Most Faithful Majesty for the atrocities they had committed against the people and faithful vassals of the same Lady, among whom they requested to be numbered, admitting that they had lost their territories on account of their having been conquered by the Portuguese Royal Arms

at the expense of blood and life, and had been expelled therefrom in punishment for their crimes and misdeeds, as well as for the injuries they inflicted, fully repentant, and with their eyes open by the lamentable experience of beholding their children and subjects suffer from hunger, wandering through the woods, bereft of lands upon which to settle and raise the necessaries of life; fearing at every moment the infliction of the laws of war, which are particularly intended to chastise such malevolent and atrocious neighbours, as they were, who had treacherously entered the contiguous countries and laid them waste, as well as the churches and holy images; murdered, robbed, and enslaved those who by birth were free; and, finally, that unwilling to be chastised, they had opposed the Portuguese arms step by step, attempting with the greatest audacity to dispute their power; and that, now overcoming all their dread and fear, they had resolved to expose themselves to every sort of punishment, trusting that the pardon they came to implore from the clemency of Her Most Faithful Majesty would be granted; and that they came at the same time to offer to the same Lady a most constant and ever-faithful vassalage to which they willingly submitted themselves, swearing for themselves and for their Macotas and people to conduct themselves as such vassals according to the laws and regulations of the royal Crown of Portugal and its August Sovereigns, promising a most submissive and punctual obedience to the laws, orders, and obligations that may be imposed upon them, acknowledging that they possessed no other property than such as the generosity of Her Most Faithful Majesty might in charity grant them; and, moreover, that they were ready to submit to any punishment and penalties the same Lady might order to be inflicted upon them.

These promises being ratified by taking the most solemn oath, according to the custom and usage of these kingdoms,

and they having confessed the crimes of which they were accused, the said Most Illustrious and Most Excellent Senhor, in the name of Her Most Faithful Majesty, relying upon her royal charity and generosity, grants them the pardon they implore, and accepts their vassalage, and the acknowledgment they make of having been legitimately and completely conquered, and of having thereby forfeited their property, which, however, the liberality of the same Lady permits them to retain, provided that the said Marquis of Mossulo, his Sovas, subjects, and allies, and their successors, satisfy the following conditions:—

In acknowledgment and evidence of obedience, the Marquis of Mossulo, and his successors, shall bind themselves yearly to deliver in this capital, in the royal treasury, one slave (*peça de India*), likewise each of the other Sovas one negre youth (*moleque*) six hands high, for which receipts shall be given in testimony of their true fealty. Proofs of this fealty shall be given by a complete readiness to obey and submit to the laws of the August Sovereigns of Portugal, just as all their faithful vassals are obliged to do, obeying the orders transmitted by those who may be intrusted with a command over them; being allowed, however, to appeal to the Most Illustrious and Most Excellent Generals of the States of these Kingdoms, in order that justice may duly be administered to them in a mild and proper manner.

That, in case of any war, or passage of troops through their country, they shall be obliged to furnish the carriers that may be required of them, and give free passage without any kind of hindrance or depredation being committed on either side, which shall also be observed whenever any priests go or pass through the country; and also any person who may be intrusted by the Illustrious and Excellent Generals with any commission. They shall be obliged to seize and send to this capital all persons who may appear in their

country without a passport, letter, order, or certificate showing that they go for purposes of trade, which shall be allowed to all Portuguese who may desire to do so in a proper manner; and they shall receive aid, if required, provided their transactions are lawful, that they acquit their obligations, and remunerate the carriers engaged by them.

In order that this may be executed in peace and justice, and in a manner that both parties may know the fulfilment given to these conditions, the Marquis of Mossulo shall not only consent that an officer shall be especially appointed near his palace (Banza), but likewise shall protect him that he may maintain the observance of the above conditions, and he, the Marquis, shall alone inflict punishment upon such foreign people as may commit disturbances in his country.

In recompense and token of good understanding and welcome, these new vassals can rest content and have full confidence that Her Majesty will secure them Her protection, and will defend them in all their afflictions, and will allow them to trade, as well in this capital as in all other places, carrying whatever they may require to their homes; and to export their surplus produce, provided, however, that on neither side any kind of contraband goods shall become an object of trade; for any person attempting to do so shall be severely punished according to law.

And, in order that every precaution be taken to avoid greater evils, thefts, and criminal desertions, an office shall be established at the ford of the Dande or the Libongo, as may be deemed most convenient to ascertain everything that shall be taken from either side; a certificate shall be delivered enumerating the articles which shall, however, be free of all charges whatever, as this is merely intended for the purpose of avoiding delays and disputes which might otherwise arise.

All the contents of this record (Termo), being explained in their own language to the aboved-named new vassals; and,

they giving clear proofs of thoroughly understanding the meaning of the same, renewed their obligation thereunto, again making oath, which was repeated by the Macota of Mani Muala, Captain Caluando, who was sent by his Sova to accompany the said Marquis of Mossulo, who was forthwith marked with a hot iron (undou) by the Most Illustrious and Most Excellent General, with all the formalities in use in these kingdoms: In witness whereof, they all affixed their signatures to this document in the presence of the following witnesses:— the Lieut.-Colonel commanding the regiment of infantry in this city, Christovão José Pinheiro de Vasconcellos—the Serjeant-Major of the same regiment, Manoel Velasco Galia—and the aides-de-camp, Serjeant-Major Alvaro do Carvalho Matoso, and Captain José de Almeida Tovar Menezes Vasconcellos. And I, Francisco Antonio Pires de Moraes, had this written out, and subscribed my hand to it.

THE END.









